Sovereignty, Law, and Capital in the Age of Globalization

by

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Orin Starn

Dissertation submitted in partial fulfillment of
the requirements for the degree of
Doctor of Philosophy in the Department of Cultural Anthropology
in the Graduate School of
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ABSTRACT

This dissertation offers a comprehensive model of contemporary nation-state sovereignty. To do so, it examines the mutually constitutive relationship between sovereignty and present-day globalization as well as the role of law and capital in creating, maintaining, and driving that relationship.

The scholarly treatment of nation-state sovereignty has so far been inadequate for several reasons. Older theories of sovereignty could not have foreseen the unprecedented technological advances that underlie our current system and therefore do not sufficiently explain it. More recent theories of sovereignty, in turn, tend to be too narrowly focused, such that a given model of sovereignty often only applies to that particular condition. Furthermore, the academic literatures on sovereignty and nationalism, while occasionally referencing each other, have failed to recognize that the two phenomena are parts of the same whole and therefore must be more fully integrated.

This dissertation argues that a comprehensive model of contemporary nation-state sovereignty must include two symbiotic elements. The first, referred to here as emotional sovereignty, involves subjective relationships with the state. As such, the substance of this element is unique for each group. The second element is a functional/instrumental element. It addresses ways that the sovereignty serves as an interface-mechanism with other sovereignties, like compatible nozzles attaching and linking variously-sized hoses. It likewise explains how sovereignty functions as a value-maximization mechanism. In short, a sovereignty must control its relationships
with others in order to accumulate as much capital as possible in order to protect and perpetuate aspects of the domestic culture that are deemed most valuable. This functional/instrumental element, while used in distinct ways by different groups, is largely identical in form among all states.

From these multiple angles it becomes evident that nation-state sovereignty is not one single power but instead a set of powers, such that each power entails a strategic option that can be negotiated, delegated, mortgaged, or surrendered. Nation-state sovereignty is therefore rendered meaningful only in connection with other nation-state sovereignties; in the contemporary situation, this means globalization. Sovereignty is, after all, an *ad hoc* solution to a particular set of historically and contextually emerging dilemmas; as the dilemmas have continued to change, so have the solutions. And so although people, goods, and ideas have always flowed across borders, whether geographic or cultural, the speed, nature, and extent of all such movement in the contemporary age is unprecedented. Today, all sovereignties – across the globe – are connected in diverse and manifold ways. This dissertation therefore provides a model of globalization that goes beyond the simple movement of people, goods, capital, and ideas to explain the conceptual transformations that have made today’s globalization possible; the processes that drive it; and the role of the nation-state, and in particular nation-state sovereignty, as a necessary component of globalization itself.

The dissertation integrates these theories of sovereignty and globalization to show how the connections created by systems of nation-state law serve as the
framework for many of the core processes of globalization, while flows of capital within and enabled by that framework fuel those processes. It shows that there are at least three important aspects of this relationship between sovereignty, globalization, law, and capital: First, because of the connections of law, capital, and labor, every state is implicated in the production of every good, a phenomenon here referred to as co-production. Together with the co-consumption of those goods, co-production is the driving force behind globalization; as such, one can likewise say that nation-states co-produce globalization itself through the legal regulation of the movement of capital and individuals. Second, nation-states remain the central structural machinery of globalization. Third, globalization is not uniform. To be sure, the effects of globalization have transformed every culture on the planet and capitalism has been the vehicle for doing so. But just as not all cultures are the same, all capitalisms are not the same either. No model of sovereignty and globalization is therefore complete without a mechanism for accounting for differences in culture and capitalism.

The research that is the foundation for this dissertation was undertaken primarily in the South Pacific region, focusing on Cook Islanders in the Cook Islands, New Zealand, and Australia. Methods included participant observation, legal and documentary research, as well as informal and semi-structured interviews.
Dedication

This dissertation is dedicated to Ali, Nolan, and Tavake-Tessa, whose love and support made possible every moment of research, and every word therefrom, drawn in motion, and written into these pages.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>iv</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>xii</td>
</tr>
<tr>
<td>Preface</td>
<td>xviii</td>
</tr>
<tr>
<td><strong>Chapter 1 Framing the Research</strong></td>
<td>1</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Literature Review</td>
<td>7</td>
</tr>
<tr>
<td>Overview of Chapters</td>
<td>45</td>
</tr>
<tr>
<td><strong>Chapter 2 Te Tangata, Te Tangata, Te Tangata</strong></td>
<td>46</td>
</tr>
<tr>
<td>The Cook Islands</td>
<td>46</td>
</tr>
<tr>
<td>Fieldwork and Methods</td>
<td>52</td>
</tr>
<tr>
<td>Cook Islanders in New Zealand</td>
<td>60</td>
</tr>
<tr>
<td>Reasons for, and Consequences of, Outmigration</td>
<td>67</td>
</tr>
<tr>
<td>Cook Islanders in Australia</td>
<td>74</td>
</tr>
<tr>
<td>Conclusions</td>
<td>76</td>
</tr>
<tr>
<td><strong>Chapter 3 Sovereignty</strong></td>
<td>78</td>
</tr>
<tr>
<td>Introduction</td>
<td>78</td>
</tr>
<tr>
<td>A First Step: What is Nation-State Sovereignty?</td>
<td>83</td>
</tr>
<tr>
<td>The Emotional Component of Sovereignty</td>
<td>84</td>
</tr>
<tr>
<td><em>Fault Lines: the Growing Pains of Nation-Building</em></td>
<td>87</td>
</tr>
<tr>
<td><em>Articulations of Emotional Sovereignty</em></td>
<td>96</td>
</tr>
<tr>
<td><em>Many Voices, One Sovereignty</em></td>
<td>101</td>
</tr>
<tr>
<td>“When the All Blacks win, we’re all Kiwis”: One Sovereignty, Multiple Allegiances</td>
<td>101</td>
</tr>
<tr>
<td><em>Hinges</em></td>
<td>102</td>
</tr>
</tbody>
</table>
The Movement of Goods and Capital 170
The Individual 175

*The Ingested, Embodiment of Globalization* 175

*The Integrated Presence and Use of Globalized, Co-Produced Products* 176

*The Individual’s Sense of a Globalized Self; the Simultaneity of Globalization* 177

*Tying Together the Above Three Elements of Globalization in Three Simple Letters: KFC* 187

Conclusions 191

**Chapter 5** Sovereignty, Globalization, Law, and Capital 193

Introduction 193

Contemporary Globalization has been Made Possible by: Fungibility 194

*Capital* 196

*Law* 197

*Social Fungibility* 202

The Generating Force Driving Globalization: Global Co-Production (and Global Co-Consumption) 208

Structural Machinery: the Central Role of the Nation-State in Maintaining Globalization 214

Cultural Differences Remain Essential: One Globalization, Multiple Capitalisms 219

Sovereignty in the Global Age: the Pukapukan Experience 231

Additional Comments 238

*First . . . a Sports Analogy* 238

*Conclusion* 246
Chapter 6 Conclusion

Chapter Overview 249
Summaries and Discussion 249
Practical Value and Areas for Further Inquiry 264
A Few Further Comments on the Law 268
A Few Further Comments on Anthropology 271
Gratitude, Well-Wishes, and a Lingering Refrain 276

References 278

Biography 289
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- - -

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Preface

One day, many years ago, I sat on the forty-first floor of a Midtown Manhattan skyscraper, staring out the window at the city below me. There in my corporate law office, I had a striking view of a beautiful sliver of Central Park. Squinting in the glare of the summer sun, I watched as seemingly endless streams of pedestrians flowed into and out of the park. I was part of a team defending a giant company against class action claims worth over a hundred million dollars; time was money and the ticking of the unused seconds rang like alarms. But at the moment I was thinking about Indians.

During law school I had interned at an Indian legal services organization that was started and run by an extraordinary woman from the Onondaga Nation. In New York City itself there are in fact thousands of Native people from all parts of what is cartographically the United States and Canada. I still knew little, but she had taught me much. And in performing my small office tasks in her remarkable shadow, I had become interested in Indians’ struggles for sovereignty.

Sovereignty. I leaned forward in my chair and pressed my forehead to the glass of my tinted window. Forty-one floors below, a mix of taxi cabs and other cars raced by in the cacophonous lanes of the streets. I could see an intersection. Groups of people bubbled at the corners while the traffic passed by. Then the pedestrian light turned green and the bubbles burst into the crosswalks. People flowed in several directions. But in the chaos there was order. State law forced the drivers of the vehicles to stop; the unspoken rules of social organization guided the pedestrians
peacefully past each other. Somehow, it all worked. Was this one of the innumerable consequences of sovereignty? And I wondered: what is sovereignty?

I sighed. I was troubled. On the surface, I understood, or at least I thought I understood what sovereignty was. But as I sat back in my chair, I realized that I really didn’t understand at all. Sure, I could look up the definition of “sovereignty,” with all of its connotations of control – but control over what? Over one’s own affairs? But that was self-determination, that seemed simple enough. So sovereignty?

I assumed, without much afterthought at the time, that the United States had this thing called sovereignty. And I knew that small groups all around the globe were clamoring for it – there was fighting, there was turmoil, there was death. For sovereignty. But at the same time, I was well aware of the fact that in Europe, for example, the push was for a regional alliance, for fewer borders, for fewer restrictions. What was going on? To answer that, in order for it to make sense, I realized that two key things eluded me: how did sovereignty work and, more importantly, why did it matter?

I didn’t know. I knew that sovereignty was imperative to Indian nations – and that around the world people were willing to die for it. I also had a nagging feeling that sovereignty must be essential to the global commerce that I was, at that very moment, facilitating, shaping, driving through my legal work. I sensed that these things fit together, somehow, that they were in fact inseparable. But how? This dissertation tells the story of my decade-long effort to answer that question.
I started in Indian country. Later, I was led by happenstance to the nation of the Cook Islands, a series of small islands located across remote stretches of the South Pacific Ocean. On a partly cloudy day in May of 2007, I stumbled onto the shores of the Cook Islands’ main island of Rarotonga. The famous anthropologist Bronislaw Malinowski would have laughed – or perhaps cried. My dinghy did not leave without me; in fact, just a few short hours later it whisked me away again. Nor was I deposited with all of my belongings. No, fearless and naïve, I strode up onto the main street with only a bottle of water, a pad of paper and a few pens stuffed into an old Manhattan Portage messenger bag that was slung over my shoulder. Pale and smelling of sunscreen, it was there in the Cook Islands that the present would-be anthropologist’s journey was to begin in earnest.

The Cook Islands was and is an ideal location for researching sovereignty. Although the islands were colonized and remained under colonial rule for nearly a century, the country gained independence in 1965. As such, the formation of the Cook Islands nation-state is a recent, fresh phenomenon, often in the hearts and on the lips of its citizens. This sovereignty is, furthermore, an advancing work-in-progress as politicians and lay-people alike continue to debate ideas, to test tactics, and to work to strengthen this tiny country they have created. Significantly, however, the story of Cook Islands sovereignty is not one of unilateral efforts to distance itself from its former colonizers. Instead, Cook Islands sovereignty is explicitly built – with
remarkable strategic savvy – on the close relations that the country maintains with New Zealand.

In addition, through these relations, and because of a complex combination of colonial history and limited opportunities on these remote islands, four-to-five times as many Cook Islanders live in New Zealand and Australia as reside in the Cook Islands themselves. All countries of course have citizens and interests in other countries, but the fact that Cook Islanders’ cross-border networks are so extensive makes it that much more productive to study its sovereignty from the multiple angles that become implicated in global relations.

In the beginning, my theoretical guidepost was sovereignty, sovereignty, sovereignty. I looked for it everywhere, I asked about it tirelessly. But what I discovered is that sovereignty cannot be adequately explained on its own. Instead, any discussion of sovereignty is of little use without a corresponding discussion of globalization – and vice versa. Likewise, neither sovereignty nor globalization can be effectively understood without sufficient models regarding the relationships of law and capital-flow which together structure nation-state sovereignty and drive globalization.

So in the chapters that follow, I offer a model of contemporary sovereignty; I likewise propose, as I must, a model of contemporary globalization. I then explain how the two are inextricably hardwired together on the circuitry of law and capital. In this way I confirm how an answer to my original question – “what is sovereignty?” – on its own is meaningless. What is important is to know how sovereignty works
and *why it matters*. At the same time, it is equally important to recognize what globalization is and in particular what drives it, including the central roles of law and capital. It is only by understanding these various elements that one can know enough to determine whether change needs to be made, and if so why and how.

What that change might need to be, I leave to others to decide. For my part, if I have succeeded in shedding light on the *how* and the *why* then these past years – since leaving that comfortable office overlooking Central Park – will not have been for naught.
Chapter One: Framing the Research

Introduction

This dissertation addresses the relationship between sovereignty and globalization, as well as the role of law in structuring that relationship and the importance of capital in maintaining it. In days past, sovereignty and globalization were marked by *flows* – flows of capital, people, and ideas. But today, these flows no longer follow distinct, isolated channels but instead have become currents in one large body. As such, these currents, regardless of the direction of their course, always and necessarily affect all the others in their swirl. Like the refrain of an old 80’s song whose melody found its way into my research: *that was the river, this is the sea.*

There can be no doubt, sovereignty – especially in terms of nation-state sovereignty – is important. One need only flip through a contemporary publication, whether newspaper or academic journal, to see the prevalence of the term within popular and scholarly discourses alike. Issues of nation-state sovereignty permeate debates on topics that are as far ranging as they often are contradictory, such as independence movements, the European Union, the economy, the internet, Indian casinos, and U.S. military drone strikes. So the importance of sovereignty is doubly evident, demonstrated by both the frequency of its use and the significance of the issues that inspire that use.

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1 The Waterboys. “This is the Sea.” *This is the Sea.* Island Records, 1985.
Given this frequent usage and critical significance, much has been written about issues of sovereignty. One might therefore wonder why I have written the present dissertation and what I hope to add. The answer is two-part.

First, in spite of their variety and multitude, existing theories of sovereignty are inadequate. As regards older theories of sovereignty, they were, regardless of the profundity and insight of their time, interpreting a world that was fundamentally different from our own. Sovereignty is, after all, an *ad hoc* solution to a particular set of historically and contextually emerging dilemmas; as the dilemmas have continued to change, so have the solutions. And so although people, goods, and ideas have always flowed across borders, whether geographic or cultural, the speed, nature, and extent of all such movement in the contemporary age is unprecedented. Today, all sovereignties – across the globe – are connected in diverse and manifold ways. A theory of contemporary sovereignty must therefore be – as older theories could not – formulated in conjunction with a fully-founded and adequate companion theory of contemporary *globalization*.

Meanwhile, more recent theories of sovereignty have naturally benefitted from an insight into the nuances of the contemporary age. But many of these theories have tended to focus on a particular part, occurrence, or manifestation of sovereignty, such as power (e.g., Agamben 1998), connections (e.g., Tsing 2005), mobility (e.g., Ong 2006), flows (e.g., Appadurai 1996), global capital (e.g., Sassen 2007), law (e.g., Merry 2000), identity and citizenship (e.g., Maurer 1997), jurisdiction (e.g., Coutin, Maurer and Yngvesson 2002), and even Anderson’s important imagined communities
(Anderson 2006). As a consequence, these potentially more narrow theories – however apt they may be in regard to their particular contexts – often neglect to fully explain aspects of sovereignty that occur outside of those targeted contexts.

Furthermore, across these texts, whether older or more recent, there has been a general failure to recognize the fact that a comprehensive theory of sovereignty must not only incorporate a state’s globalized relationships with other sovereignties, it must also account for the sovereignty’s relationships with the individual. This failure is revealed by the existence of distinct – even if somewhat overlapping – literatures regarding sovereignty and regarding nationalism. As I will show in detail, these distinct literatures reflect two aspects of the same phenomenon and therefore require more complete integration.

So in sum, scholars of sovereignty have frequently failed to answer all of the underlying questions that should serve as a foundation for any analysis: what is sovereignty today? how does it work? and why is it important? Because of this, there have been few if any comprehensive models of contemporary nation-state sovereignty that are broad enough to cover the full diversity of its possible contexts and yet still focused enough to be relevant and productive. I hope to propose such a model here.

The second reason for this dissertation is that I am, I would like to believe, especially well-suited to proposing this model of sovereignty and the related models that are required. In short, my personal background has allowed me multiple entry points, varying vantages in regard to research about sovereignty. In my two critically contrasting roles as corporate lawyer and cultural anthropologist, I have been
fortunate enough to observe sovereignty, globalization, law, and capital from the top down as well as from the bottom up: I have seen the law from the corporate view as it funneled capital in massive cross-border flows that devastated whole towns while building others, just as I have observed as people on the ground crossed borders for the sake of capital, passed laws for the sake of sovereignty, and cast themselves into the global market for the sake of both.

From these multiple angles it becomes evident that nation-state sovereignty is not one single power but instead a set of powers, such that each power entails a strategic option that can be negotiated, delegated, mortgaged, or surrendered. Nation-state sovereignty is therefore rendered meaningful only in connection with other nation-state sovereignties; in the contemporary situation, this means globalization.

Globalization, in turn, is a complex, multi-layered set of inter-connected elements. Some of these elements are physical and quantifiable, such as the movement of people, goods, and capital. The other elements of globalization are ontological and relate to understandings of self; as such, these other elements are intangible and immeasurable. Within these matrices of globalization, contemporary nation-state sovereignty is centered on the use of law to manage the flow of capital and people. It is the interface of these laws, capital, and people that not only makes globalization possible but, through the co-production\(^2\) of goods that is their product, in fact produces globalization itself.

\(^2\) In chapter 5, I define and explain in detail what I refer to as co-production. In a nutshell, through the binding ties of law, capital, and labor, essentially every country on the globe is implicated in the production of every single manufactured good, no matter where made. Every manufactured good is from everywhere.
At the same time, both sovereignty and globalization are continually experienced by and inextricably reflected in the individual. Today’s human existence is therefore marked, in every instance, by intersections of globalization, sovereignty, law and capital. But as noted, few scholars have adequately incorporated these four subjects together. And here, I think that much has been missed. In the chapters that follow, therefore, I propose answers to the following questions:

- What is sovereignty, how does it work, and why is it important?
- What is globalization, and what drives and maintains it?

In doing so, I attempt to fill these gaps in existing theories of sovereignty by undertaking the three-part process that strikes me as necessary. First, I offer a model of sovereignty that not only explains its function but also describes the ways that some aspects of every state’s sovereignty are inescapably identical while others are inevitably unique. In doing so, I also account for the relationship between sovereignty and the individual. Second, I provide a model of globalization that goes beyond the simple movement of people, goods, capital, and ideas. Thus, I further explain the conceptual transformations that have made globalization possible, the processes that drive it, and the role of the nation-state, and in particular nation-state sovereignty, as a necessary component. And third, perhaps most importantly, I integrate these theories of sovereignty and globalization to show how the connections created by systems of nation-state law serve as the framework for many of the core processes of globalization, while flows of capital within and enabled by that framework fuel those processes.
Here is a system, but not a wholly mechanical one – it is not lifeless. Instead, embedded inside it are elements of both culture and agency. As I will discuss, some states and some cultures fare better within it, others fare worse. But every state and every culture – indeed, every person – is implicated; the system does not just affect us, it is of us.

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Through the remainder of the present chapter I address the academic literature that relates to theories of sovereignty and globalization. I map this literature review, with later-added detail regarding specific texts and citations, onto an experience that I had during the course of my research. The conversation that was the heart of that experience both was and epitomizes a turning point in my understanding of the complexities and inter-related nature of the idea of “sovereignty” and thus of the relationship of sovereignty with globalization, law and capital.

Embedding the literature review in a narrative form like this has two important consequences. On the one hand, it gives rise to the dual benefit of locating the review in the ethnography itself while also giving insight into the development of my own engagement with these existing scholarly treatments. In this regard, I am pleased. But on the other hand, this narrative form leaves little room for a discussion of my own theories. This is so because the very point of the story is to show how I was inspired to develop my theories after, as a result of, the conversation. As such, rather than being intertwined here, as they otherwise might be, my discussions of my
own theories become instead the punch line of this chapter, the consequences of its conclusion – all further elaborated in Chapters 3, 4, and 5.

In short, however, what my discussion of existing texts reflects is the fact that the literature on sovereignty is broad and scattered, and the same is true of the literatures on nationalism and globalization. Most importantly, these literatures, as I came to understand in my effort to inventory them, are distinct in many regards, focused on seemingly separate phenomena. But as the conversation that I recount below eventually made clear, these phenomena not only should be considered together, they also must be.

Literature Review

I begin where I myself began, with sovereignty. I’m in an open-air carport, next to a small house outside of Cairns, Australia. A simple table has been set up with six or eight chairs around it. The weathering of the tablecloth illustrates its near-permanent position here in the outdoors. The weather is sunny and warm, though the fact that it’s mid-winter here in this tropical locale makes the heat less oppressive than it might be in other months.

I’m sitting with a Cook Islander minister, each of us with a cup of coffee that his wife has brought out for us. His presence here, a member of a sizeable Cook Islands community in the area, in and of itself calls traditional definitions of sovereignty into question. This man, after all, is no “ex-pat,” he is no “former” Cook Islander. Instead, he is here by virtue of his Cook Islandness, because of it: because
he is a Cook Islander he has New Zealand citizenship, which in turn, through a state-level agreement between New Zealand and Australia, qualifies him for the automatic right to live and work here in Australia. He is therefore here as a Cook Islander.

Cairns. Cairns is a city of some 150,000 people, nestled far up on the northeast coast of Australia. It is one of the areas of Australia with the fastest-growing population of Cook Islanders. On the one hand, this seems strange given the remarkable distance between Cairns and the Cook Islands. But even before you arrive, even as the airplane dips beneath the clouds, you begin to get glimpses of the palm trees, the tropical rain forests, and the long, sprawling coastline. As you do, you begin to understand. Geographically, you may be thousands of miles from the Cook Islands, but as soon as you step out onto the tarmac and the fragrant, moist seaside air washes past your face, you know: it feels like the Cook Islands.\footnote{In addition, Cairns is located far, far up the Australian coast. Aside from air and sea access, there is one road to reach it from the north and another from the south – it thus has a feeling of remoteness to it, a feeling that is reminiscent, to me at least, of being out on the islands.}

Indeed, many of the plants that are most valued on the islands – such as taro and coconut palms – plants that usually wither at the very thought of the cold of New Zealand winters, grow here in abundance. So island food can be grown and eaten, traditional island crafts can be fashioned from local plants … but all in a milieu that offers jobs, shopping, advanced health care. Cairns is by no means the Cook Islands – but it is like the Cook Islands in significant, meaningful ways; this significant meaningfulness is being increasingly transformed by Cook Islanders and other Pacific Islanders into a new home.
As the minister and I talk, I’m reminded of a conversation that I’d had with a former Prime Minister of the Cook Islands, Sir Geoffrey Henry. Henry is as insightful as he is articulate, all underscored by a passion for the progress of the Cook Islands. He was Prime Minister during certain key events in the growth of the Cook Islands as a nation-state, namely the economic crises of the 1990’s.

During his time as Prime Minister, Henry had occasion to be in Cairns. Inherent in his efforts to pull the Cook Islands state up by its bootstraps was a yearning to bring “home” Cook Islanders who had migrated abroad. While in Cairns, therefore, he attended a meeting of Cook Islanders from the island of Penrhyn. To them he spoke – eloquently, I have no doubt – of the Cook Islands, of heritage, of pride, of future. In concluding his remarks, he pleaded with these people of Penrhyn to return to the Cook Islands.

As Henry describes it, at the end of his speech, there was a long silence. Then, from the back of the room, an old man stood up. He thanked Henry for his powerful words. Then he looked Henry in the eye and he said, “You’re asking me to come home to the Cooks and I hear you. And my heart hears you.” But. But here in Cairns, said the old man, there was fertile tropical soil where he could grow his taro plants and could collect coconuts. Here in Cairns were other Cook Islanders with whom he could speak in his own language, sing, and pray. And. And here in Cairns there were doctors who could take care of him, here in Cairns there were government benefits for him and his family, here in Cairns there were good jobs for his grand-
children, good schools for his great-grand-children. He therefore thanked Henry for his invitation – but no, no, he would not go back. Period.

As I sit here in the outdoor carport with the minister, I am sitting in this overlap between Cairns and the Cook Islands. The neighborhood is the epitome of Australian suburbia, the house itself is of typical Australian construction. Yet here we sit outside, in this carport converted to an *ad hoc* outdoor living space *à la* the Cook Islands, while not far behind us in the backyard, several Cook Islander friends and family members of the minister’s are sorting coconuts in preparation for various uses, as is done in the Cook Islands.

And here I am, an academic researcher posing the kinds of open-ended questions that I’d developed over my first months of field work. I’m trying to understand sovereignty. The minister and I talk about Cook Islanders’ migration to New Zealand and Australia, about the various advantages and disadvantages – I repeat what I’ve already heard many times about these migratory movements in part to try to demonstrate my credibility. But it is he who becomes entranced by this idea of sovereignty, he who suddenly begins to push me on its contours, its definition.

He begins by asking me whether my focus includes *religious* sovereignty. I’m a bit taken aback – this had never occurred to me before. I mumble something about being primarily interested in secular sovereignty … but … (I’m trying to think on my feet and not doing a very good job) … I add that for some, yes, their experience of sovereignty might include religious aspects, so … so this would not be outside my area of interest.
He looks at me for a moment in silence, he seems to see through me. I do the only thing I can: I take a sip of my coffee. He, on the other hand, leans back in his chair and eyes me thoughtfully. “What is sovereignty?” he asks.


By default, my mind shifts to those concepts of sovereignty that I’d cobbled together for my graduate school exams. What is sovereignty? That should be an easy question to answer.

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Sovereignty. I think first of some of the most conventional definitions, such as: “A sovereign nation defines itself and its citizens, exercises self-government and the right to treat with other nations, applies its jurisdiction over the internal legal affairs of its citizens and sub-parts (such as states), claims political jurisdiction over the lands within its borders, and may define certain rights that inhere in its citizens (or others)” (Wilkins and Lomawaima 2001: 4).

But no, no. I want to be more nuanced about this. So I turn in my head to early absolutist articulations of sovereignty, such as Hobbes’s whereby “[e]ither a state is sovereign, in which case it cannot be bound by any law higher than its own, or it is bound by law, in which case it ceases to be sovereign” (quoted in Nichols 2008: 9).4 Likewise, I think of Weber, who described the sovereignty of the state as “that

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4 As will become clearer below, this kind of absolutist definition of sovereignty is outdated and inadequate. Nichols (2008) points out that the very fact that American Indians have some but not complete sovereignty means that sovereignty cannot be all-or-nothing; see also Cattelino, who writes that “indigenous peoples’ relations to settler states unsettle the singularity of sovereignty” (2008: 28).
agency within society which possesses the monopoly of legitimate violence” (Gellner 2006: 3).

Later thinkers have tried to fine-tune these definitions, such as Schmitt for whom the sovereign is “he who decides on the exception” (Schmitt 1985: 5). For Schmitt, a “definition of sovereignty must therefore be associated with a borderline case and not with routine” (5). This is because a sovereign has a “monopoly” over the decision of whether an exception exists in the first place: “For a legal order to make sense, a normal situation must exist, and he is sovereign who definitely decides whether this normal situation actually exists”; as such, “authority proves that to produce law it need not be based on law” (13).

Agamben then builds quite explicitly on Schmitt. For one, he expands significantly on the “state of exception,” suggesting that “law affirms itself with the greatest force precisely at the point in which it no longer prescribes anything – which is to say, as pure ban” (Agamben 1998: 49-50). More precisely, the “sovereign sphere is the sphere in which it is permitted to kill without committing homicide and without celebrating a sacrifice, and sacred life [. . .] is the life that has been captured in this sphere” (83). Under this background, Agamben theorizes modern sovereignty in relation to the “bare life” exemplified in concentration camps (123).  

But even with these critiques, many cannot let go of some aspect of absolutism in regard to sovereignty, such as: “Sovereignty does not consist of absolute control over everything but rather final control over something” (Nichols 2008: 3).

5 Weber’s central focus on violence may now be outdated too, but this general idea continues in other guises, such as for Perry, for whom the “power to define and punish crime is centrally constitutive of the meaning of sovereignty” (2006: 110).

6 There have many critics of Agamben. Ong, for example, has called Agamben to task for ignoring anthropology and has questioned whether there really is an “outside”; for Ong, Agamben “ignores the possibility of complex negotiations of claims for those without territorialized citizenship” (Ong 2006: 123).
This was the essence of my preliminary exams, the theoretical niceties that are the stuff of academia. But in the face of this Cook Islander who regularly crosses – indeed, co-exists in – multiple sovereignties, the theoretical luster of these definitions loses its shine. This man sitting across from me, this minister, who straddles these borders and guides his flock among them, is trying to make a better life for his family, his congregation, his people. For him, “monopolies over decisions” and “states of exception” are perhaps empty explanations.

I strain to think of other articulations of sovereignty, ones that might actually apply here, that might actually be useful. I am reminded of Kantorowicz and his brilliant analysis of the transformation of ideas of the King’s two bodies into modern notions of nation and sovereignty. It is he who has offered the most credible model for understanding how nation and sovereignty have become concepts that transcend the deaths or replacements of their rulers. We so take the immortality of the nation-state for granted that Kantorowicz is an important reminder of the recent nature of these ideas – ideas that have particular relevance for a nascent nation-state like the Cook Islands.

23) Ong herself maintains that “sovereignty is manifested in multiple, often contradictory strategies that encounter diverse claims and contestations, and produce diverse and contingent outcomes” (Ong 2006: 7). This leads Ong to articulate concepts of graduated/variegated sovereignty and overlapping sovereignty. She too builds on the idea of exception; but Ong – insightfully, in my opinion – sees these spaces of exception as spaces of possibility. And in terms of further critique of Agamben, note also Chatterjee’s (2004) notion of “political society,” that is to say, communities with different relations with the state.

7 Note how Agamben takes Kantorowicz’s idea of the natural and political body of the King and applies it to individuals: each is a body that is “an array of rights” but also is “a biological body, a life that can be stripped of symbolization and humanity and reduced to ‘bare life’ by decree or bio-political fiat” (Hansen and Stepputat 2006: 297).
But again, although relevant, this is not necessary helpful in this particular situation. My background as a lawyer asserts itself and I suddenly come to think of sovereignty in its form as “constitutional or legal independence” (Hannum 1999: 487). Indeed, in these terms and according to some, sovereignty has, following the Treaty of Westphalia, “been the cornerstone of the international legal order for at least three-and-one-half centuries” (Hannum 1999: 487).8

These ideas are fairly plain, but with a spark of hope I realize that framing sovereignty in terms of statehood allows me to weave in post-colonial critiques of sovereignty. Anghie, for example, explains that colonialism “was not an example of the application of sovereignty; rather sovereignty was constructed through colonialism” (Anghie 2004: 38). To be certain, sovereignty was indeed sometimes bestowed on or recognized in the colonies, but only where it “enable[d] the native to transfer title, to grant rights – whether trading, to territory, or to sovereignty itself” (Anghie 2004: 105).

I like these post-colonial critiques, but I realize with a furrowing of my brow that invoking the effects of colonialism likewise demands a recognition of globalization. And to be sure, there is a growing body of literature critiquing the territoriality of sovereignty.9,10 Appadurai, for instance, argues forcefully that “[i]n a

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8 Hannum makes the interesting point that the Treaty of Westphalia replaced a hierarchical structure (based on the Pope and Roman Empire) with a horizontal one (1999: 487).
9 See Sassen, who has written on the historical formation of sovereignty. She writes of the concept of “capabilities,” essentially disaggregable components, which she argues combine to form the “conditions” of the national and the global (2006: 4). Because the components are separable, they can be reconstituted in different formations with different meanings and different consequences. Most importantly for Sassen’s purposes is the “possibility that some capabilities can be shifted toward objectives other than the original ones for which they developed” (6). In other words, capabilities can

world of people on the move, of global commoditization and states incapable of delivering basic rights even to their majority ethnic populations, territorial sovereignty is an increasingly difficult justification for those nation-states that are increasingly dependent on foreign labor, expertise, arms, or soldiers” (Appadurai 1996: 21). At the same time, others claim that the forces of globalization are causing the policies of the world’s governments to become progressively more similar, more narrowly aligned. This convergence is in large part said to stem from a “race to the bottom” imposed on all governments by the competition inherent in the movement of global capital (E.g. Cai and Treisman 2005: 817).11

I am holding the minister’s business card in my hand and I trace my fingers around its edges. Far from answering the question of what sovereignty is, these ideas are only adding complexity to any possible definition. The minister himself continues sitting quietly, waiting patiently. He is not a man of haste and my intellectual crise de conscience does not seem to trouble him. What can I say? What is sovereignty? I should know. At the same time, I’m trying desperately not to look like the aloof academic – I’m hopelessly wishing to be one who understands, who “gets it.” (Oh silly me!)

jump tracks (see e.g. 15). As such, medieval capabilities came to be “repositioned” in nation-building, just as national capabilities are being repositioned in the creation of the global (6-7).  
10 See also Nichols: “the absolute control described in traditional international law does not reside in one polity, but instead can be found in the integration of several entities” (2008: 3).  
11 Cai and Treisman also note a body of literature that holds that this competition-inspired, disciplining power of globalization leads instead to benefits for national governments: the argument here is that the “competition for capital motivates governments to reduce their corruption, waste, and inefficiency, and to provide more growth-promoting infrastructure” (Cai and Treisman 2005: 817). Mosley’s brilliant conclusions in this regard are likewise relevant here: “governments face pressures to adopt market-pleasing policies in aggregate policy areas but retain ‘room to move’ in many other policy areas” (Mosley 2000: 737; see also Mosley 2005).
So I shift gears in my thinking. Maybe some of the more cutting-edge discussions of sovereignty will help me. Indeed, contemporary academic scholarship is certainly beginning to understand, and theorize, ways that sovereignty is both “graduated” (Ong 2006: 7)\(^{12}\) and “processual” (Lambert 2007: 211). As Lambert has importantly suggested, there are different ways of exercising sovereignty (2007; see also Biolsi 2005). Cornell and Kalt agree that the key is not the assertion of sovereignty but the exercise of sovereignty (1998).\(^{13}\) Hansen and Stepputat, in turn, look at “de facto” sovereignty, in essence, the way that sovereignty, as a kind of “authority grounded in violence,” is now deployed by means of global capitalism through NGOs and corporations, as well as via (and often in addition to/instead of) the state (2006).

And no doubt, one thing is clear: “Despite their ‘sovereign equality,’ the degree of independence actually exercised by states obviously varies greatly” (Hannum 1999: 491; see also Ferguson 2006).\(^{14}\) In light of these kinds of insights, Ong for one advocates for a “line of inquiry” that “treats the state not as a political singularity but as an ever shifting assemblage of planning, operations, and tactics increasingly informed by neoliberal reason to combat neoliberal forces in the world at large” (Ong 2006: 99). As such, sovereignty is not “a uniform effect of state rule,” but instead the “contingent outcomes of various strategies” (Ong 2006: 100).

\(^{12}\) See also Lambert: “tribal sovereignty operates in a landscape populated by multiple, overlapping, and competing sovereignties” (2007: 211).
\(^{13}\) For similar insights in the field of political science, Pressman (2008) offers a particularly interesting framework regarding the ability of states to influence allied states.
\(^{14}\) Moreover, in addition to states themselves, elements of sovereignty can also be negotiated on more local levels as well. (See e.g. Lambert 2007 in regard to the Kalichito travel plaza; Sissons 1999: 29 in regard to village committees in the Cook Islands; Besnier 2002).
So we’ve moved from those who have considered sovereignty as an absolute power of the state to those who describe it in juridical terms to those who describe it as a set of strategies. But what might engender or guide such “strategies”?

Certainly, economics must be implicated: “Sovereignty matters, and so do cultural processes and values, and together they produce, limit, and channel capital” (Cattelino 2008: 201; see also de la Cadena and Starn 2007: 14). Indeed, many writers, from political scientists to Indian activists, have recognized the key relationship between sovereignty and domestic economic development (e.g., Cornell and Kalt 1998; Deloria Jr. and Lytle 1984).

International/transnational economics also play a central role in questions of sovereignty. Here the state is significant: “Nation-states are important because of the multiple ways in which they regulate these flows and practices, while different nations bound different labour markets, opportunities and differently constituted Cook Islands communities abroad” (Marsters et al. 2006: 43; see also Cai and Treisman 2005; Mosley 2000). As Blackburn elaborates, the “claims of capital, significantly, require that the state continue to exercise its sovereign authority as the guarantor of property rights within its national territory” (Blackburn 2005: 593). 15

Moreover, transnational economics are also implicated on a non-state level, one example being remittances among Cook Islanders, which do not necessarily flow along economically rational or systemic lines, but instead are parts of “a complex set

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15 Note that states themselves are also participants in the discourse on sovereignty, deploying the term strategically. For instance when Australia some years ago began pushing for concessions as a condition for aid to Pacific countries, some Pacific leaders protested that these concessions would be a threat to their “sovereignty” (Lee 2004: 245).
of often contradictory cultural obligations, self-interests and no doubt in some cases, altruistic impulses” (Marsters et al. 2006: 39).

Cook Islanders. Perhaps I’m on to something here. My thoughts shift to scholarly treatments of indigenous sovereignty. This might be a good anchoring point, I think to myself, given how Cattelino suggests that too few scholars “have taken indigenous approaches to sovereignty as starting points for imagining new relations of obligation and reciprocity among polities and peoples, including nation-states” (Cattelino 2008: 162-63).16,17

True as this may be, however, others have gone so far as to argue that “sovereignty” is in fact a Western concept ill-suited to indigenous realities (Brown 2007: 178, building on the ideas of Vine Deloria Jr. and Mohawk political scientist Taiaiake Alfred).18 “Sovereignty itself implies a set of values and objectives that put it in direct opposition to the values and objectives found in most traditional indigenous philosophies” (Brown 2007: 178, quoting Taiaiake Alfred). Similarly, Boldt and Long argue that First Nations peoples of Canada have resorted to ideas of sovereignty as a strategy for resisting outside intrusion, but in doing so may unwittingly be causing negative consequences in regard to “ordering internal tribal

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16 Cattelino nevertheless describes “tribal sovereignty” as the “catchphrase of American Indian rights movements since the 1960s and 1970s Red Power struggles,” such that it serves as “the legal framework for most American Indian rights claims” (2008: 14). Note also how some have claimed that sovereignty has “talismanic status” for many indigenous peoples (Brown 2007: 172).
17 Even though globalization may have dislocated the Western center as the source of anthropological knowledge (Kearney 1995: 548), Mohanram notes the hegemonic inertia to some Western models of thinking, describing how Southern Hemisphere scholars often have to “either use frameworks that reveal their Northern bias, or only be read locally” (1996: 50).
18 As a counterpoint, note how Albert Henry, the first Premier of the Cook Islands, referred to the Cook Islands as a “new-born baby” in the same speech in which he repeatedly referred to Britain as the “mother country” (in Sissons 1999: 121); see also Chatterjee (1993) in regard to India.
authority and power relationships” (1984: 539). “Sovereignty,” Boldt and Long suggest, could even be the “Trojan Horse for traditional culture by playing into the hands of the Canadian government’s long-standing policy of assimilation” (1984: 548).

But whether a “Trojan horse” or a “utopian ideology” (Brown 2007: 172), there is no question that any definition of “sovereignty” is burdened by “unstable meaning” (Brown 2007: 173). This instability is in part due to the fact that, for many, ideas of sovereignty are inextricable from a difficult question of “culture.” Indeed, some define sovereignty as “the capacity of a tribal people to express their cultural values and to live according to them” (Richland and Deer 2004: 3). One problem, however, with pinning sovereignty to a cultural definition is akin to the difficulties in codifying culture-based attributes of law: “the search for an applicable customary legal principle raises questions of authenticity, legitimacy, and essentialism” (Joh 2001: 120).19

Therefore, not only can any definition of sovereignty be unstable, but such definitions are also generally contested: “the debate about sovereignty is linked to social context and political dynamics, and there is no ‘disinterested’ position about its

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19 Even tying sovereignty to land can be problematic. For one, the peoples of some nations have allowed much of their land to be sold to non-citizens. Furthermore, groups have always moved and shifted and today many indigenous groups are dispersed (Brown 2007: 183). At the same time, the connections between land and sovereignty are not always obvious. Issues of gender, for instance, can be integrally implicated. In Polynesia, under traditional family systems, women have access to land; but where private property comes into play under certain sovereignty regimes, women often lose that access, such that their “options for achieving autonomy” become “significantly curtailed” (Lockwood 1993: 160). In other ways, however, the changing of sovereigns has had other, more complicated, consequences on gender. In the case of the Europeans’ arrival in the Polynesia, some indigenous Maori women “who were low caste or outcasts also found that a relationship with visitors gave them status and wealth they could not have had otherwise” (Nicole 2001: 168).
content and limits” (de la Cadena and Starn 2007: 16; see also Lambert 2007; Silverblatt 1987, 2004). This contestation is all the more significant where cultural practices are at stake, given, as noted, that methods for establishing any kind of custom are “vulnerable to competing claims of legitimacy” (Joh 2001: 120), and “all traditions are internally contested and subject to continual reshaping, whether explicit or hidden” (Calhoun 1993: 223).

Interestingly, the law is often one of the causes of changing meanings and understandings of sovereignty. Biolsi, for instance, provides an excellent analysis of how and why divisions between Indians and non-Indians around the Rosebud Reservation have fallen largely along racial lines as opposed to along class, religion or other lines (2001). The reason, according to Biolsi, is that federal Indian law has created these subjectivities because of the zero-sum game inherent in that body of law that pits Indians against non-Indians. Merry, too, describes how Hawaiians

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20 Note that this contestation occurs on many levels. So-called tax haven countries, of which some are found in the South Pacific, “employ[] sovereign rights as commercial assets” (Palan 2002: 172), which they are able to do because different laws regarding among other things banking secrecy provide for the possibility of forum shopping. One way of stopping tax havens is of course for the economically powerful countries to collaborate and legislate against multi-jurisdictional residence – but some have suggested that in doing so, the powerful countries would infringe on the sovereignty of tax haven countries in ways so severe as to end the “Westphalian system” of sovereignty (Palan 2002: 173). Regarding sovereignty contestation in the United States, the relationship between the US and Indians has been described as an “ongoing contest over sovereignty” (Wilkins and Lomawaima 2001: 5). Attacks on Indian sovereignty have come in the form of Supreme Court decisions over the past several decades (see for example Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978); Montana v. United States, 450 U.S. 544 (1981)). Perry notes that more recent attacks on Indian sovereignty are taking form in discourses of risk, regarding subjects such as crime and environmental damage (Perry 2006). Others have pointed out the increase in attacks on Indian sovereignty in light of some tribes’ contemporary economic successes (e.g. Bodinger de Uriarte 2003; Darian-Smith 2004). At the same time, note how the growing split between rich tribes and poor tribes is “challenging the dominant image of one homogeneous and encompassing group of people called ‘Native Americans’” (Darian-Smith 2004: 104).

21 Similarly, I gave a short paper several years ago regarding a 2004 decision of the Tenth Circuit Court of Appeals, which deprived the Delaware Tribe of Indians of their sovereignty. Cherokee Nation of Oklahoma v. Norton, 389 F.3d 1074 (10th Cir. 2004). (By the way, the fact that this
appropriated Anglo-American law to try to show civilization and modernity, but in
doing so “drew Europeans into the heart of the operation,” causing unforeseen
transformations to ideas of sexuality and marriage, private property, rank and
authority. (Merry 2000: 13).\textsuperscript{22, 23}

This contested nature of sovereignty leads to ideas of nationalism. And for a
moment I stumble: so what about nationalism? As with sovereignty, there is
disagreement in the academic literature as to what nationalism even is. In fact,
nationalism did not become a “developed field of inquiry” until around the 1980’s,
because prior concepts of the nation were largely taken as “given” (Tambini 1998:
137-38; see also Kymlicka and Straehle 1999; Gellner 2006: 5).

Underlying any definition of nationalism there is a key question: what is the
link between nationalism and ethnicity?\textsuperscript{24} In this regard, there are two main theories.

\textsuperscript{22} See also Richland for a discussion of ways that Indian nations have continued adopting and relying
\textsuperscript{23} For more on ways that colonization has contributed to the construction of indigenous entities and/or
governing bodies, see Sissons (1999) in regard to the Cook Islands; Mamaloni (1992: 10), for a related
discussion of how prior to colonization, the islands of the Solomon Islands were independent and with
different cultures, but were grouped through colonization together because they had “some similarities
in customs and other characteristics”; Goldberg-Ambrose (1994), Perry (1995), and Philips (2005) in
regard to Native North America.
\textsuperscript{24} Keep in mind that the relationship between nationalism and history is two-fold: nationalism gives
legitimacy, but also necessarily involves erasure (Calhoun 1993: 225, citing Ernst Renan). See Maori
nationalism, which Mohanram describes as a combination of constructing Maori ways as “timeless and
unchanging” and also as adaptable (1996: 57).
One is that the nation transcends ethnicity (in modernity, at least). The United
States and France are examples here. The other theory is that the nation is rooted in
ethnicity. These theories, while theories, have important practical consequences, such
as in regard to citizenship (e.g. Calhoun 1993: 221).

Those who argue that the nation is not primarily rooted in ethnicity are
sometimes referred to as constructivists. The contention here is that nations are not
built from objective cultural differences between people but from people’s choices of
which differences they use to separate themselves from others, whether by means of
language, religion, or otherwise (Tambini 1998: 143). Underlying this constructivism
is also a critique of the nation as “natural or timeless” (Tambini 1998: 143).

Gellner is an important constructivist. He argues that nationalism is
“primarily a political principle, which holds that the political and the national unit
should be congruent” (Gellner 2006: 1). As such, it is not nations that give rise to
nationalism, but nationalism that gives rise to nations (Gellner 2006). The key for
Gellner is economics. Industrialization “required homogenous culture,” so
“[n]ationalist doctrine itself is explicable therefore in terms of the needs of industrial
societies: nationalism was simply the demand that culture and politics be rationalized

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25 One question, however, is that if the state is the center of nationalism and not ethnicity, how do we
account for people’s willingness to die for the state? (Calhoun 1993: 219; Anderson 2006).
26 Note how the French/US version of nation here offers an ideology of free choice that seeks to
liberate citizens from the negative burden of tradition (see Calhoun 1993: 222).
27 Osorio takes this up with a fascinating discussion of two different sovereignty movements in
Hawai‘i and how the theoretical predicates of one would allow for the citizenship of non-indigenous
Hawaiians while the other would not (2003).
28 Said another way: “Nationalism is not the awakening of nations to self-consciousness. It invents
nations where they do not exist” (Gellner in Tambini 1998: 139-40).
along those lines” (Tambini 1998: 140). In other words, “nationalism is a functional requirement of the modern industrial state” (Tambini 1998: 140).²⁹

For Hobsbawm, another constructivist, “the basic characteristic of the modern nation and everything connected with it is its modernity” (Hobsbawm 1990: 14). Nations are “dual phenomena” that are “constructed from above” but must be understood in terms of below, “in terms of the assumptions, hopes, needs, longings and interests of ordinary people” (Hobsbawm in Tambini 1998: 141; see also Hobsbawm and Ranger (1983) where they debunk national traditions as modern inventions). As such, as with Gellner, ethnicity is only a secondary factor, one among many to be mobilized.

Smith, by contrast, argues for the centrality of ethnicity. He argues that the symbolism of ethnicities is important, that these get carried on and passed down and change only slowly; he refers to ethnic groups as ethnie, which, “once formed, tend to be exceptionally durable under ‘normal’ vicissitudes, and to persist over many generations, even centuries” (Smith 1986: 16); it is this, according to Smith, that gives rise to each nation. But note that Smith nevertheless accepts that ethnie are constructed and not necessarily natural – he argues only that they are durable because they change so slowly (see Calhoun 1993: 228).³⁰

²⁹ Tambini has summarized many of the criticisms of Gellner, such as that his theories suffer from excess functionalism. Tambini discusses how nationalism also emerged in places where there was little industrialization, meaning that Gellner’s explanations would apply only to certain stages of capitalism and as such would likely be less valid today. Note also that nationalism “has been called the great failure of Marxism” because Marx did not account for the nation as “identity constituting cultural phenomena”; Gellner likewise fails to fully account for the passion inspired by the nation (Tambini 1998: 140-41, 152 fn2).

³⁰ Tambini considers this an important critique because if elements change, how does one determine what it is in cultures that is essential and gets maintained over time? (1998: 144-45).
Eriksen, in turn, underscoring the important role of the anthropologist in uncovering these elements, sees ethnicity as “essentially an aspect of a relationship, not a property of a group” (Eriksen 2002: 12). He notes that a “nationalist holds that political boundaries should be coterminous with cultural boundaries, whereas many ethnic groups do not demand command over a state” (2002: 7). Ethnicity alone is therefore insufficient for nation-ness. For Eriksen, the interesting point of contact is between nationhood as “a matter of belief” and the ethnicity that allows the usually “urban elite phenomenon” of nation-ness to “eventually achieve mass appeal” (104). “An important aim of nationalist ideology is thus to re-create a sentiment of wholeness and continuity with the past; to transcend that alienation or rupture between individual and society that modernity has brought about” (Eriksen 2002: 104).

The theorist, however, with the most significant impact on ideas of nationalism has perhaps been Benedict Anderson. Anderson’s interest is in the “cultural conditions that render possible the subjective experience of national community” (Tambini 1998: 146). For Anderson, nations are “imagined communities”: “an imagined political community – and imagined as both inherently limited and sovereign” (Anderson 2006: 6). For Anderson, the nation is “limited” because each “has finite, if elastic, boundaries, beyond which lie other nations” (7); the nation is “sovereign” in that it inherits the ideology-territory symbiosis of pre-Enlightenment religious monarchies. Lastly, in Andersonian terms, the nation is a “community” because it “is always conceived as a deep, horizontal comradeship” (7).
Anderson’s greatest contribution is likely his move to theorize the nation as “imagined.” In Anderson’s words, this imagined form comes to being 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” (6). For Anderson, this shift from center-oriented monarchies to imagined communities was made possible by three historical transitions: the erosion of the ties between script-language and truth; the weakening of a belief in monarchs as divine rulers; and the declining “conception of temporality in which cosmology and history were indistinguishable” (36). In short, in the place of these “interlinked certainties,” and on the wings of a print-capitalism that bound together communities in “homogenous, empty time” (26), the modern imagined nation was born.

As one might expect in regard to any important scholar, there has been a great deal of critique directed at Anderson, some of it book-length (e.g. Kelly and Kaplan 2001). Among many other things, Anderson has been cited for failing to account for political mobilization (Tambini 1998: 146). Further, from a post-colonial perspective, Chatterjee asks: “If nationalisms in the rest of the world have to choose

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31 Note how Anderson’s “imagined community” “describes nations from the point of view of the individual actor” (Tambini 1998: 146).
32 Anderson is often cited for his discussion of print-capitalism. Prior to Anderson, scholars of communications within nations had focused on media-enhanced integration; Anderson caused a paradigmatic shift because he focused on how media (especially newspapers and novels) helped create the nation (Calhoun 1993: 234). Furthermore, print capitalism, which caused the standardization of language, was the means by which some dialects took on a dominant role in a given location. This, naturally, had tremendous political consequences, with advantages to those people whose dialect became dominant and disadvantages to those with other dialects (Anderson 2006).
33 Anderson also represented a paradigmatic shift in arguing that nations were not born in Europe but instead came to be in the colonies of the New World, in the particular conditions of establishing colonies/government against the backdrop of indigenous groups and other competing colonizers. Anderson argues that once created, this sense of nation became “modular” and was thus exported around the world (Anderson 2006).
their imagined community from certain ‘modular’ forms already made available to them by Europe and the Americas, what do they have left to imagine?’” (Chatterjee 1993: 5) If Anderson is correct, Chatterjee concludes, then “[e]ven our imaginations must remain forever colonized” (5). Similarly, Kelly and Kaplan “stress the history of colonial reliance on conceptions of ‘communities’ among the colonized as both an alibi for differences of rights and powers in law and as a vehicle for limiting and channeling political aspirations”; for them, what is at stake “is not imagined communities but represented communities, ‘communities’ renewed in their existence not only by representations in the semiotic sense, but also by representation in the political, institutional sense” (22).

Another interesting angle of critique has come from a Native American perspective relating to Anderson’s treatment of the US in his theories on the origin of ideas of the nation. White, although agreeing with the importance of Anderson, argues that there has been no critical engagement with Imagined Communities from a US point of view commensurate with Chatterjee’s in regard to India. According to White, “we cannot consider the early American ‘nation’ apart from its complicated, racialized associations with Native Americans, and the ways in which land speculators sought to construct an empire” (2004: 51). White suggests that the colonists did not come to the idea of nation, but instead imagined themselves as an empire that was already populated by Indian nations; nation, as such, was constructed

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34 Anderson’s “imaginary communities” also seems too narrow to encompass the senses of “double belonging” felt by Native Americans, among others, for whom “[i]n lived practice . . . indigenous and diasporic multiple attachments are not mutually exclusive” (Clifford 2007: 206; see also Spoonley et al. (2003) and Mohanram (1996) in regard to New Zealand).
out of the othering of the Indians; for example, treaties were used with the Indians to equate the “colonies with nations” and also to “imagine their coordination” (White 2004: 81, fn 28).\(^{35}\)

This colonialism, which marks the period that paved the way for modern globalization, “shaped the character of international institutions at their formative stage” (Anghie 2004: 117). In this expanding globalness, *transnationalism* has become a part of nationalism.\(^{36}\) In Appadurai’s words: “As populations become deterritorialized and incompletely nationalized, as nations splinter and recombine, as states face intractable difficulties in the task of producing ‘the people,’ transnations are the most important social sites in which the crises of patriotism are played out” (1996: 176).

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The minister’s question – *what is sovereignty?* – rings in my ears. But I recognize somehow that these jaded notions of Western geopolitics aren’t what the minister is asking about. The conversation moves on. We’re discussing Cook Islands youth in Cairns. Like Cook Islander migrants in other parts of Australia and New Zealand, younger people – especially teenage boys – often have a particularly difficult time adjusting socially in the broader society. Why? There are many reasons. For one, torn by two cultural institutions, many youth find insufficient

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\(^{35}\) The unanswered question for White is how to “map the transition from the imperial imagined community of unbound serial ‘nations’ to the insistence upon the bound and unified singular nation” (White 2004: 76).

\(^{36}\) Lee uses transnationalism to “refer to the multiple connections maintained with the country of origin after migration,” such that in the case of Tonga, the Tongan state is the “geographically bounded territory of Tonga, but the ‘nation’ can be seen as all Tongan people, including those living overseas” (2004: 236).
anchoring in either. One second-generation Cook Islander whom I met in New Zealand was forceful in laying the blame at the feet of Cook Islander parents who had made the migratory trip away from the islands. They, he insisted, did too little to instill in their children the pride, the values, and significantly, the coping mechanisms, that were necessary for the new generation of children to defend themselves against the insecurity and temptations that came with living in a land of “opportunity.”

After all, in lands of opportunity, just as there is opportunity for good, there is also opportunity for trouble, whether in the form of drugs, drink, violence, or otherwise. All this is compounded by the fact that Cook Islander children going to school in New Zealand and Australia find the values of liberal democracy foisted upon them, smuggled of course in the bountiful baggage of pedagogy: we are individuals, we have rights. Those rights, however, as essential as they are to the contemporary thinking of the disciples of Britain’s global conquests, run decidedly contrary to certain core cultural beliefs held by Cook Islanders and other Polynesian peoples alike.

Polynesian children’s behavior, for example, is founded on a model of absolute respect and deference to elders in general and parents in particular. This collision between manifest respect and the in-your-face liberal power of Western youth – as portrayed in popular films and TV shows just as it is practiced by school-yard play-mates and neighbors – can be catastrophic. The casualties, however, are not suffered equally: even while white New Zealand and Australian families may be
harmed from the rebelliousness of youth, Cook Islands families, ill-equipped for this cultural revolution, can be torn asunder.

In Cairns in recent times there have been several incidents that are well-known throughout the wider Cook Islands community where teenage boys have been arrested by police for various infractions of the law. For example, just a few months earlier a Cook Islander teen had stabbed an Aboriginal teen at a bar. Group conflict had ensued. Not only do such high-profile delinquencies go far in stereotyping Cook Islanders to their disadvantage in the broader community, but the pending imprisonment of their youth puts Cook Islands families in a tremendous bind: allow their boys the pain and degradation of jail or agree to have the boys deported, depriving them of the benefits of this land of opportunity to which they’ve migrated, a land which the family likely worked hard to reach. Many families choose the latter option, petitioning the judge to deport the boys to the Cook Islands and revoke their residency rights in Australia.

At the same time, back in the Cook Islands, there continue to be problems. On the minister’s home island, one of the small Outer Islands, folks have been struggling. The boat with supplies comes only occasionally. He can recall having to live off fish and coconuts for periods of time while they waited for the next boat. And health care is very basic – there isn’t even a doctor there, only a nurse. He tells me the story of his niece who gave birth to a baby in Rarotonga and then traveled to their home island when the baby was three weeks old. His niece had begun to bleed vaginally, the blood would not stop. There on the island, he could only hold her in
his arms, the nurse did not know what to do, his niece died there in his arms. Several weeks later the baby died.

The minister looks me hard in the eye. In a voice filled with harsh emotion, he asks: “And where is their sovereignty?”

I look at him blankly. I don’t understand the question. He repeats himself, more pleadingly this time, “where is their sovereignty?” I still don’t understand. I shake my head.

His wife steps outside and asks if I’d like another cup of coffee. Yes, very much so. My mind races with both curiosity and self-doubt. What had he meant? Our discussion moves on to other topics, but I know enough about Cook Islanders’ conversation style to recognize that we’ll be back. In the meantime, I struggle – not necessarily to find an answer but just to grasp the question.

The minister’s wife comes out with the coffee. It’s too hot to drink. I hold the edge of the warm cup against my lips. The minister was not speaking of jurisdiction, that much is clear. Was it God then – was he lamenting that the rebellious youth had strayed from the path of God, that his niece and her baby had gone to God? I shake my head. It wasn’t that either. The scent of the recently-dissolved instant coffee, with milk and sugar thoughtfully stirred in, fills my nostrils.

Where is their sovereignty?

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Where? Isn’t it everywhere? For a moment I think stupidly of globalization again.37

Of course, contemporary discourse often treats globalization as “new,” as a “break with the past,” but does so, some have suggested, only as a method of masking prior histories (Tsing 2000: 332-33).38 Globalization, however, is “deeply historical” (Appadurai 1996: 17), there has always been movement by and among peoples, for reasons including sustenance, trade, war, and religion (e.g. Wolf 1997). There have even been prior periods of intense international commerce, most notably in the decades leading up to World War I (see Firth 2000: 179, in regard to the South Pacific). Indeed, the “vast majority” of colonization of the New World was done not by “monarchs or empires but rather by European crown-chartered mercantile corporations … during the colonial first wave of globalization” (Perry 2006: 120).39

Even back in the 1400’s, “[i]n both hemispheres populations impinged upon other populations through permeable social boundaries, creating intergrading, interwoven social and cultural entities” (Wolf 1997: 71). In more recent times, European

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37 See Hart and Negri: today the “worlds” are increasingly mixed: “the spatial divisions of the three Worlds (First, Second, and Third) have been scrambled so that we continually find the First World in Third, the Third in the First, and the Second almost nowhere at all” (2000: xiii; see also Ferguson 2005: 378; Chatterjee 2004).
38 Tsing goes on to discuss (and critique) the argument that the overflowing boundaries of globalization are “good for everyone” (Tsing 2000).
39 Note the central role of private capitalist industry here; in the same way, the “slave trade was sanctioned and encouraged by European states, but the actual operations were run almost entirely by private companies” (Hansen and Stepputat 2006: 303).
capitalism expanded upon existing networks of interconnectedness to affect every corner of the globe (Wolf 1997: 76).

But what is globalization? Scholars have certainly suggested different models for understanding it. For instance, Wallerstein and Frank built their influential world systems theories on a model of global processes and unilateral flow whereby resources were extracted from “periphery” areas, that is to say colonized lands, to the benefit of the “center,” namely Europe (see e.g. Kearney 1995: 549-50; Hardt and Negri 2000: 334).

But others have rightly questioned these theories. “The new global cultural economy has to be seen as a complex, overlapping, disjunctive order that cannot any longer be understood in terms of existing center-periphery models (even those that might account for multiple centers and peripheries)” (Appadurai 1996: 32). Wolf, while agreeing that there is “one worldwide system of connections,” argues that the international expansion of capital has not been a unilateral process; instead, the various peoples of the world have at least some agency and have been active in the process all along (1997). Examining not capital but culture, Hannerz likewise concludes that there is at least some periphery-center counter-flow (1989: 69).  

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40 As such, there is, with only minor exception, no such thing as an isolated and untouched “primitive people”: “most of the societies studied by anthropologists are an outgrowth of the expansion of Europe and not the pristine precipitates of past evolutionary stages” (Wolf 1997: 76).

41 Hannerz also notes that while there is a cultural flow from center to periphery, countries at the center have different strengths and export different things; for example, compare what comes culturally from the US and France; and he points out that the USSR was strong militarily but exported little culture (Hannerz 1989).

42 Hart and Negri attack more forcefully the basis of center-periphery models on the ground that there is no longer a center or core in contemporary globalization: “Along with the global market and global circuits of production has emerged a global order, a new logic and structure of rule”; as such, “sovereignty has taken a new form, composed of a series of national and supranational organisms.
I search for a comprehensive definition of globalization.\textsuperscript{43} Tsing, for example, has described it in terms of “links,” in the friction of which culture is produced: “places are made through their connections with each other, not their isolation” (Tsing 2000: 330). For her, therefore, globalization is “multireferential: part corporate hype and capitalist regulatory agenda, part cultural excitement, part social commentary and protest” (2000: 332). For others, globalization is a “social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding” (Kunitz 2000: 1535, quoting M. Waters). In these processes, globalization often combines a lost golden age with the idea of a utopian future (Firth 2000: 180-81).\textsuperscript{44}

Whatever the case, certainly many elements of globalization are “delimited by specific technological forms, material or transport infrastructures, circuits of interaction, and situated values” (Ong and Collier 2005: 11). Besnier, building on Appadurai, makes the important point that globalization “operat[es] on different levels at once in the lives of those whom it touches most directly” (Besnier 2008: 425). In this way, theories of globalization become implicated in regard to many

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\textsuperscript{43} My sincere thanks to Louisa Lombard for continually reminding me of the importance of establishing definitions of key concepts – even when it is often easier not to! I give my own definition of globalization in Chapter 4.

\textsuperscript{44} Kearney contrasts globalization with transnationalism by positing that transnationalism involves the “cultural and political projects of nation-states as they vie for hegemony in relations with other nation-states, with their citizens and ‘aliens’”; as such, transnationalism entails “resonance with nationalism as a cultural and political project, whereas globalization implies more abstract, less institutionalized, and less intentional processes occurring without reference to nations,” such as “the impersonal dynamics of global popular and mass culture, global finance, and the world environment” (Kearney 1995: 548-49).
different concepts, including the movement of capital, the movement of people, and the role of the state – each of which is worthy of further discussion.

First, one of the central products and consequences of contemporary globalization has been the ability of capital to move quickly and easily around the globe. This movement, however, is not always smooth: “Capital does not ‘flow’ from London to Cabinda; it hops, neatly skipping over most of what lies in between” (Ferguson 2005: 379; also Ferguson 2006). Furthermore, because “capital can move from one country to another more easily than labor, capital exercises leverage over the terms on which labor is offered, such as wages and working conditions” (Firth 2000: 180).

Of course, in a Marxian reading, globalization has been an inevitable consequence of the shifts to capitalist economies. In short, because “the demand of

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45 Note that in contrast to military power, one of the ways that economic power is deployed is by not investing in a given place – or threatening not to (Beck 2001).
46 Ong, however, has been quite insightful in discussing the areas of possibility in the spaces created by such exception. (E.g. 2006).
47 Appadurai posits the idea of “financescapes” in regard to the movement of global capital because “the disposition of global capita is now a more mysterious, rapid, and difficult landscape to follow than ever before, as currency markets, national stock exchanges, and commodity speculations move megamonies through national turn-stiles at blinding speed, with vast, absolute implications for small differences in percentage points and time units” (Appadurai 1996: 34-35).
48 Scholars have noted that the order imposed by colonization was necessary to effect the “large scale commercial exploitation” that followed (Mamaloni 1992: 12). Through these processes, colonization curiously instituted some frameworks for future links to the global market by indigenous peoples themselves. One of these links is language. Although the colonial language has in many instances expanded at the expense of indigenous language, it has also provided an interface mechanism with the global community and an entrée into “foreign” markets, whether New Zealand and Australia in the case of Cook Islanders, or the non-reservation US for Indian nations. Of course, issues of language are also complicated and often contested. Certainly, many nation-building projects rely on efforts to expand, support and/or revive native languages (see Cattelino 2008; Gershon 2007: 486; Spoonley et al. 2003; Deloria Jr. and Lytle 1984). Nevertheless, the language of a given nationalism is frequently not the first language of the indigenous peoples but can instead be an elite language or the colonizer’s language that is appropriated to unite various peoples (Calhoun 1993: 226). In this regard, Calhoun notes the tension in India between the development of nationalism and the usage of the colonizer’s English as the lingua franca (1993: 226).
the worker as consumer can never be an adequate demand for the surplus value,” and because the capitalist must always abstain to some extent, capital must continually seek new markets: capitalism is therefore “the first mode of economy which is unable to exist by itself, which needs other economic systems as a medium and a soil” (Hart and Negri 2000: 222-224, quoting Rosa Luxemburg, emphasis mine). “Capital must therefore not only have open exchange with noncapitalist societies or only appropriate their wealth; it must also actually transform them into capitalist societies themselves” (226).

For these reasons, Lenin argued that the globalization of capital necessarily leads to imperialism (Lenin 1939). He predicted that not only would capital continue to expand, but that the richness of the First World countries would also depend on the poverty of the Third World; in other words, Lenin foresaw the poverty of the Third World as an inevitable consequence of colonialism. Here, Lenin reproduced in 1939 the following brilliant, simple quote:

“In my opinion it is precisely this that forms the economic basis of imperialist ascendancy. The creditor is more permanently attached to the debtor than the seller is to the buyer.” (Lenin, quoting Schulze-Gaevernitz 1939: 101).

Others have nevertheless critiqued the simplicity of Lenin’s model. Wolf, for example, claims directly that the “spread of imperialism and the extension of outright colonial rule thus appear to be the result of a more complex interplay of social constellations than was allowed for in Lenin’s explanation” (Wolf 1997: 302). More
importantly, as alluded to earlier, subsequent scholars have disputed the zero-sum-game model of capitalist expansion.

No doubt, once in contact with capitalism, the peoples of the world have not all become completely converted, so to speak. Instead, precisely because capitalism is so flexible, many groups have been able to integrate a capitalist economy with a more traditional economy (Wolf 1997). Opinions differ, then – strongly – on whether globalization has been good or bad for peoples around the globe.49 The most complete answer is perhaps that the effects of globalization are “ambiguous” – good for some, bad for others (see Garrett 2001: 46).50, 51

Significantly, however, Mbembe describes how “[o]ne of the main legacies of colonization has been to set in motion a process of development that is unequal, depending on the regions and countries involved” (2000: 268). In accord, Anghie

49 Note that size is an important, although not determinative, factor in how well economies will do in globalization, both in terms of opportunities and risks (Gounder and Xayavong 2001: 1). Developed firms are able to capitalize on the reduced transaction costs of international activity in order to make the most of “the two staples of international trade theory – scale economies and comparative advantage” (Garrett 2001: 35); at the same time, lower income countries do not have the necessary skills to “take advantage of the global information age” (Garrett 2001: 36; see also Gounder and Xayavong who cite the “absence of a developed pool of skilled labour and management” as “one of the greatest single constraints to the development of small [Pacific] island economies” (2001: 16)). At the same time, governments too are now forced to compete for capital; the “real question is not whether globalization influences governments but how much” (Firth 2000: 180).

50 See also Tsing: globalization has “both a dark and a light side” (2000: 334, building on Frederic Jameson).

51 Economic figures are not the only means for measuring the benefits and detriments of globalization. Health data provide another. In general, based on life-expectancy, “[t]here is little doubt that historically, globalization has resulted in improved health . . . for people in both rich and poor countries” (Kunitz 2000: 1535). Nevertheless, globalization has led to an increase in noncommunicable diseases such as diet-related diabetes, high blood pressure, and heart disease (Evans et al. 2001: 856, 858). Evans et al. found that although Tongan people generally prefer traditional food, and although education has “increased awareness” about food-related health issues, Tongan people still consume imported foods in large quantities for economic reasons (2001: 856-57). This availability of cheap imported foods “constrains[s] the development of domestic markets” and as such offers a good example of the way that economic issues intersect with and affect many other areas of social life: here, this is both a health issue (caused by economics) and a trade balance issue (related to food/health) (Evans et al. 2001: 859).
claims that “all states are not equally sovereign” and “this is because of international law and institutions rather than despite international law and institutions” (2004: 117). This inequality stems from the colonial moment, which “shaped the character of international institutions at their formative stage” (Anghie 2004: 117). Further, Ferguson argues that there are “links between resource-extraction enclaves, chronic warfare, and predatory states”; these “participate not only in the destruction of national economic spaces but also in the construction of ‘global’ ones” (Ferguson 2006: 13).

It is important to note that the globalization-related shift from Keynesianism (pre-1970’s) to neoliberalism (1970’s forward) has not just been a question of economics but of “how the world works and what should therefore be done” (Firth 2000: 180). This fundamental shift has, moreover, of course benefitted some and harmed others. In Africa, for example, the “frenzied construction of ‘the global economy,’ has left little or no place for Africa outside its old colonial role as provider of raw materials (especially mineral wealth)” (Ferguson 2006: 8).

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52 There is also debate about whether South Pacific island economies have benefitted from globalization; for example, in the 1980s and 1990s, the Solomon Islands and Fiji had lower growth than the Caribbean (Gounder and Xayavong 2001: 1). Moreover, the openness of trade and capital accounts, combined with the small size of Pacific Island economies, has made these economies especially vulnerable to shocks in the world market (Gounder and Xayavong 2001: 16). At the same time, there is tremendous pressure on Pacific nations to (continue to) open up their economies as a cure to their woes (Firth 2000: 185-86). Firth argues that the Pacific Islands have no choice but to accept current globalization because the pressures/coercion are too strong (2000: 186). But see: “The idea that deregulation and privatization would prove a panacea for African economic stagnation was a dangerous and destructive illusion” (Ferguson 2006: 11).
Globalization is also integral in the contemporary movement of people. The consequences are phenomenal. After all, the movement of people likewise implicates flowing capital and political links: Pacific Islanders, for instance, migrate to New Zealand for jobs and money, “enabling capital flow within new social circuits” (Spoonley et al. 2003: 36). So “immigration, often discussed as the mass product of individual mobility, requires the creation of institutional ties linking sending and receiving areas” (Tsing 2000: 338).

The global movement of people can even be part of the nation-building project of a state: for example, the Philippines supports the international spread of Filipina domestic workers as a means of entering the global market as an exporter of labor (Parreñas 2001: 1136). Likewise, Firth sees Pacific out-migration as a strength because it connects island economies with the major ones (Firth 2000: 191).

Relevant here is the fact that because of global connections, understanding the local now requires an understanding of the global just as understanding the global now requires understanding the local (see Piot 1999).

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53 The illicit movement of people, i.e., human trafficking including sex trafficking, is an important issue that should not be forgotten. There are significant sources of literature in this area; occurrences are, however, less acute in the South Pacific compared with other parts of the world and I have not focused on them here.

54 See also Appadurai: the flow is through people but in relation to the simultaneous flow of, among other things, “mass-mediated images” (1996).

55 Firth also discusses ways that the sugar industries in Hawai‘i and Fiji brought in outside laborers who ultimately profoundly transformed both places (2000: 183).

56 Merry also offers an insightful ethnographic example of this, describing how racial identities in Hilo, Hawai‘i are “deeply rooted in [the] local situation[,]” but at the same time, are “formed” by global processes, including missionization, the sugar plantation economy, and legal and political ideas (2003: 235). Ong and Collier (2005) give the example of stem cells, which are global in implication and discourse but are likewise local, and subject to different moral/religious/political/cultural interventions.

57 See also Merry: “transnational processes are becoming increasingly important to theorizing about the nature of local legal phenomena” (1992: 357). Merry argues therefore for a theory of legal pluralism “closely related to questions of culture and power” (358).
to local processes, identities, and units of analysis yields incomplete understanding of
the local” (Kearney 1995: 548). And at the same time, “the global . . . does not take
place only at the self-evident global scale, but also at the national and sub-national
scales” (Sassen 2003: 5). Indeed, “all place-making and all force-making are both
local and global” (Alexeyeff 2008: 146).

These links between the global and the local often occur via diaspora
communities located across multiple borders: “The new logic of social reproduction
under conditions of global reconstruction, compels traditional communities to
strategically balance assets and population between two different place-rooted
existences” (Spoonley et al. 2003: 29, quoting M. Davis). Diasporas are also
important conduits for capital. One such conduit is for remittances (e.g. Lee 2004;
Spoonley et al. 2003). Remittances, of course, are part of and occur within wider
social systems, such that “traditional patterns of reciprocity now span thousands of
miles across several countries” (Besnier 2008: 427).

Diasporas are therefore likewise key circuits for social connections. Spoonley
et al. discuss the non-economic circulation of goods, whether as gifts or in barter,
which they call “social remittances” (Spoonley et al. 2003: 36). At the same time,
diasporas provide paths for the transfer of information and cultural knowledge and

58 In her work in the Cook Islands, Alexeyeff discovered that local and Western [global] ideas are not
“simply opposed”; instead, “Cook Islands ‘locality’ is molded by the interplay between competing
perspectives; Western and local are co-present in a zone of contestation” (2008: 144). See also
Besnier’s work in Tonga, where he describes how “linguistic and social practices . . . illustrate the way
in which social agents enlist the opportunities and constraints that the global context offers to fight
local battles, to enforce or critique local inequalities, and contest local claims of privilege and
authority” (Besnier 2008: 441).
59 As such, “[e]conomic and cultural umbilical cords now permanently connect hundreds of Latin
American and Caribbean localities with counterpart urban neighborhoods in the United States”
(Spoonley et al. 2003: 29, quoting M. Davis).
practices (Gershon 2007; Spoonley et al. 2003). Here, in these diasporas, families are both disrupted (Parreñas 2001) and connected: “the Pacific is not just a sea of islands but a sea of families” (Gershon 2007: 474).

In certain ways, diaspora communities call into question the territorial boundedness of states. For some writing on diasporas, “the nation seems at times to be the only concept available under which to imagine the community of the subaltern group” (Hardt and Negri 2000: 107). For example, Tonga remains the “epicenter” of Tongan society now spread throughout the globe (Besnier 2002: 537) and Tongan diaspora communities perform Tonganness in ways that reinscribe allegiance to Tongan royalty and to the Tongan state (Gershon 2007: 481-83). Nevertheless, note how the growing size of some Pacific communities in New Zealand, and their growing wealth, is changing “relationships between ‘homeland’ and ‘overseas’ populations” (Spoonley et al. 2003: 35).

This phenomenon is one of many of the processes inherent in globalization that is calling into question the vigor of the nation-state. For Appadurai, for example, “mass migrations” and “mass-mediated images” combine to “confound theories that depend on the continued salience of the nation-state as the key arbiter of important

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60 Gershon further argues that “families are the culturally specific, integrated units that constitute diasporas” and that as such, it is families that sustain the longevity of diasporas, not nations (2007: 474-75).
61 At the same time, note how New Zealand-, Australian- and US-educated Tongans are starting to internalize and/or strategically seize democratic ideas and are beginning to criticize the Tongan monarchy (see Spoonley et al. 2003).
62 Focusing on the locally-specific issues of the Indonesian Chinese, Ong highlights the difficulties that can come with trying to articulate the needs of a diverse, global group under one banner: “Attempts to consider Chinese people in the world as a diaspora race distinct from their citizenship in particular countries may jeopardize the postcrisis efforts of Indonesian Chinese to rebuild their society within a broad-based coalition fighting for human rights in Indonesia” (Ong 2006: 68).

By contrast, for others like Sassen, the global and the national are not mutually exclusive but intertwined. (2006: 21). There is a tension between the national and the global because, given the formation of nation-states as sovereigns over their territories, there is a “necessary participation of national states in the formation of global systems” (Sassen 2007: 5). As such, components of the nation serve national interests while simultaneously facilitating globalization.

And for some, the state is becoming more important. Maurer, for instance, writes: “Globalization may appear to call sovereignty into question, thereby diminishing the importance of the state [. . .] In fact, however, the British Virgin Islands case demonstrates the reverse” (1997: 262; see also Lehmkuhl 2003; Mosley 2000 gives an overview of this debate, termed as one of “convergence” versus “divergence,” in the political science literature).

As such, there is no question that in the face of globalization, the role of the nation-state is changing. But without a doubt, the role of the state remains central. As Coutin, Maurer, and Yngvesson make clear, “[m]ovements between jurisdictions are facilitated by state practices that render people and property mobile”; indeed, it is

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63 Note Perry and Maurer who point out that “neither the state nor the economy could be a homogenous, unified entity,” and market and economy are not “field[s] of free choice and action” but instead “complicated constellations of practice and knowledge” (2003: xviii). See also Darian-Smith: “The Tunnel materially represents a reordering of power relations between local, regional, national and transnational entities through its disruption of an idealized national landscape” (1999: 193).

64 Again, see Sassen (2003: 13).
states who “give capital its mobility by crafting legislation that enables particular sorts of investment entities to exist” (2002: 809).

The minister and I had long finished our cups of coffee, the afternoon was growing late, and our conversation, after several hours, was nearing its end. Our discussion, like Cook Islanders themselves, had travelled from the Cook Islands, to New Zealand, to Australia, and back-and-forth between the three.

But still, as to the Cook Islander youth of Cairns, as to the struggling Cook Islanders on the remote Outer Islands, even as to those many Cook Islanders who had in fact succeeded at home and overseas, we had not, after all, reached an answer: “where is their sovereignty?” Or, perhaps the minister knew it all along and was trying only to push me toward it, to nudge me into understanding. But if that was the case, then I failed him.

Nevertheless, his words stayed with me, echoing, echoing, from the beginning of the car ride as he drove me back into town, where my wife and children were waiting, and on through the rest of my fieldwork. As my research continued, as I continued to meet Cook Islanders, New Zealanders, and Australians of all walks of life, as we spoke together in long, intimate conversations, I continued to wonder: where is their sovereignty?

I do not want to, I will not, put words in the minister’s mouth. Maybe one day he and I will return to this subject together and, with the benefit of endless hours of
pondering, we can re-visit his question and I can ask him what exactly he meant. Or I may never know.

And yet, I have come to realize that his question is essential to any examination of sovereignty. This is so because contemporary sovereignty is necessarily marked by a relationship between the nation-state and the individual. In other words, nation-state sovereignty does not exist outside the individual. Instead, as I discuss in Chapters 3, 4 and 5, nation-state sovereignty is a filter through which individuals experience the inevitable effects of globalization – an interface mechanism through which consumer goods are made available, media are communicated, and personal travel is made possible; another element of sovereignty animates in the individual a belief (real or imagined) in membership in the nation-state – co-ownership, even – which produces both allegiance and expectation. At the same time, one’s values often influence the functioning of the state, just as the state serves as a value-maximization mechanism for values that the members of state power (whether or not as true proxy for the people) seek to further or restrain. In short, all of these aspects of sovereignty are as interconnected in practice as they are indispensable in theory.

And each of these aspects occurs of course within – indeed, cannot occur outside of – globalization. So in my personal view, to ask “where is one’s sovereignty?” is an indicator, a reminder, that sovereignty does not occur in a

65 Of course, this feeling of co-ownership of the state can lead to feelings of disappointment and disenchantment when one perceives the state as not fulfilling one’s expectations (e.g. Ferguson 1999). Note that people in the Central African Republic frequently frame their hopes and expectations in terms of the state, even though the state is often only minimally present. (Conversations with Louisa Lombard, PhD Candidate in Cultural Anthropology at Duke University).
vacuum; states cannot exist without other states, just as nations cannot exist without individuals. The state, the nation, globalization and the individual are therefore inextricably linked; this means also, by consequence and presumably not surprisingly, that the role of the nation-state and the effects of the nation-state are different for different individuals, depending among other things on the individual’s position and values. So to ask “where is one’s sovereignty?” is not to ask about a thing or a concept but instead about a complex constellation of relationships – relationships between the individual, the state, and the globe – relationships which link us all.

As such, any thorough theory of sovereignty must simultaneously link sovereignty both to the individual and to the globe. In this regard, the academic literature has not been adequate in at least two regards. First, the literatures on sovereignty and nationalism have been largely and curiously distinct, founded on seemingly separate motivations and trajectories. The ideas that underlie both literatures, however, are necessarily inter-related and must be integrated. Second, academic treatments of sovereignty and globalization emerge in a multitude of contexts and explain a myriad phenomena. But each such treatment generally restricts itself to its narrow subject matter. As such, any meaning of sovereignty or globalization might apply only in regard to that particular focus. There has been little success in providing comprehensive definitions, let alone models, especially in the ways that these concepts relate to each other and function as a whole. This is what I attempt to do in the chapters that follow.
Overview of Chapters

Chapter 2 offers an outline of the methods by which I performed my field work. I then describe in greater detail the Cook Islands, New Zealand and Australia. I do not, however, focus on encyclopedic facts. Instead, I highlight the importance of these sites to my research, framing their relationships together as well as Cook Islanders’ experiences within them.

Chapters 3, 4 and 5 contain the more detailed substance of my research and my related sets of theoretical conclusions. I begin with the question of sovereignty in Chapter 3. There I break down contemporary nation-state sovereignty and suggest models for its form and function. Chapter 4 offers a definition of globalization and a functional method for understanding its role in today’s world. Chapter 5 then brings these questions of nation-state sovereignty and globalization together into an overarching theoretical framework. In doing so, I explain not only the interdependence of sovereignty and globalization but also demonstrate the essential roles of law and capital.

The final chapter is Chapter 6. There, along with my concluding discussion, I offer some commentary on the fields of law and anthropology as they relate to my project, suggest some possible benefits of my models, and pose some areas where further research might be useful. I wrap up those discussions with a note about how I see this entire dissertation, in whatever productive way possible, as an open letter to the Cook Islands and to all of its many remarkable people, wherever they now reside.
Chapter Two: Te Tangata, Te Tangata, Te Tangata

The Cook Islands

The Cook Islands is a small nation-state made up of 15 primary islands that are spread across thousands of square miles of the South Pacific Ocean. By rough measurement, this island group lies directly below Hawai‘i, about as far below the equator as Hawai‘i is above it. Geographically and culturally, the country is divided in two between the seven islands of the smaller Northern Group and the eight islands of the larger Southern Group. The main island of Rarotonga is located in the Southern Group.

As I will discuss more later, roughly 60-75,000 Cook Islanders reside in New Zealand and Australia. Of those who remain in the islands, most of the population – more than three quarters of the roughly 14,000 residents – live on Rarotonga. Rarotonga also serves as the seat of the national government and as the business hub – indeed, the gateway to – the rest of the country. The remaining islands are referred to as the Outer Islands. One of these Outer Islands, Aitutaki, has what is perhaps the most beautiful lagoon in the world and has had some success with tourism. The other Outer Islands, with some exception for pearl farming and a little agriculture and tourism, currently support very little commercial economic activity.

Until the larger-scale arrival of Europeans in the 1800’s, all of the islands of the now-Cook Islands were in large part independent entities, many of which engaged together in regional (especially within the Southern Group and the Northern Group

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1 The phrase “te tangata, te tangata, te tangata” is well-known in New Zealand. The statement is, by New Zealand Maori proverb, the answer to the question, “what is the most important thing?” This response: “the people, the people, the people.”
respectively) trade, intermarriage, and fighting. The alliance of these 15 islands into a single country – indeed, into a single governmental entity of any sort – is solely the result of the arbitrary hand of colonial administration, which has both united and divided the islands of the region. The Northern Group island of Pukapuka, for instance, is physically closer to, and has more culturally in common with, Samoa than it does Rarotonga – yet it was made a part of the Cook Islands. Conversely, the islands especially of the Southern Group have traditionally had extremely close relationships with the island of Tahiti and several other of the neighboring islands of French Polynesia – yet there, the whimsical process of colonization served to sever rather than to join.

Standing on the shores of any of these islands, one cannot help but respect the magnificent feats of early canoe-sailors who discovered from the seas the myriad dots of land that make up the area we call Polynesia. This area is essentially comprised of all the islands contained within a giant triangle across the South Pacific Ocean, for which New Zealand, Hawai‘i and Easter Island (also known as Rapa Nui) make up the three points. Within this frame, many of the regions have different histories. Tonga and Western Samoa, for example, were settled some 3,000 years ago; Hawai‘i and the Cook Islands were later reached about 1,700 years ago (Powles 1988: 115). Then, approximately 900 years ago, a group of large sailing canoes that left the Cook Islands carried a small group who found, and settled, what is now New Zealand.²

² Of course, remember that there is a difficulty in constructing a history of places like the South Pacific because most written angles are tainted by colonial points of view (e.g. Nicole 2001: 2). Interestingly, Western archaeological data are largely in agreement with Cook Islands and Maori oral histories about
Given the Polynesians’ skills as sailors, they were able to maintain links over remarkably vast spans of ocean. As noted, however, these links were mostly between islands as independent entities – or, given some in-fighting, between independent villages (see Crocombe 1992; Mamaloni 1992). Over time, the connections across longer stretches of Polynesia became less frequent if not obsolete. But across shorter distances, such as between what are now the Cook Islands and French Polynesia, the people continued to intermarry, trade, and fight across the hundreds of miles of Ocean that in some senses separated and in other senses connected them.3

During much of the 1800’s, most of the islands of Polynesia fell victim to colonization, generally at the hands of the British, the Germans, and the French.4 In the early years, many island peoples resisted with violence, but eventually the Europeans’ more powerful weapons won out, not to mention the devastating effects suffered by Polynesians from Western diseases introduced into the islands (see Nicole 2001: 168). At the same time, this colonial process served to bind, in different ways, the various islands to Europe, for instance plugging the Cook Islands into the particular set of global relationships for which Britain was the hub.

3 Well-known Tongan anthropologist, Epeli Hau'ofa, has described the sea as connecting the islands of the Pacific, rather than separating them (1993). See also Crocombe: “Water facilitates good relations. The greatest irritant in international relations elsewhere in the world is land boundaries, which are so often disputed” (1992: 193); Olausson (2007).

4 Tonga is an interesting example of a domain that was missionized by – and therefore heavily influenced by – the Europeans, but was never formally colonized politically; today it is a constitutional monarchy.
Since the mid-1900’s, across Polynesia, the post-colonial period has given rise to a number of different political relationships.\textsuperscript{5,6} Among these, there is New Zealand, which, like the United States, was colonized by the British and then achieved independence at the hands of its European descendents.\textsuperscript{7} Other areas, such as Hawai‘i and Easter Island, have been absorbed into their settler states (the United States and Chile, respectively). Tonga and Tuvalu are independent. And the famous islands of Tahiti and French Polynesia, like New Caledonia, are now territories of France\textsuperscript{8} (see Crocombe 1992).

The Cook Islands received independence in 1965 – an independence that deserves special discussion. Initially, it was the British who colonized the islands of the Cook Islands. In 1901, however, colonial control was handed over to New Zealand. New Zealand, seeking at the time to mimic the European powers (and perhaps to try to overcome a bit of an inferiority complex), was eager to take on

\textsuperscript{5} Prominent South Pacific anthropologist Ron Crocombe has noted that “as international political entities, the islands did not exist until the 1960s and 1970s”; he adds: “Independence … changed all that. Power came to be located in islands [sic] capitals in a way it never had been before – ever” (Crocombe 1992: 164).

\textsuperscript{6} Note that the “small scale of island societies has profound implications for political organization, the administration of government, and the legal system”; as such, small island countries are often affected by different issues than larger third-world countries (Powles 1988: 115-16).

\textsuperscript{7} Recall that New Zealand is home to a large minority of Polynesian people now referred to collectively as the Maori. When the Europeans arrived, there were an estimated 100,000-200,000 Maori; as of the 2006 census, there were 565,329 people “of Māori ethnicity,” who make up roughly 14% of New Zealand’s total population of 4,027,947 (http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/quickstats-about-a-subject/national-highlights/population-and-dwellings.aspx) (last visited Sept. 14, 2011).

\textsuperscript{8} Through a process referred to as welfare state colonialism, the residents of French Polynesia have often enjoyed relatively high standards of living, which the French subsidize as a disincentive to independence movements (Lockwood 1993). In this way, “French assimilationist policies have worked well in Tahiti” (Nicole 2001: 170). But note how the prevailing imagery of Tahiti as a peaceful, exotic location helps mask the forces of domination by which France controls the area (Nicole 2001: 7). Furthermore, I’ve been told by a well-informed policy maker in the region that in the past year or two the French have begun to lose interest in French Polynesia, resulting in less direct financial investment and fewer tourists, all of which he predicted may soon lead to protests, and even violence, from and by frustrated French Polynesians.
colonies. New Zealanders were very quickly to find out, however, that colonies were expensive and, rather than prestigious, had become a “political embarrassment” (Crocombe 1992: 163).

So New Zealand later shifted gears and, now trying to seek prestige in other ways, this time by gaining standing in the UN, pursued an aggressive plan of decolonization in regard to its island territories.9 As part of this process, the people of the Cook Islands were offered three UN-driven options: full independence; to become incorporated into New Zealand; or to become what was termed as independent “in free association with” New Zealand. Cook Islanders chose the third option and in 1965 the Cook Islands officially became an independent state “in free association with New Zealand.”

The words “in free association” have been the subject of much inquiry, discussion, and debate. Indeed, the Cook Islands was the first state to enter into free-associated status so there was no template to follow.10 In the words of one former prime minister, “you couldn’t just turn to page X in the law books” to see how it all was supposed to work.11 Several core concepts, however, are clear: free-associated status means that the Cook Islands is an independent state with the constitutional right to full independence, and– until it chooses otherwise – it allows certain functional aspects of its statehood – primarily, the bulk of its foreign affairs and defense – to be

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9 New Zealand was in fact the first country to decolonize a UN trust territory – Western Samoa in 1962 (Crocombe 1992: 163).
10 Niue later entered into a similar relationship with New Zealand in 1974 (Crocombe 1992: 171).
handled by New Zealand (e.g. Crocombe 1992: 171). As a theoretical matter, note that even though the Cook Islands, in choosing free-associated status, might arguably have agreed to share some aspects of its sovereignty, the country was still, in the moment of making that decision, exercising “full” sovereignty (conversation with Mike Mitchell, June 28, 2010).

The Cook Islands nevertheless can, and does, enter into treaties and other international agreements on its own account. Two examples are the Treaty on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands; and the United Nations Convention on the Rights of the Child. The Cook Islands is also a member of e.g. the World Health Organization. Although not a “member” of the United Nations itself, the Cook Islands is still a member of several of its organizations, such as being a “member state” of UNESCO.13, 14

Importantly, as part of this arrangement between the Cook Islands and New Zealand, Cook Islanders are automatically citizens of New Zealand. The reverse, 12

12 Note also that in the curious ways of many [former] members of the British empire, the Queen of England serves as the official head of state of the Cook Islands (see Cook Islands Constitution, Part 1, Art. 2; available at http://www.parliament.gov.ck/Constitution.pdf).
14 Although there are some Cook Islanders who advocate for pushing for full membership in the UN – which the Cook Islands would presumably be entitled to – others do not want to jeopardize the country’s relationship with New Zealand. In short, New Zealand has voiced concerns about Cook Islands representation in the UN on the grounds that the Cook Islands could threaten to use its vote there against New Zealand’s interests in order to force New Zealand to make other concessions for the benefit of the Cook Islands. In any event, Cook Islanders’ attitude about UN membership is instructive and illustrates many of the themes that I will repeat throughout this dissertation: in short, most Cook Islanders do not devote obsessive attention to whether the Cook Islands is or is not a member of the UN, nor do they consider such membership to be an essential marker of sovereignty; instead, their focus is often on the practical aspects of sovereignty which means that they recognize that what is most important to their ability to function independently is the day-to-day way that they manage their global relationships. That is sovereignty, not some UN stamp-of-approval.
however, is not true, and non-Cook Islander New Zealanders are not entitled – automatically or otherwise – to become Cook Islands nationals (at most they can receive what is called permanent resident status). And although the Cook Islands experimented briefly with using its own currency, for most of its history it has used, and continues to use, the New Zealand dollar.

Fieldwork and Methods

I performed preliminary research in the Cook Islands in 2007, with further research in the Cook Islands and New Zealand in 2008, during which time I also made visits to several islands of French Polynesia and to the independent South Pacific states of Tonga and Fiji, as well as to the reservation of the Eastern Band of Cherokee Indians in North Carolina. I then performed my dissertation fieldwork in the Cook Islands, New Zealand and Australia during nearly a year across 2009-2010, the itinerary of which I recount below.

All of that preliminary research and subsequent fieldwork, and indeed, the whole of my dissertation, has been a group project. On every flight, across every border, my family was with me every step of the way: my wife, whose patience, support and humor held us together; my son, who, even at the ages of 3 and then 4, never tired of the continual relocation that might take him from being barefoot on the beaches of the islands one day to navigating the buses of some metropolis the next; and our little daughter, who was only five-months old when we left home and who
therefore passed most of her infant-milestones – including learning to sit, crawl and walk – during our travels.

To be sure, traveling as a family had its challenges – like being on the road while one child was teething and the other was in potty-training, not to mention often living in one-room accommodations. I mention this because our movement en masse had important consequences to my approach to my fieldwork as well as to the way that my fieldwork was received and interpreted by those I met along the way. On the one hand, my wife and I were working tremendously hard to try to make life as normal as possible for the kids, or, well, if not “normal” then at least stable and fun. Many of these efforts, as rewarding as they were as a spouse and parent, at times kept me from doing a host of fieldwork-y things that I otherwise would have pursued, whether attending more events, engaging in more interviews, or simply taking more time to document my thoughts and experiences.

On the other hand, however, traveling in very visible form as a spouse and a father relieved many people, I think, of the fears and concerns that they would have had about me if I had arrived in their midst as a lone, white, male American. If you saw pictures of us from the trip, you’d understand: one sight of the bedraggled researcher with two small, energetic children in tow – often the smaller one strapped, wild and giddy, to his chest in a baby-björn baby carrier – must have been disarming, to say the least, if not flat-out comedic. Moreover, the presence of family meant that many people we met could engage with us, not as informant-to-researcher, but family-
Many of my fondest memories of our travels are times when people invited us, *en famille*, into their homes. During these times – and throughout – Cook Islanders embraced us with more kindness than we could ever repay. They not only shared with me as the researcher their views on my various study topics but they also befriended us on a personal level with an unfailing generosity that humbled us and taught us, cantankerous Americans that we are, more about humanity than any academic research ever could.

In terms of itinerary, our original plan was to divide the most significant portions of our time between the Cook Islands’ main island of Rarotonga and Auckland, the largest city in New Zealand and the home to more Polynesians than any other city in the world. We also, however, wanted to get a sense of Cook Islanders’ experiences in other locations and therefore made the decision to spend time in Wellington, New Zealand as well. By pure luck (we were going to visit family in Sydney), we resolved to go to Australia too, which was fortuitous because Australia – given the growing numbers of Cook Islanders there – proved to be a key site for my research. There, in addition to Sydney, we also spent time in Cairns, far up in Queensland, on Australia’s northeast coast. We chose Cairns because of the particular nature of Cook Islanders’ migration there, related to the similar climates

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15 A dear Cook Islander friend of ours, Jean Mason – whose gracious support for my research resonates in every one of these pages – gave our infant daughter a Cook Islands Maori name when she was born: Tavake. Our use of this name, which we use in parallel with Tavake’s English name, and the fact of Jean’s having given it in the first place, proved to be very meaningful to many Cook Islanders and others whom we met. This meaningfulness was not, certainly, because the name necessarily symbolized an acceptance within the Cook Islands community but instead, I think, because it marked, in a meaningful way, our sincerity and our willingness to incorporate the Cook Islands into our own lives.

16 We also visited the Outer Island of Aitutaki in 2007.
between Cairns and the tropical Cook Islands. So in the end, not counting airport stops, the summary of our research locations by chronological order looked like this: Rarotonga – Auckland – Rarotonga – Sydney – Cairns – Sydney – Wellington – Auckland.

Moving the four of us from place to place proved itself to be no easy feat, and regardless of my achievements as an anthropologist, no doubt I should be qualified, I have often joked, for a post-graduate degree in Logistics. But Cook Islanders travel often, and we realized after some time that our own constant movement mimicked the itinerancy of Cook Islanders themselves. Indeed, not only did we personally interact with several of our friends in multiple countries, but we also started becoming living connections on behalf of the families we knew, reinvigorating bonds through our personal messages of news and greetings.

In each place, I performed much of my research through conversations with people, which ranged from a few minutes to many hours. In doing so, I tried to meet with as wide a range of individuals as possible. Many of my interlocutors were of course Cook Islanders. Of these, some refused to leave the Cook Islands and others lived overseas and planned never permanently to return; some were comfortable financially and many were struggling; some spoke Cook Islands Maori¹⁷ and some

¹⁷ Cook Islands Maori is a Polynesian language, often referred to simply as “Maori” when the context of the Cook Islands is clear. It is very similar to Tahitian. It is also closely related to both New Zealand Maori and Hawaiian, among which there is some, but not complete, mutual intelligibility – I’ve been told it is in the range of 70-80%. One example that captures the related nature of these languages is the greeting that means “love”: aro’a (Cook Islands Maori), aroha (New Zealand Maori), and aloha (Hawaiian). Note also that the label “Cook Islands Maori” is somewhat of a euphemism since each island has its own dialect. Much to the annoyance of those from the smaller Outer Islands of the country, the label “Cook Islands Maori” is often used to apply to “Rarotongan Maori,” eclipsing, in multiple symbolic senses, the importance and visibility of these other dialects. In any event, with
did not. Among these were lawyers, pharmacists, wage workers, TV reporters, entrepreneurs, artists, and politicians, among many, many others. I likewise met with a host of non-Cook Islanders, including government officials, NGO employees, researchers, priests, psychiatrists, private sector lawyers – anyone I could find who had an interest in, or opinion about, the Cook Islands.

the exception of Pukapukan – which is more closely related to Samoan than the dialects of the other islands – all of the islands’ dialects are generally mutually intelligible, with some localized variations.

Cook Islanders typically speak Cook Islands Maori and/or English. Many speak both fluently. (One well-educated friend of ours, who has published extensively in English, noted that she nevertheless feels compelled to speak Maori when she goes into the forested interior of the island of Rarotonga – “they’re listening,” she said, only half jokingly, of the ancestors.) There are a few who speak only Maori; by contrast, as in many places in the world, there is a real problem with indigenous language loss and the fact that young people (and even not-so-young people) are now often speaking only English. As for my research, my own ability to speak Cook Islands Maori is extremely limited; all of my fieldwork was therefore conducted, for all intents and purposes, completely in English. No doubt, my research would have been “better” if I had been able to speak Cook Islands Maori fluently, but it was by no means a necessary precondition to the issues I explored, and, as noted, many of my informants preferred to speak English anyway.

I was very satisfied with the social breadth of the informants I met with – with one exception. In the poor areas of New Zealand, primarily in Auckland, there are relatively high numbers of Cook Islanders who live on welfare and who, painted with a broad brush, frequently have problems with drugs, alcohol and/or violence; some are in prison (Cook Islanders are disproportionately represented in New Zealand prisons). Every Cook Islander I met with knew people in this position of poverty – and many of my informants spoke spontaneously of their relatives who lived on these mean streets. But although in general the people I met with were extremely gracious in suggesting further contacts for me – often going so far as to solicit friends and relatives whom they thought I might appreciate speaking with – no one volunteered to set up a meeting for me with someone from this more troubled group. I sensed that even though people might describe for me their friends’ and relatives’ experiences in these throes of poverty, they were likewise embarrassed and preferred, not surprisingly, to refer me to others whom they felt to be a more honorable example of Cook Islandness. I am fairly certain that if I had pushed for it, some of my friends would have agreed, in the end, to help me meet with folks in these roles; but I did not push. Through my meetings, I had spoken with a number of people who had been in those positions; through their remarkable stories of pulling themselves up by their bootstraps – often with the aid of the Church – I felt that I at least had a general sense of the relevant issues. And moreover, my time was usually limited and there always seemed to be someone else of more demanding relevance whom I needed to meet with instead.

Through my early visits to Rarotonga, I came to know two particular Cook Islanders, without whose assistance I would never have been able to complete my research: now Solicitor General (then Assistant Solicitor General) Tingika Elikana and Jean Mason, whom I mentioned earlier. Their support was instrumental. From these two I received recommendations for other informants, who led me to others, and then others. Although I was certainly introduced to some of my informants by other means, many of my most important contacts can be traced back to Tingika and Jean. Thank you both!
Usually, when I met with people, they knew in advance that I was a lawyer and a researcher from the United States and that I wished to speak with them about the Cook Islands. Typically they had blocked off a chunk of time and we would meet somewhere where conversation was pleasant and feasible, such as the individual’s office, or at a café or in a park. In most instances, I took notes during our meeting, which I then supplemented with additional comments and recollections later that evening or on the bus or train home.

Many ethnographers record the bulk of their conversations. But with the exception of a few, special informants whom I got to know more personally, I did not. My decision not to do so is certainly subject to critique and I’m well aware of the advantages of recording. Nevertheless, I did not record for two primary reasons.

First, I do not like the formal shadow that recording devices cast on interviews. My purpose was not to capture some “fact” which would require exact reproduction later on; indeed, there was nothing exact about what I was looking for. Instead, I recognized that I understood very little about Cook Islanders’ relationships to sovereignty and globalization. I was therefore simply trying to get a general sense of these things, for which general notes were more than sufficient. Second, in my work as a corporate litigator, I have spent far too much time extracting quotes from deposition transcripts in order to support legal arguments. It is an unfortunate foible of mine that with several hours of transcript at my fingertips, I can convincingly – and without misquoting – piece together direct quotations that support nearly any argument or opinion. This was obviously not the goal of my interviews and I actually
feared that if I had the verbatim transcripts then I might be tempted to weave together quotes in ways that might not match their speakers’ original intentions. So instead I focused on trying to transcribe general notes of what I understood the essence to be of people’s comments, and it is those essences that I have relied on. It was not a perfect system, I recognize that; but it is the one I chose and I have been satisfied with it.

In addition to interviews, of course I read, read, read … newspapers, laws, policy reports, whatever I could get my hands on. It’s a miracle that my wife still speaks to me after all the excess baggage fees – due to the various paperwork that I was continually amassing – that we had to pay on the many legs of our trip.

I also engaged in the enigmatic and not un-problematic magic of anthropological participant observation. This is an exercise that almost certainly has a different meaning for each researcher who pretends to perform it. For me at least, it largely meant putting myself into situations with Cook Islanders and watching, listening, experiencing, discovering, simply being aware. In my case, these situations were many and varied, from dinners with friends to attending Cook Islands church services to traveling the cross-border routes frequented by Cook Islanders. Whatever the situation, I was eager to move beyond research that relies only on quantitative data. Such simple numbers or “facts,” I am convinced now more than ever, can never adequately explain how sovereignty or globalization actually work or why they matter.²¹

²¹ In chapter 6, I discuss further the benefits of qualitative research, as well as this tension between qualitative and quantitative data.
The result is that I learned quite a bit about the Cook Islands and Cook Islanders. Indeed, one would be hard-pressed to find many people in the whole Northern Hemisphere who know more than I. And yet, this is probably as good a place as any to admit that I know very little. I don’t speak much Cook Islands Maori and for sure, unlike my anthropological forefathers, I cannot purport to catalog the people’s customs: I have little idea what the impact of missionization was on customary hair-cutting ceremonies as sometimes still practiced nor can I draw out extensive genealogical charts. In short, for those who have come to this dissertation searching for a detailed ethnography in the conventional style, you will be disappointed. Malinowski lives in these pages, for sure, but in spirit not in substance.22

In my defense, I did not arrive on the shores of Rarotonga seeking out the minutiae of something called Cook Islands culture. Indeed, I never stayed still long enough to have captured such minutiae under my magnifying glass. Instead, I was focused on something bigger. Given the number of Cook Islanders who live in New Zealand and Australia, most Cook Islanders seamlessly co-exist in a world of Cook Islandness and New Zealandness/Australianess. As such, Cook Islanders inhabit a cross-border space that by definition is global. It was there, in this space of joint Cook Islandness-and-New Zealandness/Australianess that I sought to insert myself; it

22 For the record, I might know more than I let on. But although many of the details of Cook Islands culture are certainly fascinating and arguably relevant (such as, say, Cook Islanders’ gift-giving as a substitute for Western-style insurance policies, or even the relationship between this gift-giving and why the Cook Islands Maori language never traditionally had a word for “thank you”), the elaboration of such esoteric details can risk – I think – detracting from the broader points I’m trying to make.
was this connection with the global – so latent for most non-Cook Islanders, but so salient for Cook Islanders themselves – that I wanted to experience.\(^{23}\)

And with the help of many generous Cook Islanders – and Kiwis and Aussies too – I was able to do so. So the Cook Islands serves as both the anchor and the launching pad of the chapters that make up this dissertation. But again, this is not because my discussion is a proposed catalog of cultural traits or habits. Instead, the Cook Islands drives these pages because its nearly perfect constellation of qualities both inspires and illustrates important theories about sovereignty, globalization, law, and capital. These theories derive from the Cook Islands but exist in every nation-state, apply at every border, implicate every body, no matter where. These theories, relevant everywhere, would nevertheless have been difficult to initially discover anywhere else but in the Cook Islands. It is therefore in every word here that I owe a debt and my gratitude to this small country and its kind, exceptional people.

\textit{Cook Islanders in New Zealand}

Approximately four times as many Cook Islanders live in New Zealand as in the Cook Islands themselves.\(^{24}\) Moreover, there is a great deal of back-and-forth

\footnotesize\(^{23}\) In addition, one of the arguments I make repeatedly in the pages that follow is that sovereignty contains both a subjective component that is unique to all states and a functional/instrumental component that is nearly identical among all states. In order to reach this conclusion – and to investigate it – I did not need to understand every aspect of Cook Islands culture; instead, I could test my theories by focusing on particular areas of subjective culture and particular points of contact with the global market and global community.

\footnotesize\(^{24}\) Actual numbers are difficult to establish, but per census data: as of 2006, there were 58,011 Cook Islanders in New Zealand (http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/quickstats-about-a-subject/pacific-peoples/pacific-people-population.aspx) (last visited Sept. 14, 2011). Resident in the Cook Islands during that same year were 14,900 people, most of whom were
between the two countries. Indeed, many if not most Cook Islanders have lived in New Zealand at some point in their lives. Cook Islanders in New Zealand therefore form an important element of what the Cook Islands itself is.  

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I’m standing in what is commonly referred to as the Auckland Museum but which is properly and curiously called the Auckland War Memorial Museum. I’m here with one of the museum’s curators, an impressive Cook Islander from the Outer Island of Mauke. His name is Ma’ara. Ma’ara has symbolically marked the Pacific section of the museum as a marae, a sacred spot, by welcoming me onto the space with traditional song and gesture. Like many successful Cook Islanders, he has had to struggle, to fight, and he has persevered. I feel small and silly by comparison.  

Ma’ara leads me to the Cook Islands area of the Pacific section. Here are various kinds of traditional tools, cloths, and clothing, hung within glass display cases. I can’t suppress my feelings of conflict and ambivalence in this space of objectified Cook Islands culture.  

Aside from the Maori words of his welcome, Ma’ara and I have barely spoken. But now he turns calmly to me and asks why I’m here, what I’d like to know. He’s an academic. I mutter my mantra of sovereignty and globalization.  

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25 Interestingly, these two groups of Cook Islanders are within the purview of different ministries of the New Zealand government: the Ministry of Pacific Affairs is responsible for Cook Islanders in New Zealand while the Ministry of Foreign Affairs is responsible for relationships with the Cook Islands itself. Some have advocated for consolidating the two, suggesting that New Zealand has failed to recognize that these two groups are really one and the same, with related consequences: for instance, if conditions are improved in the Cook Islands itself, there will be a stronger support system for struggling Cook Islanders in New Zealand.
Ma’ara doesn’t answer. With quiet, focused features he only listens patiently, waiting for more. I tell him that I’m interested in the experience of Cook Islanders in New Zealand; I’m interested, I say, in what it means to have a country where more of your citizens live outside of your territory than within it.

Ma’ara nods deeply and seems to collect his thoughts. He points upward. Over our heads there hangs a small, traditional vaka – a Polynesian outrigger canoe. Being an outrigger means that it is made up of a long, carved out section – the hull – where people sit and goods are carried. Attached to this main hull is the outrigger – a thin, smaller shaft that sits next to, and runs almost the full length of, the main hull of the canoe.

“There,” Ma’ara says. “That is the Cook Islands.”

Ma’ara is very intense. I don’t know what he means.

Ma’ara points out how there are two parts to the canoe, the hull, that is thick, large, and the outrigger, that is much thinner although nearly as long. The two parts are connected, and run parallel, several feet apart. It is clear that the outrigger is what gives the canoe its stability, it is the key to the canoe’s functioning.

I nod.

The hull, Ma’ara says, represents Cook Islanders in New Zealand; the outrigger is the Cook Islands. The one may be bigger than the other, but they are connected, their paths are the same. Like Cook Islanders in the Cook Islands and Cook Islanders in New Zealand. Their future is together.
New Zealand is a place of significant and meaningful historical connection for Cook Islanders. According to legend among New Zealand Maori and Cook Islanders alike, several *vaka* canoes left the shores of Rarotonga some 900 years ago, carrying the first ever humans to the land now often called *Aotearoa* – the Land of the Long, White Cloud – New Zealand.26 Following on these historical bonds, colonization later bound the Cook Islands to the land of New Zealand in new, no less significant ways.

Via New Zealand, especially once New Zealand took over colonial administration of the islands, the Cook Islands became connected to the world beyond Polynesia. With missionization, a globalized religion took hold in Christianity; with connections to England, an increasingly globalized language took root in English. foreigners were beginning to arrive and Cook Islanders were beginning to leave.

In the early days, people left for many reasons, including mission activities and jobs aboard whaling vessels.27 During the early half of the 1900s, Cook Islanders started – in numbers still a trickle – to move to New Zealand in search of wage labor. Given the transportation lines between the Cook Islands and New Zealand, as well as New Zealand’s control over the islands, New Zealand was the logical destination for

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26 The names Aotearoa and New Zealand continue to compete in the vernacular of English-language discourse about New Zealand. Contested ideologies of history and power are of course hidden in this linguistic battle. The name “New Zealand” was coined by early Dutch explorers and later adapted by Captain Cook. There is debate about the origins of the term “Aotearoa,” and indeed, it may be somewhat of a neologism; even so, it is clear that in the fraternity of European colonialism, the British adopted an anglicized version of the Dutch term rather than an indigenous name.

27 Tragically, in the late 1800’s, hundreds of men, women and children were taken as slaves, primarily from the islands of Tongareva/Penrhyn and Rakahanga, to be used as forced laborers in Peru. By one account, “of 743 Cook Islanders taken into slavery, not more than 15 saw their homes again” (Scott 1991:32).
emigrating Cook Islanders. And given the labor needs of New Zealand, few Cook Islanders ventured further. A modern Cook Islands community in New Zealand was born.

Over the decades, in still slow streams, others followed. With the opening of the airport in Rarotonga in 1973, emigration to New Zealand escalated dramatically. And because of the political savvy and foresight of Sir Albert Henry and others during the Cook Islands independence movement, the Cook Islands’ unique relationship with New Zealand meant that, unlike the citizens of “independent” states like Tonga and Samoa, Cook Islanders had free access to the New Zealand labor market and were not subject to quotas or other immigration restrictions. Instead, Cook Islanders could come and go as they pleased. Recall that by varying numbers, but likely in the order of 4-or-5 to 1, more Cook Islanders now reside in New Zealand than in the Cook Islands themselves.

One of my family’s dearest friends in New Zealand is a sublimely talented artist named Sylvia Marsters. She and I are sitting on a short wall, along the edge of a playground in the suburbs of Auckland. It’s winter and we’re missing the warmer weather that framed our time together during my family’s previous stay in Auckland. She’s holding her hot chocolate and I clutch my flat white – a sublime coffee drink, common in New Zealand, Australia, and the Cook Islands too. My ipod is perched precariously between us, recording. My wife and children are trundling around the

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28 Her art – a beautiful representation of Cook Islandness – is definitely worth viewing. See http://sylviamarsters.vc.net.nz/.
nearby playground and Sylvia glances wistfully over at them; I suspect that she’d rather be playing tag than anthropological research subject – but with typical Cook Islander grace and generosity, she has agreed to tell me her story once again, so that I can record it this time.

We’re talking about Sylvia’s father.

Sylvia’s father came to Auckland as a teen-ager in the 1950’s. Like most Cook Islander men at that time, he worked in the meat-packing plants and like many Pacific Islanders and some New Zealand Maori, he and his wife had chosen to settle in a then-run-down area near downtown Auckland called Ponsonby.

In the early 1970’s, in a preface to gentrification, Pacific Islanders were encouraged to leave Ponsonby – today one of the trendiest, fanciest areas of Auckland – to move to large, new subsidized housing tracts in a more distant section of Auckland known as Otara. Single-family houses were made available for down payments of roughly only NZD $100 and many families, like Sylvia’s, leapt at the chance. Jobs were plentiful during those days, and Sylvia recalls with a bittersweet smile the bright colors with which the Pacific Islanders quickly set about painting the exteriors of their new homes; in this palette of pastels, the entire neighborhood became a colorful symbol of hope for a better future far from the island homes of most of the residents. And here, each morning, the buses would come and fetch the men to transport them to their daily labor, returning in the evening, filled to the point

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29 The Cook Islands workforce in New Zealand at that time was of course gendered. While the men usually worked in meat-packing or other plants, the Cook Islander women often worked as household cleaners or hotel cleaning ladies.
of overflow, with happy faces, eager for the weekends and the multi-day festivities that animated the area between each workweek.

Sylvia sighs. She looks away even though she’s surely aware that I already know the continuation of the story. Economies can be harsh.

In the late 1970’s, the meat industry took a downward turn and many of the packaging plants closed. As the workers were laid off in increasing numbers, the surrounding factories could not, for the first time in years, absorb the entire workforce. In the houses of Otara, more and more workers were home each day with no job, no pay. The buses that had been so full were suddenly emptier and emptier; the faces inside them were no longer joyful but sad, forlorn. Weekend parties lost their festiveness, replaced by the explosion of repressed violence and abuse; this was no safe place for a young girl. Among the houses across the whole of the neighborhood, the bright, painted colors of hope and promise in this new land began to fade, to flake off piece by bitter piece. Even today, Otara remains a low-income area characterized by unemployment and violence.

Throughout it all, Sylvia’s father worked as hard as he could; he remained committed to life in New Zealand, to a better life for Sylvia. In terms of the Cook Islands, he never looked back. Cook Islands parents of his generation were not friends to their children, existing to convey touchy-feely sentiments. Instead they were disciplinarians, objects of respect. So even though Sylvia craved knowledge of where he – and therefore she – had come from, of their pasts, of their contexts, he shared very little.
He would not even speak Maori to her. Indeed, he rarely even spoke of the islands. Sylvia therefore grew up with a void, an awareness of Cook Islands ancestry, of a Cook Islands past, but with only a vacuum to show for it. It was only when he and Sylvia would watch early TV documentaries by Jacques Cousteau, that Sylvia’s father’s past, his home, would seep through his hardened exterior. As the myriad fish swam across the television screen, captured by the magic of Jacques Cousteau’s revolutionary underwater photography, Sylvia’s father would remember: “Mmmm,” he would say, almost to himself. “That one, that one there … it’s good to eat.”

But as to the rest, Sylvia was left to wonder, to find her own answers, to recover her roots for herself. Growing up as a Cook Islander in New Zealand isn’t always easy.

Reasons for, and Consequences of, Outmigration

Most Cook Islanders leave their home islands to make a better life for themselves or their children. The root of these efforts is often the desire to escape problems which can range from low wages and few jobs to the fact that there is simply little variety in activities, and few options, on the country’s small islands.

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30 Fish are intensely meaningful for Cook Islanders in ways that outsiders often have a hard time grasping. A non-Cook Islander priest told me that during his years in the country he had tried hard to incorporate aspects of traditional Cook Islands culture into his parish there. Several of these efforts had backfired, however, including one involving fish. The priest had asked a well known local artist to carve a wooden fish for placement in the church as a reminder of the many symbolic meanings of fish in the Bible. But as it turned out, many of the locals were very resistant to the carving: given the already-existing centrality of fish in their worldview, the carving manifested itself in their eyes only as a representation of a real fish.

31 For some, these problems involve frustrations with local politics or family disputes that they want to escape. In a few instances, locals have left the islands after trouble with the law or involvement in a
The realities of these problems are contrasted with images, both fanciful and real, of New Zealand and Australia as lands of milk and honey where there are higher wages to be earned, plentiful consumer goods to be purchased, and more excitement to be experienced.

Some, therefore, move off the islands for the immediate reward of higher wages. Others relocate in order to secure future success in the form of education for their children and grandchildren. Health care is also a common reason for Cook Islanders to leave the islands, especially for New Zealand where they have automatic access to health care that is generally seen to be of a much higher standard than what is available in the Cook Islands.32 And of course, given the number people who relocate to Australia and especially New Zealand, many others make the move simply to be closer to parents, grandparents, children and/or grandchildren.

Obviously, the consequences to the Cook Islands of this outmigration, even though many individuals temporarily or permanently return, are both significant and unquantifiable. To be sure, there are economic benefits in multiple forms. First, where they occur, there are the direct benefits of remittances. But remittances today are far less relevant for Cook Islanders than they are for many other Pacific peoples. One reason for this is that in the case of Cook Islanders, entire family units have frequently moved overseas, so that those who otherwise would have been the

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32 Several informants had first-hand stories of medical debacles in the Cook Islands, some of which resulted in unnecessary death.
recipients of the remittances are now with the would-be senders. Second, the increased capital of many New Zealand- and Australia-resident Cook Islanders typically finds its way back to the Cook Islands in multiple, more indirect ways, including through purchases made in the Cook Islands by visiting overseas Cook Islanders as well as via socially obligated contributions in regard to cultural events like funerals and hair-cutting ceremonies.

Another consequence of outmigration has been, curiously in the case of Rarotonga, to lessen many of the burdens on the local population. For example, unemployment there is much lower than it would be if the majority of those who have left had stayed. Similarly, some elements of infrastructure on Rarotonga, from roads to water and sewer services, are on the verge of overload; if there were thousands of additional residents, the demands would no doubt push the infrastructure beyond capacity. Lastly, whether or not Cook Islanders have left the Cook Islands expressly for purposes of education, overseas Cook Islanders are often the recipients

33 Kura’s parents, discussed in Chapter 4, are an example of this phenomenon; although Kura’s mother for many years did receive – indeed, demand – remittances, she and Kura’s father later also moved to New Zealand, where any monies they still received from their children were now local transfers rather than cross-border remittances.
34 Note also that “remittances” can occur in forms other than direct monetary payments, such as when Cook Islanders in New Zealand and Australia open up their homes – as they very often do, frequently for months at a time and longer – to family members who are moving to those countries. (Conversation with Paul Hamer, June 18, 2010).
35 Jane Horan, who, while I was doing my fieldwork, was writing up her dissertation on Cook Islander women’s circulation of culturally-specific quilts called tivaevae (also spelled “tivaivai”), suggests that Cook Islanders’ cultural obligations to contribute money for, say, funerals serves as a type of insurance – instead of paying a fixed amount into a policy, however, one pays flexible amounts into social accounts. The result is nevertheless the same: one pays smaller sums often, but receives a large sum when it is needed. (Conversation with Jane Horan, July 27, 2010).
36 See Hamer (2007) in regard to a similar phenomenon among New Zealand Maori who have moved to Australia.
37 This problem does not exist in the Outer Islands. There, outmigration has often meant that there is insufficient person-power – in terms of both social and labor needs.
of educational systems that are considered by many Cook Islanders, but not all, to be superior to the education available in the Cook Islands.\textsuperscript{38}

But there are, of course, negative consequences to outmigration as well. Cook Islanders may differ in their opinion on which such consequence is the most pernicious, but there are several that most Cook Islanders would agree are troubling. One issue is the move to a culture of consumption. Over the course of only one or two generations, there has been a dramatic shift from relying primarily on fish from the sea and crops and fruit from the land to purchasing most food products from the supermarket, with local foods serving only as an increasingly rare supplement. In spite of the myriad coconut palms on Rarotonga, it is telling that a Coca-Cola at the local market costs less than a coconut with a straw.\textsuperscript{39}

Consumption in the Cook Islands is, moreover, a cross-border – global – phenomenon. For example, the largest and most well-known (even if not always well-loved) store in Rarotonga is called CITC.\textsuperscript{40} Remarkably, CITC’s biggest competitor is not any other shop in Rarotonga but instead the “big box” stores in New Zealand, like the Warehouse, a Wal-martesque trove of massive retail miscellanea. The goods that CITC stocks are a direct reflection of this cross-border relationship:

\textsuperscript{38} The Cook Islands state has made the strategic decision to match the educational structure of Cook Islands schools to that of New Zealand in order to facilitate the ability of Cook Islanders in primary and secondary school to move back and forth between the two countries. Note also that in Rarotonga there is a teacher’s college and a branch of the University of the South Pacific, where, by means of local instruction and classes connected with other branches of the university via internet and video, students in Rarotonga can get a range of post-secondary degrees, including an MBA.

\textsuperscript{39} See also Chapter 3 for further discussion of changes in land use in Rarotonga, whereby crop growing has largely given way to the rental of vacation housing.

\textsuperscript{40} CITC, short for Cook Islands Trading Company, is an economic institution with a long history on Rarotonga (see Scott 1991). Its current majority owner is a New Zealander who has his own colorful history in the country, including having been the first Solicitor General.
here are few watches or shoes for sale because these are always cheaper in New Zealand and can also easily be transported to the Cook Islands in the pockets or luggage (or on the feet) of returning and visiting Cook Islanders. At CITC are therefore larger, heavier items because these are more difficult, or at least more costly, for average travelers to bring with them on a flight. In this regard, CITC is a significant beneficiary of the very restrictive regulations that airlines place on baggage size and weight – these restrictions greatly limit the quantity of goods, for oneself or others, that Cook Islanders, in their frequent travels to the Cook Islands, can carry with them.

Certainly changes in language trends is another arguably negative consequence of outmigration. To be sure, a large number of factors lie behind the trend toward English as the language spoken by Cook Islanders in the home, at the expense of Maori. But although Maori is still predominant in the Outer Islands, a wandering researcher on the streets of Rarotonga is likely to hear, especially among school children, an almost exclusive use of English. Moreover, parents often speak English to children instead of Maori as a conscious, strategic course intended to help their children more successfully achieve social and economic upward mobility in New Zealand, Australia and beyond. At the same time, outmigration places large portions of the population directly into the English-language environments of New Zealand, Australia and beyond. At the same time, outmigration places large portions of the population directly into the English-language environments of New Zealand, Australia and beyond.

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41 Language is often a marker of culture, and no doubt many of the issues in regard to a weakening of Maori language use also reflect broader cultural trends away from traditional culture and toward a more Western ethos.

42 English is also the primary language of instruction in the schools, although there is now a Cook Islands Maori component. Until very recently, however, pupils were severely punished – often beaten – for speaking Maori on the school grounds.
Zealand and Australia, the linguistic effects of which flow back to the Cook Islands themselves along with the back-and-forth flow of the people.

Another negative consequence of outmigration has been discipline on the island, primarily among teen-aged boys. Traditionally, behavior problems were very rare among teen-agers, which is still the case on the Outer Islands. In terms of discipline, the beating of children – even once the children have become adults(!) – is a sharp form of control which many Cook Islanders are proud of because they argue that it creates respect among the younger generations. But outside of the Cook Islands, and frequently in the mean streets of South Auckland, Cook Islander youth often escape discipline because here, unlike on a small island, there are not always communities of relatives to keep an eye on one; at the same time, younger Cook Islanders are often happy to take on Western ideologies of self over family, rights over social control. As such, Cook Islander teen-agers in Australia and New Zealand (and especially in South Auckland) have in many instances taken to lives of petty or occasionally serious crime.

These teens are sometimes sent from New Zealand or Australia to the Cook Islands – a place where many of these teens have never actually been before – by exasperated family members, hoping for disciplinary miracles by relatives “back

43 Corporal punishment – “smacking” in the New Zealand and Cook Islands vernacular – is a site of tremendous cross-cultural strain. In this, there is surely enough for a dissertation of its own. Suffice it say that some – but certainly not all – of the mainstream New Zealand community opposes smacking; many Pacific Islanders, as noted, not only practice smacking, but also feel it is essential to proper upbringing. One Cook Island mother (now grandmother) whom I spoke with had had the police called on her on multiple occasions because of the welts that she produced on her child. Her response to the first police officer who arrived, was essentially: “Do you have children of your own? No? Then leave me alone!” The debate more generally is a national one in New Zealand. In 2007, the New Zealand parliament in fact passed an “anti-smacking” law; but public opposition, actually from several political camps, has continued to be significant.
home.” And indeed, at times this method works – the locally resident Cook Islanders, both young and old, have little patience for such shenanigans. But now so many of these youth have come to Rarotonga, for these disciplinary reasons and others, that they have been able to reproduce some of their big city gang culture outside of the resident social and cultural system. As such, petty crime has become a considerable problem across Rarotonga.44

A few final negative consequences of outmigration that are worthy of note: first, there is the social tension between those who stay and those who go (and who often come back). Those who return, after education and experiences in the larger political/social/economic pools of New Zealand and Australia, often believe that they know the solutions to the Cook Islands’ various political, social and economic problems. As one might predict, those who have stayed in the Cook Islands generally do not appreciate these “we know better” views. Second, Cook Islanders’ easy access to the educational and health systems of New Zealand is, on the one hand, of huge benefit to Cook Islanders because they can take advantage of these systems as of right and whenever they choose to.45 However, one problem is that those who are most

44 Crime in Rarotonga is, to be sure, much lower than in many tourist areas around the world and violent crimes – aside from domestic violence, which is serious – are rare. But petty theft, from tourists as well as locals, has become a thorn in the side of the police force.
45 I have noted the fact that Cook Islands schools purposefully parallel the tracks of New Zealand schools; the health care systems are even more fully integrated. Given that the hospital and medical staff of Rarotonga cannot treat all issues and illnesses, treatment in New Zealand is often needed. Where such treatment is necessary, the Cook Islands government pays for the transportation of the patient to Auckland, where the patient can be treated according to her or his rights as a New Zealand citizen. (Tellingly, the Cook Islands government does not pay for housing or meals there because the assumption is that every Cook Islander will have family in Auckland who can support her or him.) Often, even where a given treatment is available in Rarotonga, a patient or the patient’s family will pay privately for the patient to travel to New Zealand for the treatment – rather than pursuing the treatment in the Cook Islands.
concerned about the quality of education and health care in the Cook Islands are often those who leave. Therefore, there is never a critical mass of voices left on the islands to push for reform.46

**Cook Islanders in Australia**

For decade after decade throughout especially the late 1900s, New Zealand – and the plentiful wage labor that it offered – was the self-described land of milk and honey for Cook Islanders. But for several reasons, Australia has now, in certain respects at least, replaced New Zealand in this role.

First, and perhaps primarily, the Australian economy has been strong recently. Thanks in part to the vibrant mining and building industries, wages in Australia have been high while New Zealand has suffered from more stagnant economic conditions. Underlying these higher wages is also the current reputation of Australia as more dynamic, more fashionable, glitzy – in the local vernacular, it is more “flash.” By agreement between the two countries, called the 1973 Trans-Tasman Travel Arrangement, citizens of New Zealand and Australia each generally have the automatic right to live and work in the other.

Second, Australia’s size and diversity offer possibilities that a country like New Zealand, which is smaller both geographically and socially, cannot. In other words, there are so many Cook Islanders in New Zealand, and the country is so

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46 Note that on the Outer Islands, school is typically provided and available through around what in the US is called middle school; after this, a student must go either to Rarotonga or overseas. As to health care, only basic services are available on most of the Outer Islands, and the quality of those services is frequently low. Thus, for more serious issues, a patient will be transferred to Rarotonga; once in Rarotonga, as described above, a patient might be subject to further transfer to Auckland.
physically small, that no matter where a Cook Islander lives, she/he will inevitably have family near by; with family comes an extensive support network but also intense social pressure. Descartes would have been uncomfortable. In the vast expanses of Australia, however, Cook Islanders often find themselves freed from family pressures – or at least, able to negotiate family obligations more on terms that they themselves choose.\(^\text{47}\)

At the same time, Cook Islanders fit into an established matrix of race relations in New Zealand. The advantage of this fixed position is that the population at large is familiar with the Cook Islands; many white New Zealanders have even visited the islands on vacation, er, holiday. This established matrix, however, includes a significant amount of derogatory stereotyping of Cook Islanders by the mainstream culture; Cook Islanders are often seen as lazy, trouble-makers, etc. In Australia, by contrast, few locals have even heard of the Cook Islands\(^\text{48}\). Like the New Zealand Maori who arrive in this giant land to pursue lives of social mobility outside the same New Zealand matrix that often treats them even more harshly than Pacific Islanders, Cook Islanders in Australia frequently find that they can establish their social position on a much cleaner slate of racial stereotyping.\(^\text{49, 50}\)

\(^{47}\) A similar phenomenon has occurred among New Zealand Maori who have relocated to Australia. By some accounts, nearly 1 in 7 Maori now lives in Australia. For an excellent discussion of New Zealand Maori in Australia see Hamer (2007).

\(^{48}\) In fact, some Australians mistakenly think that Cook Islanders are indigenous Australians from the tropical, island-filled Torres Straits region of Australia.

\(^{49}\) Part of the reason for this is white Australians’ obsession with Aboriginal peoples as the focus of their racial stereotyping, which leaves space for the social mobility of non-Aboriginal non-whites. These stereotypes have consequences, among other things, on hiring decisions in wage labor positions like construction jobs – an area where Pacific Islanders in general, and Cook Islanders in particular, have had significant success. A scholar on Australia offered the following analysis in terms of white Australians’ receptivity to hiring uneducated Pacific Islanders over Australia’s own indigenous people:
These various factors relating to Australia have exerted a strong pull on Cook Islanders, in particular over the last decade. However, Australia is more than just the new land of milk and honey for Cook Islanders – it is different. Symbolically, this is true because unlike New Zealand, with whom Cook Islanders have had relations for nearly a thousand years, Australia is truly a new frontier. Further, although there has recently been an on-again off-again direct flight from Rarotonga to Sydney, Cook Islanders’ travel to Australia often takes place via New Zealand; Australia is thus in many senses – including physically and geographically – one step further removed from the Cook Islands than New Zealand. As such, it is also more difficult – and more expensive – to return to the Cook Islands for family obligations or social visits.

Conclusions

The Cook Islands. I have shown here a series of snapshots of what locals refer to as “the Cooks” – these tiny plots of land sprinkled around the South Pacific Ocean, this small population scattered across many countries. There is sovereignty here. And globalization. And law and capital. Each bears its unique mark of Cook Islandness. At the same time, each serves as an insightful example of universal phenomena. It is therefore the Cook Islands that has taught me and it is of the Cook

given the (theoretical) availability of good education for Aboriginal people, if an Aboriginal Australian has a low education then that person is often perceived by (white) employers to have failed personally and therefore is not a desirable hire; on the other hand, if a Pacific Islander has little education, the failure is seen to be in the educational system in the islands and the lack of education is thus often not seen as a hindrance to hiring.

Little research exists on Cook Islanders in Australia. For a related discussion regarding New Zealand Maori, where many similar issues are implicated, see Hamer (2007).

76
Islands that I write; but in writing about the Cook Islands, I am writing of theories that I both consider to have and intend to have global application.

With this in mind, I turn now to my substantive discussions. I will begin in the next chapter with sovereignty.
Chapter Three: Sovereignty

Introduction

Understanding state sovereignty is crucial in today’s global age. Sovereignty, of course, in some ways defines the boundaries of nationhood, yet it also shapes the dynamic economic, political and cultural relationships between peoples and governments. The complexity of these relationships is made clear through a variety of contexts, ranging from the debates about regional alliances like the European Union to, more violently, the struggles of national independence movements worldwide, from the Caucasus to Tibet.

Furthermore, “sovereignty” is more than a word, it is an almost supernatural something, taken for granted by some while serving as an emblem, a rallying cry for others. But what is it, what is sovereignty? The question is deceptive. This deceptiveness arises in part because any definition is meaningless without further posing – and answering – a subsequent set of questions: How does sovereignty work? And why is it important? This chapter sets up a model that will make answering these questions possible. Here I will examine multiple facets of sovereignty in the Cook Islands in order to gain insight into the operation of sovereignty in the contemporary world; from here it will be possible to better understand on the one hand aspects of nation-state sovereignty that are universal and on the other hand aspects that are unique, or largely so, to each nation.

In short, I contend that sovereignty is several things together, all of which are essential to understanding the concept as a whole. First, sovereignty involves a
subjective component that is unique to each group. I call this component *emotional sovereignty*.

By using the term “emotional,” I am not seeking to link to any existing literatures. On the whole, I use the term in its lay sense, for its common meaning of feelings that are recognizable but not quantifiable, a force that drives us, animates us, subject to influence but never to full conscious control. Certainly, there is a growing body of scholarly work on affective phenomena (e.g. Miyazaki 2004), but I am neither attempting to specifically incorporate nor to refute that literature. The seminal work of Catherine Lutz (1986) in this area does, however, provide two important insights here. On the one hand, emotion is – in part, at least – culturally constituted. This is consistent with my use of the term “emotion” in relation to sovereignty because I argue that each group’s *emotional sovereignty* is qualitatively unique. On the other hand, given that it is culturally constituted, emotion is both an individual and a social phenomenon. This duality likewise permeates my use of the term *emotional sovereignty*, in that I am including individuals’ relationships with a given sovereignty, but always and necessarily within the context of a group and the group’s relationships to the sovereignty: these are the ties that bind, the reasons that people often unite in the magic of nation-building, whether because of ethnicity, ancestry, land, or common rights – or even as a result of force (an aspect which I discuss further directly below).

One might be tempted to describe this phenomenon as “nationalism.” And indeed, there may be a lot of overlap between the two ideas. But I do not believe that
the literatures on sovereignty and nationalism can simply be combined. Nor can I agree with an equation such as: \( \text{sovereignty} = \text{nationalism} + [\text{something}] \), no matter what the “something” is.

Instead, I believe that the ideas that have driven the nationalism literature, its foundation, need to be \textit{integrated} with other necessary, functional components of sovereignty. In other words, I propose that a comprehensive theory of sovereignty is most accurately described as containing two components – one emotional, the other functional/instrumental – that interact, overlap, each indispensable to the other.

Second, therefore, sovereignty includes a functional/instrumental component, which is nearly identical among and across all groups; even if some sovereignties operate differently from others, the structure is still roughly the same for all. This component is made up of the machinery that makes sovereignty \textit{work}. Sovereignty is, after all, not just an idea, a concept, a belief, but is also a system that people organize themselves under, that people live by; we are all, whether one likes it or not, embedded in a world of nation-states, of so-called sovereignties.\footnote{The contemporary state of course emerged out of a particular set of circumstances; but now that it is here, the state sees itself (and its citizens often see it) as the organizing structure around a particular delimited group.} This functional/instrumental component of sovereignty is comprised, in turn, of two elements, one that serves as an interface mechanism with other sovereignties and another that functions to maximize selected local values. These values are of course related to a group’s emotional attachment to the sovereignty in the first place. This relationship illustrates the symbiotic nature of these several components of sovereignty: they impact each other just as they function together.
As such, it goes without saying that any one of these components is insufficient on its own to explain contemporary sovereignty in its entirety. Certainly, a belief in the group, even a subjective attachment to the nation, does not alone create sovereignty; sovereignty must be something more, sovereignty must *function*.

At the same time, sovereignty is not a lifeless machine, devoid of human involvement. To be sure, in many cases the people of a sovereign state feel allegiance, occasionally love, toward that state; sometimes that love and allegiance even rise to the level of fanaticism. But other sovereign states function by force, by the subjugation of some or most of the population who might not share the nationalist visions of the state’s leaders. But even here, two points are important. First, those who are unwilling citizens of any state still *live* in the functioning of the state, still have a relationship with the state, no matter how violent; their subjective relationship with the state still affects the functioning of the state, even if that relationship is resistance rather than love and allegiance. And second, regardless of the level of oppression, the sovereignty of the state is still organized, managed, by *people* – it is never wholly automatic or mechanical, but always *human*. In other words, the point is not that sovereignty is in every instance made up of some kind of ideal flag-waving, fluff-and-roses allegiance to the sovereignty; no, allegiance is often contested – even enforced by violence – but whatever the case, sovereignty is lived, experienced – there is, in short, *always* a subjective relationship between individuals and the state that is a component of that state’s sovereignty.
An additional objection might be raised in regard to so-called “failed states,” those jurisdictions where the state’s presence is so thin that arguably no state is functioning at all. But such states are still comprised of the components of sovereignty that I describe. After all, all states evoke different qualities and strengths of allegiance, all states function with different levels of efficiency. Just because a given state is not able to monitor a given border or to provide given services does not mean that the above components of sovereignty do not exist. Take the Central African Republic, for example\(^2\) – there, the subjective relationship between the people and the state is often one of tremendous expectation by the people, the people believe that the state should be providing for them in ways that it is not doing. As such, the people experience the world through the organizational structure of the state, even as their beliefs in the state in many ways exceed the state’s capacities. Meanwhile, the state’s failure to fully manage borders or to otherwise regulate domestically simply evidences a lack of efficiency. That is to say, even though something like cross-border commerce might be taking place completely outside of the involvement of the state, the expectation – by not only locals but also by the international community – is that this area of regulation is within the purview of the state. In other words, part of my point is that the functional aspects of sovereignty are in part constructed, there is nothing \emph{a priori} about them. States \emph{could} be modeled differently, but they are not; states are imagined – indeed, required – to be modeled a certain way so that the global market can function in the way that it happens to

\(^2\) My critical insight and background information about the Central African Republic here are all from Louisa Lombard, PhD candidate in Duke’s Cultural Anthropology Department, who is currently completing her dissertation on that country, including issues of sovereignty.
function (which I discuss more in Chapters 4 and 5). The fact that states like the Central African Republic are commonly referred to as “failed states” only confirms this – what this phrase means is not that the Central African Republic is somehow something different, a different genre of entity, but only that it is not operating at the full level of efficiency expected of it as precisely what it is, a sovereign state.

So sovereignty is not just subjective and not just functional, it is both. As such, an understanding of all the parts is necessary to understand the whole. In the remainder of this chapter, I therefore explore these components through the lens of the Cook Islands. In doing so, I speak only about sovereignty as it exists in the present day; I do not pretend to account for all periods of the past nor do I contend that this description will hold true interminably. Furthermore, this model that I propose is not complete on its own. Instead, in the following chapter, I will discuss globalization. Then, in Chapter 5, I will combine these discussions of sovereignty and globalization to explain how they, together with law and capital, are integrated processes – inseparable contemporary systems.

A First Step: What is Nation-State Sovereignty?

Sovereignty is more than jurisdiction; it is likewise more than personal sentiment. Instead, it is the symbiosis between the two. This dissertation is based on – and argues for – the following definition of sovereignty: the animated realm of [domestic] power held and exercised by a nation-state that is gained through the management of [external] relationships. As such, the term sovereignty describes the
means by which groups manage a particular and cohesive emotional attachment\textsuperscript{3}; more specifically it is the symbiotic relationship between this cohesive emotional attachment and the practical mechanisms that realize, structure, and perpetuate the attachment.\textsuperscript{4}

**The Emotional Component of Sovereignty**

One component of contemporary nation-state sovereignty is inherently emotional. And like all things emotional, this emotional component of sovereignty is both individualized and lacking in clear boundaries. In a nutshell, this aspect of sovereignty is the cultural magic that makes sovereignty collective, that renders the whole larger than the sum of its individual parts, the fusion whereby human allegiance and affection form a sacred bond superior to Western forms of logic. It is like – and most likely akin to – the magic that makes family relationships more important than other relationships. (It should come as no surprise that the fraternité of love for a brother is, in European vocabulary at least, the same term as the brotherhood said to be felt among a nation’s citizens.) As social scientists, we cannot know what inspired the first siblings or the first cousins or the first second-cousins to initially feel the affections of a familial bond (although, to be sure, we can make a guess); similarly, we cannot know what stirred the first would-be citizens to

\textsuperscript{3} This attachment is “particular” because here I am using it in regard to attachment at the level of the nation, as opposed to group attachments on a level of family, locality or otherwise. It is “cohesive” because it operates at the level of the group and as such represents not only an individual’s attachment to the group but also the network of attachments that hold the group together. The attachment is “emotional” because the binding forces, although recognizable to conscious scrutiny, function in the gray area outside the full control of intellect.

\textsuperscript{4} Note that sovereignty, even nation-state sovereignty, is different from the state. Sovereignty is a concept – but not only a concept but also an enacted reality, a framework, a process. The state, in turn, is a tool, populated by actors, for managing sovereignty.
emotional allegiance to their nation-state (though again, we can make a guess).

Whatever the case, we are at a moment where such relationships exist – and can be studied.

Significantly, we can describe in categorical terms the contours of the emotional side of sovereignty, yet the contents of those contours for each nation are unique for each group, they are sui generis. In other words, for some groups sovereignty is born of the land, for others kinship and ethnicity, and for still others, the loyalty to a set of rights and a rule of law. So even though nation-states have come to take on commensurate forms, the substance that animates those forms is generally different. This emotional component of sovereignty therefore involves the subjective, local understandings of sovereignty.

As Geoffrey Henry, former prime minister of the Cook Islands, so poignantly said to me:

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Note that Chatterjee (1993) claims that nationalism is composed not only of a universal modular form (of Western origins), but also, for formerly colonized peoples at least, fragmented counter-hegemonic imaginations that he calls an “inner domain” of “spiritual culture” (6). In focusing on “nationalism,” however, I suggest that Chatterjee fails to adequately incorporate theories of the state; given that nations necessarily exist within (or across) states, a theory of the state is essential here. Furthermore, his model of an “inner domain” as in constant opposition to modular forms has a certain ring of appeal in terms of a discourse on [post-]colonial resistance, but ignores the uncontested reality of these modular forms to most people (who either accept their state or are fighting for a new one). In other words, his effort to illustrate a specifically counter-hegemonic imagination is perhaps unremarkable because he demonstrates a process (a unique, subjective relationship with their state) that is true for all peoples. In contrast, my model recognizes the symbiotic nature of these various elements, setting out the modular form of the state while also making room for subjective feelings and relationships in regard to the state – feelings and relationships that will be different for each group, but which exist among all peoples whether Western or non-Western.

Barry Barclay (2005) has written about the way that using terms like ‘intellectual property’ in regard to the creations of indigenous persons instantly recategorizes what might be an indigenous understanding of what the thing is to a Western one (namely, property). At the same time, when such objects enter the global marketplace they generally become property precisely in the Western sense. The emotional component of sovereignty entails a similar phenomenon: every group on the globe maintains an indigenous, sui generis understanding of the sources and character of its relationships with its nation-state; nevertheless, given that all nation-states are connected in the constellation of globalization, those indigenous understandings are, in the connections to the global, translated into a form of sovereignty that is the same for all nation-states.
Sovereignty has to come from the inside too. It’s not just a flag. It’s an internal belief, a conviction.

(Conversation with Geoffrey Henry, April 16, 2010).

Indeed, sovereignty has meaning for people. In the middle of my fieldwork, I took to asking Cook Islanders the un-politically correct question of whether the Cook Islands wouldn’t just be better off (financially) if it simply became a part – whether state or territory – of New Zealand. With almost no exception, I was told that this was a bad idea because the consequence of the Cook Islands being a part of New Zealand would be that Cook Islanders would cease to be Cook Islanders. To which I always retorted: aren’t the tens of thousands of Cook Islanders who already live in New Zealand still Cook Islanders even though they live within New Zealand’s borders? I was never, however, given credit for this smug tour de force of logic because my question missed the whole point: sovereignty matters in part because of the subjective, emotional qualities that it inspires.

Furthermore, it is possible to say as to this emotional element that it has an inherent element and a cultural element. In short, the experience of emotional supra-familial group attachment is somehow inherently human – immutable – because it exists in all cultures. In the Cook Islands, for example, that pre-colonial attachment was tribal. An additional element, however, is cultural – and therefore mutable – because the scope, strength and contours of this supra-familial attachment are arbitrary. Again in the case of the Cook Islands, tribal attachments have become

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7 In his inimitable style, Geoffrey Henry also said that the longer Cook Islanders are away from the islands, the more “the scent of sovereignty diminishes.”
shattered into multi-pronged attachments that include tribe, village, island, and nation-state.

In other words, what makes the Cook Islands possible as a sovereignty is not solely its existence as an administrative jurisdiction. Instead, what truly makes Cook Islands sovereignty possible is the on-going transformation of Cook Islanders’ emotional attachments from focusing on individual islands to encompassing the group of 15 islands together, as one, as a whole – as a sovereign entity.

Fault Lines: the Growing Pains of Nation-Building

The Cook Islands is a political project. It is a puzzle piece carved out of an unbelievably large swath – thousands of square miles – of the oceanic fabric that makes up Polynesia. This metaphor of a puzzle piece is apt. On the one hand, each piece is only one portion of the total picture of Polynesia; alone, it neither represents nor can it speak to the diversity that the region comprises. At the same time, its lines are arbitrary, drawn by the hand of man [sic] with an eye to overall fit – a compliment to the surrounding puzzle pieces whose contours themselves had already been awkwardly shoehorned into an existing framework.

In other words, the Cook Islands is an arbitrary nation. Although the people of its many islands are related by both genetics and culture, the people’s historical allegiances usually extended only – at most – to the shores of their own islands. While trading and intermarriage occurred to some extent, such relationships, with a few exceptions for close islands like Manihiki and Rakahanga, generally took place through alliances rather than unions.
Nevertheless, the Cook Islands has made tremendous progress in nation-building. To some degree, this is due to the hard work and creative – perhaps intuitive – ingenuity of a small number of key political leaders, not to mention the enabling framework of the globalized discourse of nation-building that became increasingly pervasive following World War II. One cannot, however, erase overnight the overlapping cultural and political divisions that have marked the islands for generations, for centuries. The residue of these divisions is still experienced and reproduced on multiple levels.

*Islands.* As noted, historical differences exist between most of the individual islands. Importantly, those differences have engendered a strong island-specific loyalty among most of the inhabitants (a loyalty that is, however, often compromised by village-specific loyalties within the island social structure).

*Northern Group/Southern Group.* The Northern Group of islands and the Southern group of islands are separated by a wide stretch of Pacific Ocean. As noted in Chapter 2, the smaller Northern Group is comprised of seven small coral atolls, whereas the larger Southern Group is made up of eight main islands, six of which are volcanic islands (see Crocombe 1964: 3). The majority of the population resides in the Southern Group, mostly on the main island of Rarotonga.

Beyond the lingering pre-colonial allegiances to one’s own island, there is also a pre-existing cultural divide between the Northern Group and the Southern Group. It was, in fact, not until the work of the London Missionary Society in the
1800’s that more systematic social connections were put in place between the two island groups (Sissons 1999:12).

*Rarotonga as capital.* The decision to make Rarotonga the administrative hub of the Cook Islands unit of course exacerbated the pre-existing divide between the islands and the island groups by skewing the balance of power. These shifts came in three successive stages. The first was the appropriation of direct and indirect political power. In becoming the capital, Rarotonga was able to co-opt elements of the colonists’ power at the expense of the other islands, especially those in the Northern Group with whom the Rarotongans, due to culture and geography, already had the most distant relationships. Given that nearly all the colonial administrators, typically men, were physically located in Rarotonga, they were most likely to develop personal relationships with Rarotongans, even marrying local women. These relationships, while further biasing the colonial administrators in favor of Rarotonga, also made the administrators more susceptible to influence by the Rarotongans, to the detriment of the Outer Islanders.

Second, the political preeminence of Rarotonga quickly likewise transformed Rarotonga into the economic hub of the country. The administrative operation, due to its presence alone, spurred economic development. More importantly, however, outsiders – generally New Zealanders and some British – were enticed to settle in Rarotonga and open businesses there. These foreigners were often part of the colonial administration or originally came to the island to do business with the

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8 As a possible unconscious reflection of Rarotonga’s status as a place larger than its islandness, Cook Islanders generally refer to location on the island of Rarotonga as “in” Rarotonga rather than “on” Rarotonga; note too that in common discourse, Rarotonga is most often referred to as “Raro.”
administrators; of course, others came by chance, in escape from other dilemmas or were drawn to the island by the picture, already long established, of Polynesia as a land of warmth and exoticness (including exotic women) (see Nicole 2001).

That these many would-be and wanton entrepreneurs should land in Rarotonga rather than in the Outer Islands was natural given not only the administrative presence there but also the fact that Rarotonga was already becoming the transportation entryway to the country as a whole. The process was cyclic: with the arrival of each new European⁹, whether administrator or not, the need for goods and services targeted toward Europeans increased; as the need for goods and services targeted toward Europeans increased, additional Europeans were lured to Rarotonga to fill the need.

Third, the opening of the country’s first international airport in Rarotonga in 1973 sealed Rarotonga’s position, not only as the symbolic hub, but now also as a physical one, as the gate-keeper of the Cook Islands politically, economically and in regard to the flow of goods and services. With the subsequently growing importance of air transportation, the Outer Islands (with some exception for Aitutaki) became increasingly dependent on Rarotonga for both the provision of political and abstract benefits as well as, now, the actual delivery of goods and the ability of individuals – whether residents or visitors (along with whatever kind of economic benefit they might bring with them) – to go to or to leave each Outer Island.

⁹ In local parlance, white people, whether from Europe or New Zealand, Australia or America, are all referred to as “Europeans,” even in contemporary speech. Following a staged performance of a Cook Islands myth in Auckland in 2010, a Cook Islander remarked to me that she was surprised at how much of the show had been performed in “the European language” – that is to say, here, English.
Issues surrounding this movement of people became all the more relevant as demands for labor on Rarotonga and on the Outer Islands – quite different in form – began to change. Rarotonga, especially since the opening of the airport and the concomitant increase in tourism, has increasingly turned away from agriculture and toward a service economy centered on the tourist industry. This shift has created wage-labor positions in multiple capacities that have exceeded Rarotonga’s labor supply – especially since many Rarotongans, ironically, have been moving to New Zealand.

Since the 1970s, by consequence, wage laborers have been needed on Rarotonga, a gap which, initially, many Outer Islanders moved to fill. At the same time, Outer Islanders were also beginning, in growing numbers, to heed the siren’s call of prosperity that had been wailing faintly from New Zealand since even before the 1940’s and 1950’s. Many Outer Islanders, however, could not afford, or were otherwise economically or emotionally unprepared, to make the two-step journey – from the Outer Islands to Rarotonga and then from Rarotonga to New Zealand. Large numbers of Outer Islanders began therefore coming to Rarotonga for a few months to a year or more, in a process that continues today, in order to earn money before moving on to New Zealand and now also Australia. As such, Rarotonga continues, in so many ways, to be the “center” of the Cook Islands.

An understanding of the emotional aspects of sovereignty in the Cook Islands therefore requires an appreciation of the extent to which the country’s nation-building
has taken place through two symbiotic processes. The first is this positioning of Rarotonga as the political center, as the policy-maker as well as spokesperson, of the greater nation. The second is the resistance to Rarotonga that continues to subtly animate the allegiances of Outer Islanders. As such, nation-building in the Cook Islands is not a uni-directional flow toward unity but instead a ray of core inertia diffracted from fourteen outer directions.

Moreover, this long-fought power-play – though obviously bending largely in Rarotonga’s favor – is currently being undermined and disrupted by a new source: the increasing flow of non-Cook Islander workers to Rarotonga in very recent years due to Rarotonga’s continuing labor problems.10

Although the dynamics of these Rarotonga-Outer Islands relations generally fit into discernable patterns, the addition of this new factor threatens to upset the balance, although it as yet remains unclear in what direction. In a nutshell, the presence of the non-Cook Islander workers, largely Fijian and Filipino, has inspired a previously absent – and therefore perhaps that much more palpable – xenophobia. To be sure, “foreigners” have lived on Rarotonga for nearly two hundred years in the form of primarily white settlers of European descent. However, due perhaps to the unusually friendly relations between Cook Islanders and their [former] colonizers,

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10 One informant with extensive experience in Pacific economic and cultural matters suggested to me that Cook Islanders can at times have a “superficial” view of economic development that frequently involves attempts to import solutions to problems rather than devising solutions more systematically. Labor can be seen as one example of this – instead of addressing some of the reasons why Cook Islanders are leaving Rarotonga in such high numbers, the country simply imports workers from elsewhere to staff the now-empty positions.
white people are somewhat in a unique category, not foreign but instead “papa’a” – a category replete with its own benefits and baggage.\textsuperscript{11}

By contrast, the Fijian and Filipino workers have evoked an unveiled hostility. Many Cook Islanders spoke to me in express terms of the direct threat to Cook Islands culture that these foreign workers posed. This hostility was moreover communicated with a distinct moral certitude and a sense of decisive cultural superiority. The irony, however, was not lost on all; one Rarotongan noted in exasperated terms that the racial hostility toward foreign workers in their own land was a curious but unfortunate sentiment to be held by a group who for years had been complaining about the racism of white New Zealanders toward Cook Islanders working in New Zealand. In any event, the sudden introduction of an “other” will no doubt have an effect on Cook Islanders’ sense of their “Cook Islands” self and on meanings of the Cook Islands nation.

Simultaneously, regardless of competing island allegiances and although formed in the foundry of colonialism, the idea of the Cook Islands as a single nation is still making headway. The success of the islands in cohering is in measurable part due to the work and ingenuity of the first Prime Minister of the Cook Islands, Sir Albert Henry. Although his career was later torpedoed by the very dynamics that created it – politics – his charismatic efforts to lead the Cook Islands from the yoke of colonial rule still echo in contemporary articulations of the state.

\textsuperscript{11} Papa’a is the Cook Islands Maori word for white people and white things. The word is filled with complex sets of meanings – perhaps symbolic of the complexity of white/Cook Islander relationships over the years. The word itself means “four layers,” which, although of unknown origin, is thought to possibly refer to the many layers of clothing that the original European explorers wore when they first arrived in the islands.
Two important aspects of Albert Henry’s influence are especially relevant here. First, he possessed an immense political savvy in terms of understanding the opportunities created by the changing global order. He did not blindly urge the people forward toward an imagined salvation of “independence” simply for the sake of independence. Instead, he helped set up the foundation for the Cook Islands’ savvy relationship with New Zealand that still exists, in more sophisticated form, today.

Second, Henry held a persuasive sense of cultural pride that simultaneously served as anchor and rallying cry for the young nation. In other words, with fervent persuasiveness he was able to lift the nation by its bootstraps by revitalizing a cultural pride that had been increasingly chipped away during several prior generations. Indeed, during those previous generations Cook Islanders had been expressly taught – and, internalizing the message, taught themselves – that the *papa’a*, the white people, were simply smarter, always superior than the Cook Islanders themselves. Henry therefore set in motion a rejection not only of foreign political dominance but also of perceptions of outsiders’ cultural superiority.

Cook Islanders, however, have tended to polarize around political questions and Albert Henry was not without his ardent critics. In 1978, he was engulfed – many would say ensnared – in scandal and was forced from office. In the turbulent currents of those early days, when the trajectory of the nation was still unclear, Dr. Thomas Davis – later, Sir Tom – took over the helm. In the counterpoint of politics, he was a man with starkly different ambitions and approaches from Albert Henry.
Whereas Henry had guided the nation under the flag of cultural pride and cultural difference, Davis brought an economic practicality to the table (see Sissons 1999). The strategies set in motion under Davis’s leadership, like those under Henry’s, continue in various forms today. Indeed, the political parties led by Albert Henry and Thomas Davis respectively remain the core parties of the Cook Islands political system.

Furthermore, the periods of leadership under Henry and Davis, while laying the foundation for all politics that followed, were still marked by the precariousness of early nation-building. It was not until the 1990’s, and the ascent to power of Albert Henry’s cousin, Geoffrey Henry – later, Sir Geoffrey – that the contemporary era of Cook Islands politics began. Faced with financial crises that threatened the very existence of the nation, Geoffrey Henry successfully steered the country from the early instability of youth, a youth that had been marked by qualities of naïveté, idealism, and inexperience.

To do so, Geoffrey Henry was forced to cut public sector employment by two-thirds and to reduce remaining public sector salaries by up to 50% (Sissons 1999:118), propelling huge numbers of Cook Islanders into unemployment and spurring mass emigration to New Zealand. At the same time, however, Geoffrey Henry was not only a fervent advocate of Cook Islands independence but also possessed, like his cousin Albert Henry before him, an insightful political savvy in terms of his domestic constituents as well as in regard to New Zealand and other international actors.
During these crises, the Cook Islands experienced the post-nascent shock of the fickle global market and was forced toward the financial discipline required of modern states. Still, in this brutally disciplinary move, the Cook Islands solidified itself further as a nation-state of international character. In 2001, for example, the Cook Islands signed a Joint Centenary Declaration with New Zealand, which, while purporting only to “restate” the nature of the relationship between New Zealand and the Cook Islands, actually served to cement the Cook Islands’ independent status.12

So although it does not fit neatly into Westphalian notions of independence, the Cook Islands’ independent status in fact exists by virtue of – thanks to – the ties that the Cook Islands maintains with New Zealand. At the same time, independence exists in the hearts of Cook Islanders, an emotional attachment to this young, budding nation-state.

Articulations of Emotional Sovereignty

The emotional element of sovereignty, like the idea of “nation,” is not a single, bounded one. Instead, sovereignty exists in a myriad sentiments. It is important to examine some of these many factors and not simply rely on commonly attributed rubrics like language. After all, language in the Cook Islands is as much, if not more of, a shibboleth to distinguish the islands as it is a grammar to unify them. So below I discuss several examples of how in the Cook Islands the nation becomes

12 As one salient example, the Declaration expressly refers to the Cook Islands as a “sovereign and independent state.” Joint Centenary Declaration of the Principles of the Relationship Between the Cook Islands and New Zealand, signed June 11, 2001. My thanks to High Commissioner Mike Mitchell for pointing me to many of the nuances of this agreement.
articulated in ways that lead to the production and re-production of emotional sovereignty.\textsuperscript{13}

\textit{Politics.} As discussed above, the Cook Islands nation itself was born in the arena of politics, where Albert Henry and Thomas Davis translated a nascent nationalism into the preconceived structure of the nation-state even within the unique relationship that they established between the Cook Islands and New Zealand. Recall that the two political parties begotten by Henry and Davis continue to both drive and polarize the Cook Islands today. In the dialectics of the opposition of these two parties comes the centripetal force of national sentiment.

\textit{Sport.} Sports are extremely important in the Cook Islands.\textsuperscript{14} It should perhaps come as no surprise that Geoffrey Henry, one of the key architects of modern Cook Islands sovereignty, later segued from politics to a role in Cook Islands sports. As President of the Cook Islands Sports and National Olympic Committee, Henry has continued to influence Cook Islands sovereignty on the global stage as well as in the hearts and minds of Cook Islanders.

Sport affects emotional sovereignty in several ways. First, of course, there are the Cook Islands sports teams that inspire loyalty; in the baggage of allegiance to the national team comes allegiance to the nation. Second, Cook Islanders in New Zealand and Australia have established a variety of sports clubs and leagues, ranging

\textsuperscript{13} See also Cattelino (2008).
\textsuperscript{14} Among the most significant are rugby, netball, and rowing. One informant noted that her husband, a non-Cook Islander who grew up on Rarotonga, was better accepted by his Cook Islander peers than he otherwise would have been, simply because he was good at sports. Another, a white New Zealander who went to the Cook Islands as a teacher, likewise told me how his cricket skills went a long way in facilitating his welcoming reception among local Cook Islanders.
from rugby for men to netball for women. In these clubs, established and operated under the banner of Cook Islandness, the nation becomes reproduced in the very actions and activities of the sports groups. Similarly, Cook Islanders from New Zealand and Australia participate together with resident Cook Islanders on national teams such as the Cook Islands netball team, which is incidentally among the top-ranked in the world.

Third, sport gives the Cook Islands the opportunity to relate on equal (team versus team / individual versus individual) terms with other nation-states. Even the title alone of, for instance, “Cook Islands vs. Fiji,” posits the nation as always already existing in the form of the modern nation-state, interpelling Cook Islanders as members of this preconceived community.

Fourth, in addition to competing, sport has given the Cook Islands the opportunity to likewise host international sporting events. As hosts, the nation has presented itself as a coherent Cook Islands nation-state and in the process has engendered emotional attachment to a coherent nation.

Fifth, changes to the demographic make-up of professional rugby leagues in Australia and New Zealand have meant that the teams, once almost exclusively white, have over the past decade been transformed by a significant presence of Pacific Islanders, including Cook Islanders. The success of Cook Islander players like Kevin
Iro and Tony Iro have painted the canvas of emotional sovereignty with the brush of national pride.\(^{15}\)

*Dancing and drumming.* Cook Islands dance and drumming are “traditional” cultural practices that have become adapted – if not occasionally reinvented – in contemporary contexts.\(^{16}\) Like language, dancing and drumming both divide and unify. On the one hand, their performance reproduces different practices among the islands, serving as reminders, like linguistic dialects, of differences between islands. But on the other hand, dancing and drumming can be cohesion-building. For example, the most important national holiday in the Cook Islands is called Constitution Day (Te Maeva Nui). A high point of the week-long Constitution Day celebrations is a dance competition between troupes from the different islands.\(^{17}\) As such, the differences between the islands serve as a catalyst for nation-building because the differences are both articulated and performed as an *element* of the nation.

Similar performances occur elsewhere inside and also outside the Cook Islands, such as at the Pasifika Festival, a yearly one-day event held in Auckland, New Zealand. The Pasifika Festival showcases crafts, food, and performances from many of the main island groups of the South Pacific and attracts upwards of 200,000

\(^{15}\) One informant on Cook Islands sports, calling to mind Foucault’s notions of bio-power, also noted to me that “sports is a powerful economic force” since it creates healthy people who thereby become, in the informant’s own words, “good economic units.”

\(^{16}\) See generally Hobsbawm and Ranger 1983.

\(^{17}\) To highlight the universal importance of dance to Cook Islanders: a prominent ex-pat government official told me the story of how he had been in Rarotonga several years ago during the Constitution Day celebrations. While in the middle of the crowd, he’d overheard some Cook Islanders – large “rugby-looking blokes” – saying things like, “I think we’re going to beat Penrhyn his year, but Aitutaki sure do look strong …” At first, he had assumed they were talking about rugby; but no, as it turned out, they were discussing the inter-island *dance* competition!
visitors annually. There, dance groups from many of the Cook Islands’ different islands perform both within the context of Cook Islandness and as representatives of the entire nation.

In regard to these dancing and drumming events in New Zealand and Australia, which are anchoring activities for many Cook Islanders, I suggest that two different but related phenomena are taking place. First, Cook Islands dancing and drumming are not just dancing/drumming per se but are a symbol of the panoply of aspects that Cook Islanders feel are important to Cook Islands culture, ranging from language to family to food to heritage and tradition – all of which get reproduced at dancing and drumming performances. It is in part for this symbolic value that dancing and drumming are so valued. Second, dancing and drumming, in this form of community performances, serve as a practical mechanism for bringing the community together, the result of which is the sharing of, reinforcement of, and teaching/learning of the full breadth of Cook Islandness, that is to say, Cook Islands culture in the various forms noted a few lines above for their symbolic value: language, family, food, heritage, and tradition. Dancing and drumming, therefore, are valued not just for their own sake but also because they help to perpetuate Cook Islands culture, a process which occurs through the actual dancing and drumming as well as, perhaps even more so, through the contexts that their performance generates.  

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18 There are, of course, other events which serve as similar catalysts for cohesion, such as church services and other church events, as well as weddings and funerals, family reunions, and, for some Cook Islanders, hair-cutting ceremonies.
Many Voices, One Sovereignty

A curious aspect of emotional sovereignty – and indeed, perhaps one of the reasons for the success of the modern nation-state – is that individuals with markedly varying attachments toward the nation-state often combine to form, support, and maintain that nation-state. Obviously, the “United States of America” means many things to many Americans; and yet, the nation stands largely united. The Cook Islands is no different.

What is different, however, is that whereas everyday discourse in the United States takes for granted the nation’s “sovereignty” (of course, without much self-reflection about what that term might mean), the nature of the Cook Islands’ sovereignty is a common topic of conversation. The topic generally centers around the Cook Islands’ relation with New Zealand, with opinions ranging from a desire for a closer relationship to a yearning for “more independence.”

“When the All Blacks win, we’re all Kiwis”: One Sovereignty, Multiple Allegiances

Like the seemingly inconsistent overlap between Christianity and indigenous religious beliefs that functions so seamlessly in Polynesia just as it does in many parts of Native North America, emotional sovereignty is not always limited to a single sovereign. Cook Islanders’ relationship in particular with New Zealand has become so porous – in some regards, one might even say mutually constitutive – that in addition to a fervent loyalty to the Cook Islands and a sense of Cook Islandness, some Cook Islanders also evidence a strong – even emotional – attachment to New Zealand or Australia.
These dual attachments are often context-dependent, further illustrating the fact that sovereignty is not a homogenous all-or-nothing notion but instead a multi-faceted one, a “bundle of sticks,” subject to different strengths and weaknesses, as well as different modes of strategic negotiation (see Biolsi 2005; Cattelino 2008; Lambert 2007; Clifford 2007). This is true not only in regard to the mechanical workings of sovereignty but also, as we see here, as pertains to the emotional aspects.

As one Cook Islander put it, jokingly but with a certain, commonly recognizable truth, “when the All Blacks win, we’re all Kiwis.” Here, “Kiwi” is the regional name for a New Zealander and “All Blacks” refers to the curiously named New Zealand national rugby union team\(^\text{19}\) which possesses an immense amount of cultural capital as one of the cultural icons of the nation-state of New Zealand; a win for the All Blacks, therefore, is a win for the New Zealand nation. And in this fascinating mix of sports allegiance and national loyalty, this particular Cook Islander was marking his not-uncommon participation in both.

Another, a Cook Islands minister, put it a different way: he said that on Monday through Saturday, he and his flock were Australians; on Sundays, when they all came together, they were Cook Islanders.

\textit{Hinges}

The concept of emotional sovereignty expresses the idea of the nation as it exists for a people. Of course, the idea is different for many individuals; nations are

\[^{19}\text{New Zealand also has a national team in the other genre of rugby referred to as rugby league; that team, called the Kiwis, is for various reasons not as significant either in popularity or in status as a national icon.}\]
able to function as nation-states, however, because – by history, chance, or political engineering – there is enough of an overlap among the different individual ideas so that there is a cohesive core to what most of the citizens think that the nation is – or in any event, enough citizens are able to get out of the nation what they hope to or expect to that they continue their emotional allegiance to the nation.

A people’s idea of their nation also impacts what the nation is and how it operates. Indeed, the process is symbiotic and mutually constitutive: changes in individuals’ emotional assessments of their nation affects ways that the nation – in the form of the state – functions. Likewise, alterations to the mechanics of the state can influence emotional attachments. As a quick example, burgeoning emotions of national pride gave foundation to Geoffrey Henry’s efforts to assert, in practical terms, Cook Islands independence on the international stage; at the same time, Henry’s functional guidance of the Cook Islands state into practical independence inspired many people’s emotional assessment of their nation as truly independent.20

The Functional/Instrumental Side of Sovereignty

The concept of sovereignty has traditionally been posited as one that marks borders between political/jurisdictional entities. But today, no land is fully bordered; the pores may vary in shape, size, and the permeability they permit, but every border is porous. More importantly, perhaps, sovereignty is not something that is but something that does; it is not the ethereal fantasies of philosophers but the day-to-day

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20 Allison discusses relationships between state ideology and the lunches made by Japanese mothers for their nursery school children. Although focusing on the power of the state, she ends by noting the ability of even individual mothers to “subvert the political order” (1991: 206).
existence of the nation-state as managed by the people who populate it, in constant flux due not only to domestic caprice but also to the dynamic influences of other nation-states.

Indeed, trying to understand sovereignty – or the people of a given sovereignty – by only looking inward has always been incomplete. Groups are inevitably structured against and in regard to other people; just as individuals do not exist in isolation, neither do groups nor have they ever. Even when groups arrive in a new place – such as the Maori in previously-unpopulated New Zealand – they soon divide into subgroups, in existence vis-à-vis the others.

So an understanding of any group’s sovereignty must account for the ways that that group’s sovereignty relates to other groups’ sovereignties. This is the functional/instrumental element of sovereignty. And unlike the emotional element of sovereignty, which is unique and different for all groups, the functional/instrumental element is similar for and among all groups.

This functional/instrumental element of sovereignty is made up of two parts. The first part operates as an interface mechanism, that is to say, as the procedural machinery that allows nation-states to communicate, relate to each other, and do business together.\(^\text{21}\) The second part serves as a value-maximization mechanism. Here the role of the nation-state is as gate-keeper of what the state – as, in theory at least, proxy for the people – determines are the characteristics of culture which are

\(^{21}\) Cattelino (2008) offers an excellent discussion of sovereignty as “relational”; there she also notes interesting research by Nancy Fraser and Linda Gordon that found that the term “dependency” had become “increasingly pejorative since the height of industrialization” (189).
worthy of support.\textsuperscript{22} In other words, the role of the state in maintaining sovereignty is to interface with outside states in order to generate enough capital (and have the person-power to do so) to be able to best promote the domestic values that are deemed most worthy. It is this aspect of sovereignty that is the crux of the symbiotic relationship between the outward-focusing and inward-focusing aspects of sovereignty.

Importantly, law is central to both aspects of sovereignty’s functional/instrumental element. Law is central because any given nation-state will construct a system of laws to manage both of the characteristics noted above: this system of law is the filter through which the interface with other nation-states occurs just as it is the structure that determines which cultural elements are supported and which are disfavored.\textsuperscript{23} In other words, the national regulation of cross-border capital structures a state’s relationship with the global market and is therefore an interface with that global market; at the same time, national regulation structures how incoming capital gets distributed \textit{domestically/internally}. Moreover, these factors are of course related: the domestic distribution of capital affects the state’s relationship with the global market, and \textit{vice versa}.

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History matters – sometimes more than others, of course. Given the key role that law plays in the function of sovereignty, it is then of some import that upon

\textsuperscript{22} Obviously, what a culture “is” – and what its values are – are always and continuously contested.

\textsuperscript{23} This function takes place not only explicitly but also by virtue of the structure of the system itself. As a simple analogy, imagine a taxing regime that favors those with capital gains over those with wage income; by virtue of the system itself, the “pie” is divided in such a way that is to the benefit of one group and to the detriment of the other.
independence, the Cook Islands essentially took on the laws of New Zealand as its own. To be sure, at the time of independence, there was already in place a set of administrative rules that had been enacted specifically in regard to the Cook Islands and which was then, by the newly independent Cook Islands in 1965, taken on as national law. Nevertheless, the legal system itself, as well as its key attributes—substantive and procedural—were adopted wholesale in a kind of legal mitosis.\textsuperscript{24} Therefore, the filter through which the Cook Islands has connected with the world has, since independence, borne the taint of British legal reasoning.\textsuperscript{25}

New Zealand’s stamp on Cook Islands sovereignty is equally clear from the inertia set in motion by New Zealand’s former administration of the islands. Indeed, the modern relationship between the Cook Islands and the world actually started \textit{through} New Zealand, with New Zealand as both gateway to and spokesperson for the Cook Islands. But standing on this solid foundation, the Cook Islands has, since independence, begun enacting its own laws. These laws, albeit at times similar to New Zealand’s, nevertheless serve as articulations of national sovereignty; not only is the enactment of such laws a so-called prerogative of the sovereign, but with each new law the Cook Islands further manages its unique sovereign decisions with consequent effects on both its interface with the global community and the domestic values that concomitantly will be favored or disfavored.

\textsuperscript{24} Furthermore, given the Commonwealth relationship between the Cook Islands, New Zealand, and England, and the common law rules that have continued to tie the countries together, certain elements of the common law emanating from New Zealand and even from England, have continued to apply in the Cook Islands even today.

\textsuperscript{25} This is consistent with Anderson’s assertions in \textit{Imagined Communities} that the form of the modern nation-state has been “pirated” from the European colonial powers (2006).
I discuss below several sets of laws in an effort to examine these effects. Although every set of laws will implicate both sovereignty as interface mechanism and sovereignty as value-maximization mechanism, some sets of laws are more salient to the one or the other. Therefore, for ease of examination, I have divided the following discussion into two sections, one in regard to each component.

**Sovereignty as Interface Mechanism**

As I discuss further in Chapter 5, capital is fungible and law is the system that creates categories of fungibility on a systemic level. Between and among nation-states, these categories of fungibility intersect, they are aligned – as if by compatible nozzles on different types of hoses – which make the movement of capital and people possible. So nation-state systems of law on the one hand create the interface necessary to interact – among other things, to do business with – other countries, and on the other hand allow each individual country to regulate the flow of capital/people/business across its borders.

To put it differently, sovereignty here is the structural form that via its procedural mechanisms allows nation-states to interface with other nation-states. All nation-states are different: their people are different, they function differently *internally*. But by convention, all nation-states have come to have specific sets of structural attributes. On the one hand, they have things like passports, embassies, a flag, a capital, etc. On the other hand, each nation-state has particular sub-sets of laws that provide the mechanisms for interfacing with other countries, such as customs laws, immigration laws, import/export laws. These particular sets of laws...
serve to translate domestic laws into a global *lingua franca*. So, for instance, the property laws and employment laws that apply at an industrial factory, otherwise wholly domestic (and unique, *sui generis*) in nature, are linked to the international marketplace and can be made to function in conjunction with a foreign company that might buy (or hire) the factory.

As a simple illustration, take the postal systems of the countries of the world. Each functions very differently internally, domestically. For example, an on-going debate in Sweden involves whether mail-carriers should be relieved of putting the mail through the individual mail slot of each and every family’s door in an apartment building (as is the current practice), given the wear-and-tear on the carrier’s knees from going up and down so many stairs each day. In the Cook Islands, by contrast, not only is there no such debate regarding the physiological strains of the country’s postal carriers, there is in fact *no* mail delivery service at all; instead, all mail is placed in post-office boxes, for retrieval by the recipient. As such, there are phenomenal differences between these two countries’ domestic postal systems. But the two systems – like, as I mentioned, compatible nozzles on different hoses – interface, they function *together*: mail can and is still sent seamlessly between the two countries – across half the planet. Even packages – that is to say, goods requiring the state intervention of customs clearance – regularly cross borders, carried between diverse senders and recipients by the compatible machinery of interlocking global relationships. More complex systems of law and commerce function similarly.
Keep in mind, of course, that the whole of global economics is made up of much more than simply national systems that interface with a global system – there are many, many layers and varieties of economic systems at play. Moreover, each of these many economic sub-systems can and will interface differently with the global system, with one or more national systems, and/or with each other. But in these cases, there are still points of interface where the systems meet, where translation between them occurs, and where sovereignty consequently becomes implicated and often negotiated. (I explain further in Chapter 5 why the nation-state continues to be the structural scaffolding on which globalization rests.)

The Visible Doorway: Customs and Immigration

The Cook Islands maintains a customs office and an immigration office, each of which operates under a set of laws enacted for these purposes. In regard to interface mechanisms with the global community, customs and immigration schemes – regulating the arrival of goods and individuals, respectively – are of central importance just as they stand as perhaps the most obvious regulatory doorway onto the physical land of the Cook Islands and into the jurisdiction of the nation-state.

The impact of these two offices on the country is of course substantial. For instance, customs laws restrict – by means of duties and levies – the importation of pork and certain seasonal vegetables grown in the Cook Islands. Domestic producers are naturally the beneficiaries of these regulations. Other duties and levies on alcohol

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See e.g. Sassen (2006, 2007).
raise the price of alcoholic beverages, thereby affecting consumption (while naturally raising government revenue\textsuperscript{27}).

At the same time, immigration rules dictate who can be in the country and for how long. One focus of such regulation is to attempt to limit foreign residents to those who benefit the Cook Islands, whether by contributing capital and entrepreneurship or by providing direct wage labor; and unless one receives permanent resident status,\textsuperscript{28} one’s residence permit must be renewed yearly – so that the state can annually (re-)evaluate a foreigner’s perceived worthiness. Note that the families of foreign wage laborers are rarely allowed entry, for fear that minority ethnic enclaves will develop.

In theory, immigration and customs laws apply to every individual person arriving in the country and to every good entering the border. But laws do not apply themselves, instead they are left to the functionaries of their respective offices. This direct interface with the outside world is therefore managed by human beings; it is these humans who bring to life the dead words of legal regulation.

As such, these portals for international movement are subject to the vagaries of human intuition, predilection, and mistake. This is natural. The point is that this key interface with the global community and the global marketplace is \textit{dynamic} on multiple levels. First, it is Parliament that establishes the laws that mark the blueprint of this interface mechanism. Within this blueprint, the internal regulations of the

\textsuperscript{27} Some 30\% of the government’s direct revenue for purposes of the national budget comes from fees taken in by the customs office, of which duties and levies on alcohol make up one part.

\textsuperscript{28} Although currently permanent resident status is decided by the Immigration Office – that is to say, by the state – proposals have been put forth to involve in that decision-making process the local traditional leader of the applicant’s residence area.
Customs Office and the Immigration Office structure the day-to-day functionings of the mechanism. And then, of course, the individual staff members play their own role in applying the regulations to the real-world issues that they confront. Then, in regard to perceived successes or failures of these regimes (such as whether too many foreigners might be settling in the country), public sentiment might influence the Parliament to alter the laws – continuing the feedback mechanism.

But regardless of any such adjustments to the law, the fact remains that the customs and immigration laws and offices, as the portals they are, interface with the outside world. Moreover, they do so as a function of state sovereignty.

Tourism: the Core of the Cook Islands Economy

A nation-state’s interface with other sovereignties is, as I discuss further in Chapter 5, primarily for purposes of participation in the global marketplace. But states’ abilities to do so vary greatly and no state has available to it a full range of interface options. This is because a given state will only be attractive for the global market in regard to those resources available in that state and the state’s ability to furnish those resources in an efficient and sufficient manner.

That said, states certainly have the power to affect the types of interfaces that they have with the global market – the key point is that they are forced to do so within the boundaries of what is available. Thus, Greenland could obviously not compete on the global market as a sun-and-fun locale just as Barbados cannot re-create itself as a snowboarding destination.
As a small state in the middle of the ocean, the Cook Islands is of course a good example of a state that is limited in the ways that it can interface with the global marketplace. For a location like the Cook Islands, tourism is an obvious option and the Cook Islands has very much pushed itself to be a player in this market.\textsuperscript{29} But just as no state has available to it \textit{every} economic option, so too is it the case that just because a resource is available does not mean that that resource will necessarily be profitable or that taking advantage of that resource is a foregone conclusion. In short, the possession of sunny beaches does not automatically turn a given state into a prime tourism destination.\textsuperscript{30}

The Cook Islands possesses the natural attributes of a sunny tourist destination but has had to proactively manage the process of transforming islets of tropical beauty into functional nodal points – transmitters and receptors – of the global economy. This effort has been on-going since independence.

\textsuperscript{29} By contrast, the Cook Islands is ill-suited to most production-type industries, even those that might exist on a small scale. A major problem is the procurement of materials. Thus, as it was explained to me, even something that seems small and simple, like jam production (which might otherwise seem like a promising business in a place where fresh fruit is so abundant), can be very difficult. After all, when you’re on a small island, if you run out of, say, lids for your jam jars, you are simply out of luck until the next shipment arrives. (Conversation with Louisa Sifakula at Pacific Island Trade and Investment Commission, April 7, 2010) Indeed, even if parts have been ordered, the timing of deliveries, unless air-freighted, can easily be delayed because of weather that prevents a ship from docking or due to other logistical factors relating to sea transportation. Even the provision of gasoline – “petrol” – so fundamental, even in the Cook Islands, cannot be taken for granted. During one of our stays, Rarotonga nearly ran out of fuel, the tanks of many of the gas stations had been exhausted while the island waited for its next shipment, now delayed. The owner of Rarotonga’s mass-transit buses told me that in his decades in the business, his company had several times \textit{almost} – but never actually – run out of all fuel altogether.

\textsuperscript{30} Around the South Pacific, there are certainly many countries that have beautiful beaches and climates but that receive very little tourism; certainly, many islands of the Cook Islands, while among the most beautiful in the world, receive almost no tourists. Samoa is an example of a South Pacific country that is actively working to build up its currently under-developed tourism industry. On the opposite side of the globe, the states surrounding the Mediterranean Sea offer other good examples. As compared with Italy and Greece, states like Albania and Montenegro have grossly different relations to the international marketplace in terms of sea-side tourism; in this regard, Croatia is interesting as a less-expensive but up-and-coming mid-point.
Furthermore, this effort has evolved in a broader regional and global context. Much has been written about the mystique of Polynesia, largely in regard to Tahiti (see Nicole 2001); interestingly, the Cook Islands has benefitted from this myth and has also been harmed by it. On the one hand, Cook Islands tourism is enhanced by the European/American construction of Polynesia as a place of beauty and fantasy. On the other hand, the geographic proximity of Tahiti has meant that the Cook Islands also has had to compete directly against Tahiti. This direct competition is made all the more difficult by the long head-start that Tahiti has had in terms of marketing itself (and in having its imposed myths market for it). But at the same time the directness of the competition is eased by the difference in colonial language and the natural tendency of Tahiti to attract native French speakers while native English speakers frequently prefer the Cook Islands.\(^{31}\)

Several factors have combined to make tourism the core – some 70% – of the Cook Islands’ economy.\(^{32}\) First, as noted, the Cook Islands is made up of a genre of natural beauty that is held in high esteem by many. That beauty, in turn, has been mystified, objectified, and transformed into a market commodity by forces of colonialism (exoticism) and capitalism (the tourism industry, among others). Second, successive generations of Cook Islands leaders have recognized the (economic) value of tourism and have pushed the country, with some considerable success, to build

\(^{31}\) Recall that historically and culturally, the people of Tahiti are among the most closely related to Cook Islanders and the two groups speak mutually intelligible indigenous languages. But as I mentioned in Chapter 2, the contemporary English-versus-French linguistic splice between the two is another marker of the arbitrariness of post-colonial nation-state building.

\(^{32}\) In 2009, for the first time, the number of tourists visiting the Cook Islands exceeded 100,000. Of those 102,528 visitors: 66,438 were from New Zealand; 16,549 were from Australia; 6,509 were from the US and Canada; and 10,332 were from Europe. (see http://www.stats.gov.ck/Statistics/Tourism/tourism_ctyofresid.htm, last visited July 21, 2011).
itself in the image of a (pre-constructed) tourist destination (see also Notar 2006).\textsuperscript{33}

Third, changes in the local economy have facilitated the solidification of tourism as the primary economic factor, on the main island of Rarotonga at least, as well as on the island of Aitutaki.

These latter changes in the local economy have in part been caused by shifts in the global economy that, for the most part, have made agricultural production increasingly less profitable in the Cook Islands. The combination of decreasing profits from agriculture and increasing profits from the tourism sector – as well as due to the spread and amplification of Western, individualist\textsuperscript{34} practices – have led many on the island of Rarotonga to cease growing crops and to build one or more bungalows or other living spaces for rental to tourists.

Not only are such bungalows and rooms often more profitable than agriculture, but they also generally require much less time and physical labor. The shift to a tourist economy has therefore had widespread consequences for the day-to-day lives of the people on Rarotonga and Aitutaki. These consequences are multi-layered: recall, as discussed earlier, that following independence Albert Henry began

\textsuperscript{33} These efforts confirm the fact that a given country’s success in a certain market is not due solely to what the global market allows but is also necessarily related to human factors, such as who promotes an idea and how and when. In the case of the Cook Islands, one important catalyst for a shift from an agricultural economy to a tourist economy was the drive of former prime minister Geoffrey Henry who, as he himself has put it, “wanted to stop bringing the fruits to the mouths and instead bring the mouths to the fruits.” (Conversation with Geoffrey Henry, April 16, 2010).

\textsuperscript{34} At the same time, the relative ease of earning money within the tourism industry has also sapped many Cook Islanders of the incentive to be innovative in other ways. I was told, for example, that hotels on Rarotonga would have a need for the provision of local foodstuffs, such as eggs; nevertheless, because of the availability of easier money, no local Cook Islander has bothered to set up a domestic egg production industry that could perform this service. In Samoa, by comparison, where the tourism industry is in its infancy, the local people have had to work harder in these kinds of areas. (Conversation with Louisa Sifakula at Pacific Island Trade and Investment Commission, April 7, 2010).
leading the people into a conceptual shift that transformed the Cook Islands – and consequently the people as the substance of the nation – into a tourist destination. As part of this conceptual shift, cultural practices took on new meanings and cultural articulations took on new forms. On top of these changes, many people, over night, went from being agriculturalists to landlords, and thereby from being people of the land to being people of capital, with all the related types of changes in action and consumption that have been well documented elsewhere (see e.g. Macpherson and Macpherson 2010). In the words of one informant, today “a tourist dollar touches everyone here” (cf. Hart and Negri: “money touches everything” (2000:32)).

Lastly, technology has also played an important role in the development of the Cook Islands’ tourism-based economy. Of course, the completion of the airport in Rarotonga in 1973 literally opened the country to mass tourism. Other technological advances have also been significant. For example, the internet has made it possible for individual bungalow owners to advertise their accommodations worldwide and therefore to manage a segment of interaction with the global economy/community on an individual basis – although note that these interactions are still subject to other filters of the state, such as customs and immigration, and taxation, but here the individual actor gains a tremendous amount of agency.

A corollary of this centrality of tourism is that every family on Rarotonga – indeed nearly every individual – is engaged in, and dependent on, the tourist industry.

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35 There are, however, fears and frustrations about who might be receiving the largest share of each such dollar, with some locals complaining that foreign owners (because of their profits) and/or foreign laborers (who do a good deal of the low-wage labor within the tourism sector) might be benefitting from tourism dollars more than many local Cook Islanders themselves.
As such, issues affecting tourism are widely discussed and closely followed. This mass engagement is exemplary of the feedback mechanism that exists between popular sentiment among the residents of the nation and the nation *qua* state. For example, during 2009 and 2010, a number of internal crises shook the Cook Islands tourism industry, subjecting the industry to yet further domestic debate, resulting in state-driven intervention.

The state is implicated in other ways as well. A further consequence of the fact that tourism is the core of the Cook Islands economy has been that the state has had to make sure to manage the interface with the global world as well as possible. In regard to other, less profitable areas of the economy, the disciplining forces of the global economy are occasionally more forgiving; but here, the Cook Islands is forced to compete at an extremely high level that allows less room for error. (See Mosley 2000, 2005) In short, not only a poorly-run tourist industry, but also any “bad news” that comes from the country, whether in terms of political chaos or environmental troubles, could cause would-be tourists to choose other destinations.

A note here on the Outer Islands. Tourism in the Cook Islands is – not completely, but for the most part – confined to Rarotonga and to Aitutaki (which serves – for purposes of the tourism market – as a kind of well-managed, exotic extension of Rarotonga). Like most areas of economic development, the non-Aitutaki Outer Islands lie largely outside the sphere of influence or benefit of tourism. Some attribute this imbalance to the allegiances of early politicians who helped to structure the tourism industry as it exists today. And no doubt there is some truth to this. But
also, there is a continuum of practical factors that has hindered the development of more extensive tourism in the Outer Islands, including the fact that the islands are distant, sparsely populated and lack the infrastructure to support the demands of great numbers of visitors. Distance aside, however, this is of course a chicken-and-egg question: no doubt, with for example added infrastructure, the numbers would grow.

So the “problems” regarding the lack of tourism in the Outer Islands are not insurmountable; the problems – to the extent they are even “problems” at all – are less practical than they are political. But at the same time, there is certainly no consensus on any of the Outer Islands as to whether additional tourism would be desirable or what such tourism would or should look like. As discussed below in regard to Rarotonga, these questions are complicated ones because they implicate the shape and substance of the nation itself. In a nutshell, increased tourism is a possibility; but the achievement of its economic benefits would require considerable changes, including infrastructure “improvements” that would alter the shape (and rights of possession) of the land, and changes in labor demands that would require residents either to work far more hours than currently or to contract in outside labor, which would cause its own conflicts.36

On the whole, however, tourism is the backbone of the Cook Islands economy. Thus, tourism is not only responsible for a large portion of the country’s

36 Although the political hurdles are significant, the development of tourism in the Outer Islands is indeed, to some extent, hindered by the sheer remoteness of some of the Outer Islands, especially those in the Northern Group. That distance, combined with the Rarotonga-centered politics of the country in general, are the source of much frustration among Outer Islanders, again especially in the Northern Group. (Among other barriers to travel, a single, roundtrip plane ticket just from Rarotonga to Pukapuka, for example, currently costs upwards of USD $ 1,100.)
capital accumulation, but also it is through tourism that the global community in literal, embodied form – via the tens of thousands of visitors per year – interfaces with the state. Consequently, via the regulation of tourism, the Cook Islands state regulates its interactions with the global community and the global marketplace.

National Dreams and the Regulation of Off-Shore Banking and Related Industries

Many in the Cook Islands recognize the financial precariousness of the country’s reliance on tourism. For decades, therefore, leaders and others have searched for alternative sources of national revenue. This search has at times strayed from the kind of long-term planning and difficult ground work that can lay the foundation for a truly diversified economy. Instead, some of the efforts have focused on what might be seen as “easy money” schemes.

The genre of these efforts is important in and of itself because in them is reflected a national dream – a national dream that reflects the ambivalence that many Cook Islanders feel toward economic development: there is often a desire for increased earning power (or, more accurately, for more spending power) but with staunch resistance to dramatic structural modifications or changes to the “way of life” in the islands. The current debate about seabed mining, discussed further below, is an excellent example of this – a scheme that involves little effort but that produces high (perhaps even extremely high) profits for all.\textsuperscript{37}

\textsuperscript{37} By contrast, note the pearl industry. Pearl farming – which occurs primarily among the Northern Group islands – is extremely difficult work, but coming out of the 1970’s it was an industry worth approximately NZD $18 million annually for the country, second only to tourism. Now it brings in less than NZD $5 million per year. The fluctuations of the global market – exacerbated by a flooding of cheap pearls from French Polynesia (which I have been told has 60 or 70 islands that produce pearls}
Note that I refer to this scenario as a “national” dream; I do so on purpose. It is true that changes in national regulation and economic development certainly can and do benefit individuals; as such, individuals may advocate for them. But aside from changes in national regulation, the dream of individual profit is available regardless of these kinds of variances in national regulation. For example, for the entrepreneurial Cook Islander, profit is available within the system as-is; in particular, in addition to opportunities on the islands and as discussed elsewhere here, the dream of individualized or familial wealth always shimmers brightly across the water in New Zealand and Australia. Therefore, the specific dreams of easy money that I write about here are collective; they implicate the national ethos and national sentiment and as such are national dreams.

The primary version of this national dream in the 1980’s and 1990’s involved the off-short financial services industry. Here was an opportunity, it was believed, to generate huge amounts of revenue for the country with no greater investment than a few small offices where, through simple office labor, fees for these off-shore services would flood in.

for some $180 million per year, compared to 1 or 2 islands in the Cook Islands), have significantly harmed the ability of Cook Islanders to compete on the global market; at the same time, the availability of money through tourism and/or wage labor in New Zealand and Australia, has meant that few children of pearl farmers have been willing to or are interested in following in their parents’ footsteps. Moreover, most of the money from pearls is earned by the middle-men, not by the pearl farmers; one former pearl farmer told me that the most she had received for a single pearl was NZD $32 – for a pearl that would probably sell in the store for NZD $1,000. Note too how prior to the arrival of the Europeans, pearl shells were used for all sorts of things, including fish hooks – at that time, the pearl itself would just be thrown away; ironically, the arrival of the pearl industry in places like the island of Manihiki, where it is now seen as one of the island’s most important attributes, caused the displacement of some previously prevalent cultural practices such as carving.
Such a scheme is formed by national regulation and is dependent on foreign capital. As such, the scheme is an ideal example of the sovereignty of the nation-state as interface mechanism. In this particular case, the scheme is especially illustrative because it shows the active role of the state in ways that can prove to be both beneficial and harmful; it also serves as a sharp example of the disciplining nature of the global market.

In short, in regard to so-called “off-shore” financial services, national regulation and sovereignty are interwoven in several ways. For one, national financial regulation is the *sine qua non* of an off-shore banking industry. In other words, national financial regulations create the very conditions that allow for foreign individuals and companies to hold money in that country. At the same time, sovereignty is continuously implicated because it is the perceived boundary of sovereignty that prevents regulators and others from a given client’s home country from accessing this money.38, 39

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38 Take the example of an off-shore trust. An individual, say, an American, deposits a million dollars in a trust managed in the Cook Islands. That individual is later sued in the United States and is ordered by the court to pay a million dollars. Let’s say also that the individual has retained very few assets in the US and therefore does not have the funds, in the US, to pay the judgment. Now, the US court can certainly order that those assets existing in the US be forcefully obtained – or in the case of goods, sold and the proceeds paid to the prevailing party in the litigation. But as to the million dollars in the Cook Islands, that money cannot be forcefully removed from the Cook Islands – because of the sovereignty of the Cook Islands – except under very limited circumstances, and even in those cases, a court case must be brought in the Cook Islands itself (because the Cook Islands does not recognize foreign judgments). At the same time, regulation *in the US* could wipe out this type of off-shore trust by placing barriers to their usage by US citizens; in such a way, unilateral action by one sovereign (here the US) can have large effects on the abilities of other sovereignties (here the Cook Islands) to function – according, at least, to many small countries that profit from off-shore services. (See Palan 2002).

39 Note also that Cook Islands trust laws do not recognize the rule against perpetuities, and therefore, unlike in many US jurisdictions, one can in the Cook Islands set up dynastic trusts, that is to say, trusts that continue for generation after generation without end.
Sovereignty is also implicated because the fees generated by the off-shore financial services bring revenue to the country, allowing it to function. As such, not only the creation of, but also the support for, the industry is a national project. The Cook Islands government, for example, maintains an agency for the international promotion of the country’s off-shore services, the Financial Services Development Authority. As part of this national project, it is even important for companies offering off-shore services to work together in promoting the country’s off-shore industry, even though they are otherwise competing against each other for clients. As one financial regulator explained it to me, it is like opening a restaurant – if you open it in too remote of a location, no one will come; instead, you need a critical mass. Without that focused critical mass of off-shore services in the Cook Islands, would-be clients are likely to turn to service-providers in other sovereignties, such as in the Cayman Islands.

But off-shore services are not without risk to a country. In the 1980’s, an international scandal emerged in New Zealand wherein money managed by Cook Islands firms was in part at issue. Holes in Cook Islands financial regulation came to light and the event – commonly referred to as the Winebox Affair – was a black eye to Cook Islands sovereignty. This black eye was not merely symbolic, however. Indeed, in addition to detrimental effects on tourism, Cook Islands financial services were placed on international black-lists and the Cook Islands government was forced to overhaul its financial services laws, among others.40 In doing so, the Cook Islands

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40 As a result, although the Cook Islands continues to permit – and to promote – its off-shore trust services, the country has largely phased out its off-shore banking services.
set up its Financial Supervisory Commission and its Financial Intelligence Unit, to better regulate its financial services, including more effective monitoring of cross-border transactions and verification that given monies are legitimate, that is to say, not parts of money-laundering or other illicit schemes.

In short, the Cook Islands was playing here on the global field. But as noted, the disciplining powers of the global market can be severe. The Cook Islands, in being implicated in international scandal, was forced to bear the brunt of that discipline and, among other things, to alter its domestic regulation accordingly.

Looking Toward the Future: Seabed Mining

The latest version of the national dream of economic riches in the Cook Islands is in the form of seabed mining. It so happens that although the Cook Islands is among the smallest countries in the world in terms of land size, the country nevertheless has quite a large exclusive economic zone (EEZ)\textsuperscript{41}, given how widespread its islands are. For several decades, mixtures of fact and rumor have reported that the seabed within the Cook Islands EEZ is unusually rich in coveted minerals such as manganese, cobalt, and even some gold. These minerals can be found on the ocean floor in the form of nodules, that is to say, in essentially small, round balls, from one to a few inches in diameter. Manganese and cobalt have

\textsuperscript{41} Set up in the 1970’s, EEZ’s extend sovereign borders from 12 miles out to sea to 200 in regard to certain economic activity, such as the regulation of fishing. Although the Cook Islands is made up of only some 240 square miles of land, the spread-out nature of its many islands means that its EEZ is larger than that of many larger countries. Note that EEZ’s, which cause once buffered “sovereignties” to now meet up in the open waters, are not without controversy (see Crocombe 1992: 195-96). Further, disputes about rights to minerals in the seabed are not new (see Crocombe 1992: 224).
various industrial uses and are extremely valuable; the problem, however, has been the technology needed to reasonably extract the nodules from the ocean floor (especially in light of an increasing awareness of the ecological dangers of such an activity).

Given their value and location, the dream of the nodules is structurally similar to that of off-shore banking: the Cook Islands itself would require little up-front investment and, equally importantly, would not need to subject itself to structural change or to hard work; instead, all that would be needed would be to regulate the commodity – here, the mining – and then the citizens could simply sit back and collect the royalties (with some minor enforcement work). An appealing dream indeed!\(^{42}\)

In the late 1990’s, then-Prime Minister Geoffrey Henry took on this national dream as an option for rescuing the Cook Islands from its financial woes; but alas, he was before his time and the technology was not yet available. In the last couple years, however, the news of technological advances has reached the shores of the Cook Islands and the dream has been resurrected.

This time, the country has begun to take steps to capitalize on the possibility. In 2009, the Cook Islands Parliament passed into law the Seabed Minerals Act which creates a commission that will manage the licensing of any would-be mining-company suitors who come knocking on the door of the state.

\(^{42}\) Cook Islanders, however, are aware of the potential damages that can be caused by overzealous mining projects; the sad fate of the Micronesian island nation of Nauru, whose phosphate was mined to exhaustion from its surface lands during the 1900’s, serves as an oft-cited warning.
This management of seabed mining also reflects a way that sovereignty as interface mechanism serves, via the management of relationships with other sovereigns, as a necessary means of maintaining a group’s own sovereignty. In short, although the Cook Islands can regulate seabed mining over a broad stretch of ocean, it is nevertheless ill equipped, on its own, to enforce that regulation. But as the Cook Islands has done with reasonable success in regard to its fishing industry, the Cook Islands is able to work together with other countries – primarily New Zealand, Australia, and France – to handle much of the patrolling of its oceanic territory. This service by New Zealand, Australia, and France is obviously beneficial to the Cook Islands; but it is likewise important to New Zealand, Australia, and France themselves, because it helps to limit pockets of illegality in waters that border on and/or are proximate to these countries’ own waters or the waters of its territories (namely French Polynesia).

During my latest visits to the Cook Islands, talk of seabed mining was common. As a national dream, the project was a shared one, although opinions differed on whether the mining would ever truly lead to profitability for the country.

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43 Similarly, Australia and New Zealand are often readily willing to provide internships in their government agencies for Cook Islands financial regulators.

44 One economically savvy informant criticized the government for not beginning now – through scholarship investments and the like – to train Cook Islanders for the kinds of positions, such as engineers, that will eventually be needed to support and manage a seabed mining regime. Otherwise, the country may be forced to contract out high-level work, as was the case in the pearling industry, where for years Cook Islanders had to pay large sums to educated technicians from other countries, before the Cook Islands finally trained its own technicians.
Interface Mechanism: a Few Final Examples

A few final examples of elements of the state that serve as interface mechanisms may be useful here. First, an excellent direct example can be found in the Cook Islands Business Trade Investment Board. Pursuant to the rules of the board, as mandated by state regulation, foreign individuals and entities wishing to make investments within the Cook Islands are subject to a number of restrictions.⁴⁵ Among others, foreign investors must in many circumstances partner with one or more Cook Islanders and must demonstrate a potential benefit of the investment to the Cook Islands; the sale of local businesses must also be advertised for thirty days for purchase by locals before sale is opened up to foreigners.⁴⁶ As such, in a very deliberate way, the state is shaping the kinds of investment capital that come into the country and by whom.

State regulation also operates in less express ways. For instance, the Cook Islands land tenure system, discussed in more detail below, forbids the alienation of land. This is a traditional rule that is now enforced by the state. As such, through this regulation, the state sets the rules for the engagement between the Cook Islands and the global marketplace in terms of the real property of the islands.

The state’s regulation of education is another example of the role of the state as interface mechanism. In essence, the Cook Islands has made the decision to match its educational system to that of New Zealand – in large part to facilitate the ability of

Cook Islanders to move back and forth between the Cook Islands and New Zealand. As such, and given that the educational system of New Zealand is generally considered to be superior to that of the Cook Islands, the Cook Islands state is setting up the structure of the system in such a way so as to cause out-migration. In other words, thanks to the correlating systems, it is easy to transfer one’s children from schools in the Cook Islands to schools in New Zealand; and given that schools in New Zealand are seen as superior, many parents/care-givers do indeed move to New Zealand with their children or send their children to live with relatives in New Zealand for purposes of schooling. The interface mechanism in this case is then one that is structurally conducive to out-migration.

_Sovereignty as Value-Maximization Mechanism_

By “value-maximization mechanism,” I am referring to those aspects of sovereignty by which the state regulates the movement of capital and persons for reasons other than economic rationality, that is to say, for reasons related to the preservation of, promotion of, or resistance to, a given set of cultural characteristics. This aspect of sovereignty is therefore a connector between the _sui generis_, subjective cultural stuff of the nation on the one hand and the state’s functional regulation on the other.

Here, then, it is the state that is the arbiter of culture – or a culturally shared sense of identity – because the decisions regarding regulation necessarily emanate from the state; obviously, the individuals who perform decision-making on behalf of the state can be influenced by broader trends and inclinations among the state’s
citizens, as well as by outside forces – although the degree to which this happens of course depends on the scale of democracy and other factors.\textsuperscript{47}

If we define the term “culture” as the sum of a group’s values, then we may substitute the term “culture” for “values” in this discussion: a nation-state exists to most effectively reproduce its culture.\textsuperscript{48, 49} For instance, if particular land-tenure rules are essential to a culture, as they are in the Cook Islands, then the nation-state will attempt to mobilize the capital-generation of its international relationships in order to support that land-tenure system.

To use a very different example: if language preservation is important to a group as in France and would-be/wanna-be nation-state Quebec,\textsuperscript{50} then the nation-state’s capital regulation will be structured so as to support a strong language base – for instance, laws will ban certain kinds of foreign-language signage, even though such signage (say, advertising) might otherwise have facilitated and promoted capital generation. Compare Sweden, where the use of English, for example in movie

\textsuperscript{47} See Merry (1992: 358), where she discusses ways that the relationship between the state and other normative orders is dialectic, mutually constitutive.

\textsuperscript{48} As noted above, it is of course difficult to define what a culture is or what its values are. And in any event, culture is always contested, always changing. History can help to shed light on why a culture is the way it is, though in my opinion such explanations are an inexact science and cannot be relied on too readily. For example, Cook Islanders are stereotypically very laid back (to an excess at times, some might say) and are also very giving. It was suggested to me several times that the roots of these cultural traits might be found in the historical fact that during the past two centuries at least, Cook Islanders have never had to \textit{fight}: they have never had to fight for food, which has always been plentiful on the land and in the lagoons; they have not had to fight for their land itself, which has stayed largely in their possession throughout colonization; nor have they had to fight for access to the labor markets or welfare systems of New Zealand, both of which they have long had rightful access to. Do these historical factors either \textit{determine} or \textit{define} contemporary Cook Islands culture? I do not think so. Do they help explain it? Surely.

\textsuperscript{49} It is for this reason that smaller national groups desire a “state”: self-determination is only a part of the equation. Since no state is really independent anyway \textit{and} groups are often better off \textit{economically} when \textit{not} an independent state, what is really at stake is the desire and ability for a group to define its own substance – that is to say, “culture.”

\textsuperscript{50} Quebec is an interesting example because it is not fully “independent” but still exerts these kinds of controls.
titles,\textsuperscript{51} is rampant; here the defense against foreign-language intrusion is not a priority of the culture – and in fact, English-language usage may be \textit{desired} for reasons ranging from trendiness to efforts to gain international competences. Therefore, the value-maximization activities of the Swedish state are focused elsewhere (such as on social welfare or on being an international peace-promoter).

In short, different cultural values lead to a different regulation of capital in order to be able promote those values. Here sovereignty is both a social glue and a social catalyst; it is the meta-term that describes this relationship between the process of nation-state \textit{action} and cultural solicitude and regeneration.\textsuperscript{52}

\textit{Land Tenure Rules: State Regulation in Support of Cultural Norms}

Land tenure rules in the Cook Islands are complex (see Crocombe 1964). Most important for present purposes is the traditional rule that land cannot be sold, that it is unalienable. Unlike many peoples of the world, Cook Islanders, through a series of historical circumstances, were able to maintain this central rule throughout colonization.

\begin{footnotesize}
\textsuperscript{51} In other words, although foreign-language movies are subtitled when shown in Sweden, the titles of English-language movies – whether in advertisements or in mainstream movie reviews – are often referred to simply by their English name.
\textsuperscript{52} My ideas here owe much to Mosley’s political science article regarding “room to move” (2000). There Mosley describes the disciplining effects of globalization; in other words, the demands of the global market will force states to conform in certain ways in order to be able to compete in that market. But Mosley’s key insight is that a state is not forced to conform in \textit{every} way; instead, in between the disciplining demands, there are also spaces where each state has “room to move,” that is to say, the ability to make its own decisions, unimpeded by the strictures of the global market. It is in these spaces that a state’s value-maximization is most significant. My debt here then also goes to Ong, for highlighting the profound productive value of different spaces, including in spaces of “exception” (see Ong 2006).
\end{footnotesize}
So until independence in 1965, the rule forbidding the alienability of land was part of the administrative code. When the Cook Islands state took over governance of the country, the state very deliberately took this administrative provision on as national law. Here, then, is an example of a state law that has encoded and continues to encode a cultural norm.

This particular cultural norm *qua* state regulation is pivotally relevant to the Cook Islands’ relationship with the global community and the global marketplace. In tandem with increasing tourism and international mobility, the desirability of land as a target of foreign investment by both individuals and companies has increased. In other words, there exist potential foreign buyers of land and there would presumably be sellers – but the Cook Islands state, as arbiter of the given cultural norm, refuses to allow the sale.

This transaction-inhibiting policy has important effects on the Cook Islands economy in three key respects. First, the unavailability of land for purchase naturally greatly reduces direct foreign investment. As a partial remedy, the state has enacted legislation which allows for *leases* on land of up to 60 years. As such, there is a vehicle for foreign investment in land, for example for purposes of hotels or resorts; but the market is relatively meager given that, unlike the value of *owned* land, a lease in land *loses* value each year.

Second, the land tenure rules in place mean that many, many members of a family often have a say in the use of a larger plot of land. So efforts to put larger

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53 Leases, however, are subject to their own set of restrictions, such as that leases for longer than five years must be approved by a government committee.
plots of land to productive/commercial use – whether for tourism or agriculture or otherwise – frequently fail because it proves impossible to get the necessary agreement from all the implicated family members in regard to any particular proposed project.

A third way that the state’s regulation against the alienability of land affects the Cook Islands economy involves the ability of Cook Islanders themselves to generate capital for purposes such as starting a small business. In the United States, just as in countries such as New Zealand, from which the Cook Islands inherited the backbone of its capitalist economy, a primary vehicle for obtaining capital for starting a small business is by means of a loan for which one’s residence serves as collateral. But this avenue is largely unavailable for Cook Islanders.54

So the state’s land tenure regulation violates rules of economic rationality; but it does so deliberately and with targeted intentions and results. And indeed, in doing so it is able to preserve a central tenet of Cook Islands culture even in the face of the forces of the global economy that are as disciplining as they may be enticing. Time and again, informants discussed with me the centrality of land tenure to their understandings of Cook Islandness. So the state, in prohibiting alienability as well as in offering the alternative of 60-year leases, is serving in its role as a value-maximization mechanism.

54 In addition to the direct inability to loan money in this way, some informants pointed out to me that there is also a qualitative difference in borrowing money in other ways, such as in a bank loan: when defaulting on one’s loan means that one will likely lose one’s home, there is an added incentive to work hard to make profitable the money borrowed by the loan so that one can pay the loan back.
Tourism: a Delicate Balance

As discussed earlier, tourism is the mainstay of the Cook Islands economy. The relationship, however, between the Cook Islands state and the running of the islands’ tourism is a complex one. On the one hand, of course, the state wishes to – and tries to – increase tourism and thereby to increase the revenue from tourism. On the other hand, however, the state limits tourism for the purposes of preserving and protecting cultural norms. One example of this is the land tenure regulation described directly above: if land were alienable then a likely consequence would be more [foreign-owned] hotels and resorts, which would presumably boost tourist numbers, perhaps even dramatically.

Other aspects of state regulation also, directly or indirectly, limit tourism. For instance, the state-regulated minimum wage in the Cook Islands is higher than in many other Pacific island nations. These higher wages are a necessity for purposes of trying to keep Cook Islander workers from leaving the country, given Cook Islanders’ easy access to higher wages in New Zealand and Australia. Nevertheless, with higher wages come higher prices, which causes tourist visits to the Cook Islands to cost more for the tourist than a visit to many other sunny island states in the region.

Furthermore, tourism demands the availability of goods and services in timeframes that correspond with tourists’ needs. The combination of cultural norms

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55 Keep in mind, however, as one Pacific investment advisor reminded me, the Cook Islands is obviously not alone in wanting to increase foreign investment/tourism but without losing its culture or being overrun.

56 At writing, the minimum wage in the Cook Islands, at NZD $5/hour, is still far less than those of New Zealand and Australia, which are NZD $13/hour and A $15.51/hour respectively.

57 This problem is amplified in regard to Australia. Given that the Cook Islands at times has trouble differentiating itself within the Australian tourism market, many Australians are unwilling to pay the premium for travel to the Cook Islands.
that value non-work time and regulations requiring overtime pay, however, cause most shops in Rarotonga to close by 4pm on weekdays, noon on Saturdays (if they open at all), and to be closed on Sundays. It is not uncommon to see tourists in town after these hours, searching with some significant effort, though in vain, for places to spend their money.

A more visible example involves cruise ships; cruise ships usually visit Rarotonga for one day only, and that day is sometimes a Sunday. Even though the residents are generally informed well in advance of the arrival of any cruise ship, only a tiny percentage of shops bother to open on a Sunday when cruise ship passengers are on the island (similarly, after noon on a Saturday). In such instances, literally hundreds of well-financed visitors are on the island, cash seemingly almost falling out of their pockets, but in spite of eager endeavors, they are unable to find many places to exchange that cash for local goods or services.

What then is the cost of these closed shops? As Cook Islanders are smartly aware, the answer is, among other things, more time with family, more time with friends, more time enjoying life rather than earning it. The mathematical complexities of the global economy be damned, it is, for many Cook Islanders, actually quite a simple calculation.

In a similar vein, increases in the number of tourists to Rarotonga would require significant changes to existing infrastructure: roads would need to be repaved and even widened, buildings would need to be built, other services – such as, perhaps,

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58 For more on cruise ship tourism and economic development in the South Pacific, see Macpherson (2008).
a casino – might need to be offered. But these are steps that many Cook Islanders are opposed to because of the toll they would take on the character of the island. So although a vast majority of the people whom I spoke with articulated a desire for “economic development,” often in the stated form of increased tourism, very few claimed that they wanted Rarotonga to be transformed in the physical sense necessary to support such tourism or that they would welcome the changes to the local dynamic that more tourism would cause. As a consequence, the state, as manager of national tourism, works to increase tourism in smaller numbers but without a full-scale effort to push the numbers to their full possibility. Again, the land and the cultural norms of daily lifestyle are the beneficiaries of state regulation at the expense of direct foreign income via the global market.

As especially this latter example shows, the state, therefore, often has an ambiguous – and certainly nearly always contested – role in the process of value maximization. Other examples include the preservation of the Cook Islands Maori language, language being an important element and marker of culture. On the one hand, the state has mandated among other things a Maori language requirement in the country’s primary schools. On the other hand, as noted, the state has purposefully aligned the Cook Islands school system with that of New Zealand, a move which facilitates the move of Cook Islander children from the Cook Islands to New Zealand – a New Zealand where children are unlikely to get any school instruction at all in Cook Islands Maori.

59 Note too that the role of value-maximization can, in certain instances, be delegated to sub-parts of the state. In the United States, for example, although Vermont and Mississippi might in some ways be similar, they still structure their [financial] regulations in order to support certain different values.
Importantly, the school itself is of course a key institutional implementation of the values of the state. In the case of the Cook Islands, the Maori language requirement, not to mention the inclusion of various dancing and related activities at school, are examples of ways that the state, through its role as value-maximization mechanism, literally trains its children in the valued ways of culture (see Allison 1991).

Returning to the question of language, in many areas of public life in the Cook Islands English is tolerated or even encouraged. The state possesses the power to mandate Maori in many situations, but chooses not to. This choice is not made without forethought or without understanding its significance; instead, unlike the situation in regard to land tenure, the state in this circumstance chooses to sacrifice aspects of the culturally important realm of language in exchange for the perceived benefits that come with having citizens who are fluent in the language of the two closest sources of labor and money for emigrating families, namely New Zealand and Australia. For many Cook Islanders, the sacrifice is a worthy one; as one father who spoke primarily English instead of Maori to his children told me poignantly: “No doctor is ever going to ask for the scalpel in the Maori language.”

_Symbiosis_

The emotional component and the functional component of sovereignty are symbiotic; they exist together, they influence each other. In short, people have an emotional attachment to their state which influences the functioning of the state in relevant ways. Of course, what those emotional attachments are, and how and to
what degree those emotions sway state leaders, is different in every instance. But
whatever the case, one way or another – through support or resistance – people’s
subjective engagements with the state, the emotional component of sovereignty, will
influence the functioning of the state. At the same time, the state’s functional
regulation will impact the people’s emotional attachments, affecting their collectively
shared sense of identity.

The Cook Islands as a state is a testament to this dynamic. Beginning as
diverse islands connected more through techniques of colonial administration than
through direct historical alliances, the Cook Islands state is in the midst of a process
of consolidating – or at least allying – emotional attachments under the functional
umbrella of a single state.

In other words, beginning with the colonial administration, the various islands
were grouped together functionally. A result of this functional concatenation,
combined with the charismatic and formative efforts of leaders such as Albert Henry
and Thomas Davis, was that those seeds of function began to take root in the soil of
emotion. At the same time, as the country has begun to understand itself as a unit,
leaders such as Geoffrey Henry have capitalized on those emotions of unity in order
to push the country to function more cohesively.

The symbiosis is also evident in the relationship between the Cook Islands and
New Zealand. Cook Islanders generally possess strong emotional attachments to the
Cook Islands; at the same time, Cook Islanders are willing to forego a Cook Islands
currency, as well as something called Cook Islands citizenship, in favor of the New
Zealand dollar and New Zealand citizenship. In terms of the functional management of the state and its interface with the global marketplace and the global community, the Cook Islands deliberately abdicates (for now) these aspects of statehood for the very purpose of maintaining the Cook Islands as the strongest independent state it can be.

This choice to give up some elements of statehood may seem paradoxical at best, or enfeebling at worst, but it is a proactive choice that is in many ways as brilliant as it is successful. Indeed, emotional attachments for a Cook Islands state drives the existence of the state as a functioning entity, just as the willingness to maintain that emotional attachment in the face of severed elements of traditional statehood makes it possible for the state, in turn, to function (without going bankrupt or being overrun, among other possible consequences).

**Conclusions**

Traditional notions of sovereignty have focused on sovereignty as a monolith, as seemingly totalizing power. But these notions have failed to adequately explain the ways that sovereignty interfaces with other sovereignties, the ways that the state manages these interfaces, and the relationship between the state and the individual; these traditional notions have likewise not fully recognized that some elements of sovereignty are unique to each sovereign while others are largely identical (like compatible nozzles on a hose, so that they always fit together).
Here I have argued that instead of a monolith, sovereignty is made up of a subjective element (emotional) and an objective one (functional/instrumental). The functional/instrumental element, in turn, consists of both an interface mechanism (which makes it possible for cross-border commerce and interaction to occur) and a value maximization mechanism (which is the means by which the demanding forces of economic rationality are re-aligned for culture-specific purposes). These elements are mutually constitutive and symbiotic.

**Intersections**

Be all this as it may, how do we explain the curious and seemingly incongruous articulations of sovereignty that occur around the world? For example, why did the republics of the former Yugoslavia fight so hard for something called sovereignty only to appear to immediately plead to give up that sovereignty – sovereign borders, sovereign currency, etc. – by applying for membership in the EU?

In short, I suggest that there are three related reasons that groups – whether Yugoslavian republics or indigenous tribes – call their struggle one for “sovereignty.” First, “sovereignty” serves as a marker of group identity. It is a label that validates the group’s subjective, emotional understandings of itself. It is therefore a slogan of identity, a rubric of meaning. Second, that meaning then often gets mapped onto the form of the nation-state. This is because it is the nation-state, as an interface mechanism, that has become the primary form of globalized social and commercial interaction. In this way, nation-states have – largely by default – taken on the form of
a globally-recognized “ideal” mode of social organization. Groups therefore often tend to reach for, to seek, that “ideal.” Third, in order to perpetuate the elements of culture that gave the group meaning in the first place – in other words, to reproduce their subjective understandings of identity – groups require, not really self-determination for its own sake, but instead control over the value-maximization mechanism that allows them to manage, in functional terms, the values – the subjective meanings – of the group.

Sovereignty, then, serves as an umbrella term for a variety of desired powers and attributes – and as such can be a compelling rallying cry. But the term sovereignty is also, in common discourse, ambiguous, often mistakenly associated with ideas like “independence.” Sovereignty is not independence nor do most groups want to be fully independent (that is to say, severed from all interaction with outside groups). So once having achieved what many call “sovereignty,” a group must then focus on managing that sovereignty – which is to say, to put in place its interface mechanisms and set up its value-maximization mechanisms in ways that the group considers to be beneficial. The former Yugoslavian republics, for example, have determined that the best way to perform this management is as part of the EU. As such, it might appear that they are abdicating, giving up, some of their “sovereignty” – but in reality, they are simply working to manage it effectively. I argue that this management of relationships is precisely what sovereignty is.

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138
So sovereignty is relational.\textsuperscript{60} And since sovereignties cannot exist alone, then to better understand sovereignties, one must better understand the network of sovereignties that is the essence of our contemporary moment: globalization. Globalization, therefore, is the topic of the next chapter.

\textsuperscript{60} Recall the important contributions of Biolsi (2005), Cattelino (2008), and Lambert (2007) in this regard.
Chapter Four: Globalization

Introduction

The term *globalization* is powerful, almost magical. Bubbling forth from within its linguistic composition are both the expansive brilliance of the ‘*globe-*’ and the tool, the function, the perennial action of the ‘*-ization.*’ It is a word whose treasured syllables roll off the tongue – or from the scholar’s quick keystrokes – often with no context, a floating signifier inspiring far-ranging images of modernity, technology, and disparate places. Indeed, the word is so filled with meaning that its meaning is frequently lost; it is overdetermined, evoking a connectedness that is in some moments, like in the smiles of the transnational tourists’ photographs, as subtle as it is beautiful, and in others, as in the forlorn faces of desperate migrants, a sheer, fleeting horror. But whatever the case, whatever its contours, one thing is clear: globalization *is.*

As I write these very phrases I take stock and after just a few seconds note to myself that I am sitting in North Carolina while mechanics attend to my aging Swedish car. I’m drinking coffee from Indonesia from a cup purchased in New Zealand while I listen to music recorded in Australia but downloaded in the US, through Japanese headphones made in China. I could go on, but what’s the point, none of this is surprising: globalization is *everywhere.*

On the one hand, this everywhereness is an important descriptor of globalization; but on the other, such a description is incomplete and misleading. Indeed, we surround ourselves with – and we form intimate relationships with –
products from the global marketplace, from cell phones to clothes to wedding rings to children’s teddy bears. But global things are not only *around* us: given that we eat and drink foodstuffs that are grown and processed globally, global things are also *in* us, consumed into our physical being. More important even than this around-ness and this in-ness is the fact that just as we are a part of globalization, globalization has become a part of *us*; globalization is now an integral part of our view of the world, it is a fundamental, intrinsic and inextricable element of our formation as subjects, of our *sense of self*.

We tend to associate this globalization with modernity, or perhaps, *post*-modernity. Both terms, however, reflect that globalization is here now, it is the era of *today*. But as Eric Wolf and others have made clear, the current network of international connectedness is only the latest of many globalizations that have linked distanced and disparate human cultures together for millennia (e.g. Wolf 1997; Tsing 2000; Appadurai 1996).

Cook Islanders, to be sure, are no strangers to globalization. For hundreds of years, these remarkable sea-farers crisscrossed vast swaths of the Pacific, connecting and reconnecting the tiny islands that they settled with the cohering bonds of commerce, culture, and war. In their intrepid canoes – *vaka* – these early Polynesians wove the reaches of Hawai’i, Easter Island, and New Zealand into a network covering thousands of square miles; as such, the Polynesian “local” was rarely isolated but instead has even historically been a porous construct embedded in a multiplicity of relationships.
Today, more Cook Islanders live outside of the Cook Islands than within the borders of the country itself. In this multinational residence of its population the very existence of the Cook Islands is global. Moreover, within this global existence can be found strands of all the factors that make up globalization more broadly, including the cross-border flows of people, goods, ideas, and capital. The multinational connections among Cook Islanders are therefore not only global but also, significantly, a manageable example of what globalization is and how it functions.

A Definition and a Mode of Analysis

An examination of nation-state sovereignty in the global age requires an understanding of contemporary globalization; an examination of globalization likewise necessitates an understanding of contemporary nation-state sovereignty. The two are mutually constitutive.

The previous chapter offered a model for both the function and experience of sovereignty; the following chapter will set up a more complex framework for understanding the inextricable relationship between nation-state sovereignty, present-day globalization, law, and capital. In this chapter, I suggest a model of globalization and describe ethnographically a range of structures and experiences within that model.

Importantly, contemporary globalization is not simply the mass movement of people and goods, just as it is more than the mutual dependence of international economies or the connections of distant peoples via media and communications.
technologies. Instead, “globalization,” as descriptor of our contemporary world – as marker of the discourse surrounding the relationship between the individual and the rippling planet-wide connections between states, economies, and cultures – is a dynamic and *sui generis* combination of these factors. So while other eras of globalization have come and gone, in various forms, the present form is unique and can only be understood by recognizing any moment or event as a confluence of these factors.¹

As such, one way of defining ‘globalization’ – at least relatively succinctly – would be the following:

*Globalization is at once: (1) the combination of the cross-border movement of people(s), goods, and capital; (2) the economic interdependence of nation-states in international economies, driven by a co-production and co-consumption [both terms defined below] of goods; (3) the effects of planet-wide communications technologies, including the internet; and (4) the above factors as they become integral to cultural (re-)productive practices, intersecting to some – in each instance varying – degree in both the formation of the individual subject and in every function of the state.*

For purposes of analysis – and therefore for purposes of this chapter – I reorganize the substance and sub-parts of this definition, dividing globalization into four related and inter-connected elements. First, globalization is about *nation-states* and the relationships between nation-states. Nation-states of course interface with the

¹ See Hardt and Negri: “Many contemporary theorists are reluctant to recognize the globalization of capitalist production and its world market as a fundamentally new situation and a significant historical shift” (2000:8).
global community and the global marketplace in different ways. An examination of
globalization must consequently interrogate the range of these ways of interfacing.

Second, globalization is not simply the connections among states but is also a
matter of the movement of the state’s citizens, and so is about people (whether as
laborers or as consumers of labor’s production, or both). As such, one must
investigate the ways in which the movement of individuals, both out of states but also
likewise into states, links states and sub-state groups, from regions to families.

Third, capital as well as goods (produced objects) play an integral role in
globalization. We sometimes think of globalization as the movement of goods across
borders, but that is inadequate; in reality, globalization is about the co-production of
goods – that is to say, the fact that materials and labor from multiple global locations
are required for the production and transportation of essentially every produced object
on the planet; global flows of capital underpin this co-production.²

Fourth, globalization is about the individual. Globalization in the
contemporary world is linked to the individual in several ways. (1) Given the
globalization of foodstuffs, some part of most people’s diet is imported – the human
body itself thereby becomes of globalization, a part of globalization in its most
physical form, inseparable from it.³ (2) Given that essentially all products are co-
produced through globalization, humans’ use of just about every thing connects an

² Note that globalization has (in Peircean terms) an indexical relationship to all produced objects and to
all individuals.
³ Remember too that if a given food stuff is from a foreign location, then foreign labor is also
implicated, as well as the elements of globalization present in the transportation of such stuff, whether
vehicles, component parts, gasoline, oil, and all the labor and transportation that went into those. And
as discussed more later, all of these came to be through relationships of capital and law.
individual to globalization and the global networks of relationships – even a chair carved from local wood will likely have been, even if nothing else, at least transported by some mechanized means, in which case tires, engines, gasoline, etc., link the vehicle and thereby the chair to globalization. (3) Not only is nearly every individual aware of the global community, as well as of the global market (even if not in such terms), but every individual is also affected by the processes of international movement, inter-dependent economies, and planet-wide communication technologies. Globalization is therefore more than the mappable infrastructure and quantifiable processes themselves; globalization is equally so the ways that the patterns of this infrastructure and the reverberations of these processes become reproduced in individual subject formation, in the understandings of self. That is to say, globalization is not merely a set of circumstances, conditions, and relationships, but is, like “modernity,” a way of being, a means of engaging with and experiencing the world.

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The state. The movement of people. The movement of goods and capital. The individual. With these as organizational markers, the present chapter therefore places diverse individual Cook Islanders, Cook Islanders as a group, and the Cook Islands itself (which includes non-Cook Islanders), in the planet-wide network of relationships that we call globalization.
The Nation-State

The state is an essential player in globalization. In the foregoing chapter I discussed how the state serves in key ways as the gatekeeper of globalization. Although the state’s ability to control the flow of media and electronic communication can be important (albeit at times limited), the state’s role is paramount in the regulation of the incoming and outgoing movement of people and capital.4, 5

The Obligatory Form of the State

The Cook Islands state, like all states, is modeled on a constructed idea of modern statehood. As such, the Cook Islands has a government; a head of state; a police department; a customs office; an immigration office; something called “diplomatic relations” with other states; a flag; etc. In other words, in order for a nation to be a state, it must adhere to at least a minimum set of rules – it must look like what it has come to be agreed that a “state” should look like.6

4 Obviously there are also non-state-sanctioned – i.e., illegal – movements, of both significant and insignificant magnitudes. Remember that in the transfer of capital, goods, and people, some is always undocumented, some is always illegal (Spoonley et al. 2003: 35; Coutin, Maurer and Yngvesson 2002; see also Tsing (2005) who discusses illegal systems alongside legal ones in the depletion of the rainforests of Indonesia). Furthermore, according to Hansen and Stepputat, anthropologists can help discover and describe illegal networks; these networks are, they claim, part and parcel of understanding sovereignty today (2006: 305). In this regard, they cite Durkheim for positing that “the production of state authority, and the law as an expression of its sovereignty, is dependent on the production of an unlawful underside of the state” (305). Of course, what is legal or illegal is a question of law; decisions on regulations therefore create spheres/circuits of illegality (see Ong and Collier 2005).

5 As Webber points out, the state is also necessary to resolve conflicts among more localized systems of law (2006).

6 As I explained in Chapter 3, even so-called “failed states” attempt to – and are expected to – fulfill these requirements.
Likewise, the Cook Islands, like all states, is a member of international organizations. Both within and outside these organizational forums, the Cook Islands communicates with, and has relations with, other states by means of interactions between representatives of the Cook Islands state and representatives of other states.

The Function of the State

As all states do, the Cook Islands places restrictions on the entry of people, goods, and capital into its territory. On the most visible level, the Cook Islands maintains immigration and customs offices, the job of which is to patrol incoming humans, objects, and money pursuant to rules set up under guidelines from Parliament. So, for example, a rule of the state is that an individual with United States citizenship may enter the Cook Islands for a period of 30 days without further approval of the immigration office; if the individual wishes to stay longer than 30 days, the individual must apply to do so and must explain her/his reasons. Those reasons, and other circumstances relating to the individual, will be evaluated pursuant to the rules of the immigration office – rules that, again, operate under the laws of the state.

None of this is surprising and anyone with international travel experience is likely familiar with these types of regulations. The point is simply that in each instance – even where the individual is stamped through passport control after merely quick questions regarding the purpose of the visit and the length of stay – the state is operating to manage global flows.
As I discussed in Chapter 3, above, a primary role of the state is in the management of these flows. In addition to the regulation of the more direct flows via customs and immigration laws, the state also manages the flow of humans, goods, and capital by means of overlapping regulatory schemes such as taxation, product safety, and employment. A specific example is the Cook Islands’ regulation of its off-shore financial services industry, which I discussed briefly in the previous chapter. After several scandals that implicated off-shore service providers in the Cook Islands, the international community withdraw considerable funds from the country. The Cook Islands state therefore moved to tighten regulation in an effort to regain the confidence of the global market; here the state’s actions were essential to the effective functioning of a private sector market – a local market that relied on foreign capital.

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A state’s role, however, is not limited to the management of flows into and out of its own territory. As a necessary player in the scheme of globalization, a state also interfaces with other states, for the benefit of its domestic citizens and also for those of its citizens living abroad.

Wellington, New Zealand. I’m sitting in the upstairs office of a beautiful old house that has been converted into the offices of the Cook Islands High Commission – what would be called an embassy if it weren’t for the quirky nomenclature of the British Commonwealth. It’s winter, a gray and rainy afternoon. Cold air finds its way through the aging joints of the house. I’d nursed a cup of coffee during my chilly walk over, but on the way I’d gotten lost and neither the heat nor the caffeine
had lasted long enough. I’m tired. I sit by myself in an office filled with papers and the miscellany of diplomacy while I wait to meet with the High Commissioner who is finishing up another appointment.

My family and I are living with a Cook Islands woman up in the hills, in a part of town called Little Hutt; we’re still a train ride plus a bus ride from the house. The bottoms of my pant legs are wet. It’s going to be a long ride home.

The High Commissioner finishes, invites me into an adjacent office. A picture of him with Condoleezza Rice sits atop a grand mantel. He motions me toward a couch at one end of the room, while he adjusts a space heater that struggles to compensate for the relentless cold. Here I am with the High Commissioner, the member of the Cook Islands government who is the chief administrator of diplomatic relations with New Zealand – the country with which the Cook Islands maintains its closest and most important ties. I am face to face with the face of the Cook Island state.

New Zealand is a place of historical connection for Cook Islanders. As I described in Chapter 2, legend tells that the indigenous Maori of New Zealand arrived by vaka, canoe, from the Cook Islands almost a thousand years ago. Today, many more Cook Islanders live in New Zealand than in the Cook Islands themselves, as many as four times as many,⁷ not to mention the thousands of Cook Islanders who live in Australia, the US and elsewhere.

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⁷ As I noted earlier, exact numbers are difficult to establish, but in the census data one sees the following: as of 2006, there were 58,011 Cook Islanders in New Zealand (http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/quickstats-about-a-subject/pacific-peoples/pacific-people-population.aspx) (last visited Sept. 14, 2011). Resident in the Cook Islands during that same year were
The High Commissioner mumbles an apology for the cold. He offers me a drink. I nod awkwardly and he asks politely what I’ll have. I’m unsure. What is the proper thing to drink with a High Commissioner? Anthropology-school didn’t train me for this. I say I’ll have what he’s having.

It turns out he’s having scotch. I don’t drink much hard liquor. It occurs to me that I need to practice. The scotch is strong going down. But immediately the warmth spreads through my stomach. I have to smile at myself: I’m a researcher of sovereignty, sitting here, drinking scotch with the Cook Island state.

The relationship between the Cook Islands and New Zealand is of course more extensive than the movement of Cook Islanders into New Zealand. First, the movement also goes in the other direction: there are a significant number of New Zealanders who reside in the Cook Islands. The inheritors of the benefits of the colonial relationship, most of these New Zealanders are in positions of power, whether bureaucratically in the private or the public sector, or by means of business co-ownership and/or management.


In terms of the regulation of the movement of people, recall that Cook Islanders, as New Zealand citizens, have the same rights to reside in New Zealand as any New Zealand citizen. The same rights, by contrast, do not apply to non-Cook Island New Zealanders who wish to reside in the Cook Islands. Although by praxis the Cook Islands state may at times be lenient in its evaluation of New Zealanders, New Zealanders are nevertheless subject to the strict residency requirements imposed by the state. Moreover, a non-Cook Islander New Zealander can be granted permanent resident status for purposes of residency, investment capacity, etc., but can never “become” a Cook Islander. By the same token, this is a good place to note that theoretically anyone of Cook Islands descent is entitled to status as a Cook Islander, though to my knowledge this entitlement has yet to be tested to its full extent, e.g., by descendents of very, very little Cook Islands ancestry. As such, the more complex systems in place among Indian Nations in North America regarding so-called “blood quantum” have not [yet] become part of either the Cook Islands state or Cook Islands cultural discourse. If the seabed mining projects that so many Cook Islanders hold lottery-like faith in do indeed return huge dividends for the Cook Islands, the state, finding itself facing a sudden influx of Cook Islanders – and would-be Cook Islanders – will likely be confronted with the need to develop more advanced qualifications of heritage.
Second, there are important bilateral economic ties between the Cook Islands and New Zealand. These ties are not without critics on both sides of the interceding Pacific Ocean, but the economic benefits to both tend to win out. In the one direction, New Zealand provides a considerable amount of aid to the Cook Islands, upwards of NZD $10 million per year. Some New Zealanders complain that this aid is too high; some Cook Islanders complain that New Zealand puts too many conditions on its aid. Moreover, given among other things its reliance on the New Zealand dollar and its use of a familiar dialect of English (in addition to all that it intrinsically has to offer), the Cook Islands is a prime tourist destination for New Zealanders.

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9 A couple of informants noted that although most people do not like to state so expressly, New Zealand nevertheless serves as the “ambulance at the bottom of the cliff” – available, if ever need be, to bail the Cook Islands out of any financial or other crises. Given the dangers of being a small country easily harmed by both extreme weather and the vicissitudes of the global market, this is an important even if regretted/regrettable characteristic of their relationship.

10 See e.g. http://www.aid.govt.nz/where-we-work/pacific/cook-islands (last visited November 13, 2011). Note that a very small portion of this aid is given by Australia – through AusAid – but it is still administered by New Zealand, by means of NZAid.

11 One of Geoffrey Henry’s important contributions to the Cook Islands’ separation from New Zealand was to insist that New Zealand’s aid money no longer – as had been the practice before – be part of the Cook Islands state budget; instead, and since then, New Zealand’s monetary contributions have continued to be welcomed, but only as aid; as Geoffrey Henry explained it to me, he wanted the Cook Islands people to know that the budget was their own. New Zealand’s aid money, in turn, has shifted from being a budgetary component to focusing on developmental activities. Still, as noted, Cook Islanders are not completely free of New Zealand putting strings on its aid money, which New Zealand justifies in part on the grounds that it is nevertheless responsible for certain aspects of Cook Islands administration, including foreign relations and national defense.

12 There is also a gendered nature to the aid, which during the 1990’s transitioned into becoming, as one informant described it to me, “more feminine.” By this he meant that at that time New Zealand’s aid began to focus for the first time on issues such as child-care and women’s welfare. These changes have not always been welcomed, however, since New Zealand’s targeted efforts have occasionally conflicted with Cook Islanders’ cultural values, for instance in regard to how best to raise children; in this regard, as I noted in Chapter 2, many Cook Islanders believe fervently in the value of corporal punishment, referred to in the Cook Islands and New Zealand as “smacking.” I’ve been told that more recently New Zealand’s aid pendulum has swung back toward what was stated to me as “economic development” – still gendered in various ways, no doubt, but apparently in unmarked forms.
Zealanders. In 2010, New Zealanders therefore inject important cash directly into the Cook Island economy.

In the other direction, the bulk of imports into the Cook Islands – to the tune of NZD $100 million per year or more, depending – are from New Zealand. The Cook Islands therefore pumps significant amounts of capital into New Zealand’s private sector. New Zealand’s aid to the Cook Islands, and the Cook Islands’ purchasing power, therefore mutually stimulate the economies of both countries.

I sip the remaining scotch from the melting ice at the bottom of my glass. The High Commissioner is a lawyer by training. Before becoming a part of the Cook Islands government, he was a crown prosecutor (read: DA) in Auckland. So he and I share the cultural bond, not to mention the common dialect, of Anglo-American law. We are the heirs, he and I, in a curious sense of the word, of the results of British ingenuity and conceit in global exploration and subjugation: it is not only our English language that bridges the miles that have separated our personal lives but also our training in a specific set of legal understandings, all traceable to that small island off the coast of France.

Eventually the High Commissioner asks if I’ll join him in a second glass. Happily. I’m becoming tipsy. But I feel a comfort here. Unlike in many of my meetings, I’m no longer the white guy, the papa’a, the foreigner, straining to comprehend local understandings of sovereignty. Instead, I am discussing law and sovereignty in terms that I am thoroughly familiar with. This does not of course

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make these terms “right” by any means, certainly not more right than other terms. I mean only that these articulations of sovereignty – articulations as stated by this official representative of the Cook Island state – coincide well with my American understandings of law because here we are discussing the functional side of sovereignty. This function is part of the global market which, as I discuss in the next chapter, is a system that is, not by accident, well-calibrated with Anglo-American law and economics. Moreover, connecting to this global system is an essential part of the job of the High Commissioner; his role in relating with the state of New Zealand is of course to interface his state with theirs, which entails among other things efforts to connect the Cook Islands to the global market and to the global community – via New Zealand.

During our conversation, the High Commissioner was therefore keenly interested in the issue of sovereignty in regard to the Cook Islands, just as I found many Cook Islanders to be. However, different from ideas of independence that the term sovereignty might inspire in the US, the High Commissioner, again like most Cook Islanders, clearly seemed to perceive sovereignty not as fully “independent” but as relational, as inherently and necessarily connected to globalization. (See Cattelino 2008).

Eventually the High Commissioner has a dinner engagement to depart for and he winds up our conversation. He shuts off the space heater, and we head downstairs as he turns out the lights. We step outside, into the cold, gray dusk. I look back at the old house, this space of the Cook Islands state, this edifice of Cook Islands
government; but it is the High Commissioner who holds the keys in his hands as he
locks the massive front door.

The state is a structure, the state is an apparatus; but the state is also the
human beings who enact it and manage it, who negotiate it and articulate it. As he
flags a taxi, the High Commissioner offers to drop me at the train station. It’s not far
but I gladly accept.

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The gray winter of that afternoon in Wellington stands in stark contrast,
climate-wise, to a warm, sunny day a couple months earlier in Sydney. It was
Mother’s Day and my family and I had taken the ferry out to Manly Beach.\textsuperscript{15} While
the rest of my family went to play on the beach with some of our relatives, I myself
had walked along the curving waterfront and into an adjacent subdivision. In the
penthouse apartment of an upscale building there near the coast, with a stunning view
out over the water, I was meeting with the Honorary Consul of the Cook Islands to
Australia, Sir Ian Turbott.\textsuperscript{16} Once again, here I was with the highest official
representative of the Cook Islands state in a foreign land.

But the job of the Honorary Consul here in Sydney is nothing like that of the
High Commissioner in New Zealand. In spite of their similar histories as British

\textsuperscript{15} For the easily-amused American, Sydney’s subdivision of Manly is a lot of fun given that, among
other things, it hosts a humorous assortment of slogans and trade-names, such as “Manly Plumbing”
and “Manly Rubbish Removal.”

\textsuperscript{16} For the anthropologists reading this, I note that Ian Turbott, back in the day, studied for a year with a
certain long-time Professor of Anthropology at the London School of Economics … namely Sir
Raymond Firth!
colonial outposts, Australia and New Zealand are different in innumerable ways and certainly in regard to their relations with, and effects on, the Cook Islands.

The Honorary Consul has invited me for tea. As we sit down, I’m thinking about the role of the state, but we haven’t gotten there yet. I sip my tea. Like all conversations about the Cook Islands and contemporary globalization, we begin with New Zealand.

New Zealand, as I have described, has for decades been the “go-to” place for Cook Islanders seeking economic advancement, whether directly in regard to higher wages or by way of more indirect paths such as education. But given the recent strength of the Australian economy, among other reasons, Australia has become the new door of opportunity for Cook Islanders and as such Cook Islanders continue to move there in greater and greater numbers. As I write in early 2011, Air New Zealand is finishing a six-month trial period for a direct flight linking Rarotonga and Sydney – currently the only direct commercial flight between the two countries. With its continued success, the flight will likely become more permanent, perhaps with other airlines even following suit. The Cook Islands and Australia are growing together.

The Honorary Consul’s apartment is immaculate. We are seated next to each other on a grand couch facing the harbor, and beyond it, the Tasman Sea. My eyes drift between this remarkable man and the view. Like the High Commissioner whom I met with in New Zealand, the Honorary Consul was trained as a lawyer (at Cambridge). During the 1960’s he later governed(!) three British colonies, where his
job was to bring independence to these island nations – as he explained it, to lower the Union Jack and to raise the flag of the new nation-state. As such, he has personally, inseparably played a pivotal role in shaping several nations’ contemporary sovereignty; he and I speak about sovereignty in Western terms.

A key difference between Australia and New Zealand, in regard to their relationship with the Cook Islands and Cook Islanders, has to do with the state. Cook Islanders, as New Zealand citizens, are immediately entitled to all state benefits in New Zealand; but, like all New Zealand citizens, when Cook Islanders live and work in Australia – which they are allowed to do with no visa – they are not entitled to state benefits until they have lived and worked in Australia for two years. This constraint forces Cook Islanders who move to Australia to be diligent in both locating and retaining employment; otherwise, it is better to stay in New Zealand, where welfare is always available.

As such, Cook Islanders who choose to move to Australia rather than to move to or stay in New Zealand, tend to self-select. They are therefore, by percentages at least – though not always, of course – more motivated and more successful in their efforts at social mobility. At the heart of these differences are the different approaches of the Australian and New Zealand states: it is the Australian state that via its regulation brings about different social and economic dynamics among Cook Islanders in Australia as compared to in New Zealand, even though technically the two countries are recruiting labor from the same population base.

His stories in these regards were spell-binding. And interspersed with his remarkable life experiences, he noted small, precious pieces of advice that he’d learned along the way, such as: “You can achieve anything in this world if you let someone else get the credit for it.”
These differences between New Zealand and Australia are reflected in the work of the Honorary Consul. To be sure, there continue to be many more Cook Islanders in New Zealand than in Australia. But the numbers in Australia are growing, quickly. At the same time, those Cook Islanders who are in Australia demand less of the Cook Islands state; their needs are different. The more distant – in both symbolic and geographic terms – relationship between the Australian state and the Cook Islands, is further echoed in the Honorary Consul’s title as \textit{honorary}.\textsuperscript{18}

In some ways, this “honorary” status is a sign of the minimal size of Cook Islanders’ presence in the country. This presence, however, reflects once again the existence of two separate measurements for states. On the one hand, there are scales of size. Recall that in the Cook Islands themselves, there are now between 12,000 and 14,000 residents. The entire population would fit within a few blocks of downtown Auckland, New Zealand. The population of the whole of New Zealand, in turn, is some 4.5 million … fewer than just the city of Sydney, Australia.

These differences in scale are not only symbolic but in many of the matrices of globalization, these scales obviously matter in real terms: Australia is obviously a much more significant player on the global stage than the Cook Islands. Yet interestingly, note how in other matrices, there is a different measurement for states: one to one. In the UN, for instance, among many other international organizations, China and India are each entitled to the same number of votes as the tiny South Pacific nation-state of Tuvalu, with its few thousand citizens.

\textsuperscript{18} For a time the Cook Islands operated a full consulate in Canberra, Australia, but the costs for the small country – some $5 million per year – were considered excessive and inefficient, given the more pressing economic needs in the Cook Islands themselves.
Either way, and even though the Cook Islands state might be significantly smaller in population and power than the Australian state, the Cook Islands state still is – it exists, it functions, it acts. More importantly, for present purposes, these action verbs of the previous sentence should be supplemented: the Cook Islands state exists in relation to the Australian state; it functions integrally in connection with the movement of Cook Islanders into Australia as well as in conjunction with the movement of Australian investment and citizens into the Cook Islands; and it acts as part of the global community and the global marketplace in regulating these bi-directional cross-border movements.

I’m nibbling on a cookie and trying not to spill crumbs onto the Honorary Consul’s couch. Our conversation shifts from Australia to the Cook Islands’ place in a broader field of nation-states. Of course, the Cook Islands state also maintains close relationships with many other Pacific Island states, both bilaterally and via regional organizations. Furthermore, the Cook Islands in more recent years has responded – lukewarmly, but also mostly open-handedly – to overtures from the Chinese state. So far, this relationship has mostly entailed aid from China, in the form of money (both cash and loans), goods (such as tractors), and building projects (in Rarotonga, the courthouse, the police station, and the netball arena were all built by the Chinese).  

19 Among other investments, several resorts on Rarotonga are (co-)owned by Australian citizens.  
20 Some use these building projects as examples of the generosity of the Chinese; others refer to the projects as indications of China’s failure to consider Cook Islanders’ interests from the point of view of the Cook Islands – as a case in point, many point to the bathrooms of the courthouse, the size of which was presumably modeled on Chinese physiology; but given the healthy height and sometimes bountiful girth of many Cook Islanders, locals were forced to rebuild the bathrooms to more comfortably accommodate a larger variety of people.
In other words, there has so far been little sustained, systematic movement of people and capital across the borders between the Cook Islands and China.

Cook Islanders are divided in their opinions about this relationship with China. Many see China as a welcome alternative to the political obligations of Western aid (not only from New Zealand but also from Australia, the US, and Europe). Others, however, are skeptical of China’s motivations in offering these extensive aid packages; these numerous Cook Islanders fear the consequences when China one day comes – as many perceive that it will – to call in its political debt.

But here, in the living room of the Honorary Consul, China feels far away. From his floor-to-ceiling windows we see instead only slivers of the coastline of Australia. Unlike New Zealand, which is small enough that one often feels connections to elsewhere, Australia is massive, its status as both an island and a continent metaphorically well-suited to the self-focused, self-sustaining ethos of its citizens. Moreover, in dogged disjunction with its indigenous peoples, Australia’s economy continues to power forward. For now, its status grows as a land where Cook Islanders can gain capital and social mobility. And sitting across from me, currently sipping the last drops of his tea, the Cook Island state, in the form of the

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21 According to one government employee – who noted this to me with a tone of indignation – China and India had sent telegrams of congratulations on the Cook Islands’ recent national holiday (Constitution Day); neither New Zealand nor the US, however, had sent anything at all.

22 Long-time expert on the Pacific, anthropologist Ron Crocombe, has written about ways that Cold War-competition spurred Western investment in the Pacific; he likewise has discussed how, following the fall of the Soviet Union, the West lost a great deal of interest (1992). More recently, others suggested to me that Western fears about China’s growing influence in the Cook Islands may be spurring on a renewed Western interest.

23 In her enviable and inimitable style, University of Auckland professor Misha Kavka once marveled to me at Australians’ ability to “write themselves into the center of their own narrative.”
Honorary Consul, continues to support its citizens just as it interfaces, state to state, with Australia.

**The Movement of People**

As far as I know, at least some citizens of every country reside in another state. Similarly, I am aware of no state that does not have non-citizens living within its borders. There is no question then that populations overlap. Movement is a foregone conclusion.

**The Outward Movement of Cook Islanders**

As I wrote in Chapter 2, the Polynesian canoe, the *vaka*, was described for me as a metaphor for Cook Islanders. The large, thick hull is like Cook Islanders in New Zealand; the long narrow outrigger is like Cook Islanders in the Cook Islands; the two parts are connected, always flowing to the same distant shores. I later came to realize that the *vaka* is an appropriate metaphor for Cook Islanders not only because of the relationship of the hull and the outrigger, but also because of the *vaka*’s essential role as a vessel of transportation, as a metaphor of *movement*. For movement is – and since time immemorial has been – central to Cook Islanders’ way of life.

The story of Kura Blizzard, our gracious host while my family and I lived in Wellington, is illustrative of this movement. The story is one of my favorites from my research. Tellingly, however, it was as remarkable to my wife and me when we first heard it as it is, perhaps for most Cook Islanders, quite unremarkably typical.
Kura’s story began in the 1960’s on the island of Mangaia, one of the Outer Islands of the Cook Islands. Her family had a pineapple plantation and she and her siblings helped to care for the plants, to harvest the pineapples.\textsuperscript{24} There was only one car on the island, and maybe just a truck or two for work purposes, no electricity.

Kura’s grandfather was a police officer and her father worked for the government in public works, so her family was one of the few on the island to have a steady source of income, a tiny amount of capital for the purchase of the few consumer goods available. Kura’s early days were spent wading in the swamps to harvest \textit{taro} plants, helping with the pineapple plantation, and climbing coconut palms to collect coconuts.

When she was 15 and just around her time for completing the schooling available on the island, Kura’s aunt came for a short visit from the neighboring island of Aitutaki. On the morning of her aunt’s departure, Kura’s mother told Kura not to go to school. Instead, her mother told her to pack some “knickers” and other essentials into a bag. Without questioning, Kura did as she was told. Then together she and her mother went to the harbor to wish her aunt farewell.

Just as the boat was set to depart, Kura’s mother asked Kura if she wanted to go with her aunt, to follow with her on the boat to Aitutaki. As Kura recalls, being young and with scattered ideas of the outside world from books and occasional magazines, she was filled with a youthful desire for adventure; without hesitation, she said yes.

\textsuperscript{24} Already, through these pineapples that were grown, shipped to Rarotonga, and then sold, this remote island of the South Pacific was already connected to the global community, subject in small ways to the global market.
Kura’s mother’s plan had been clandestine; Kura’s father, who had been working nearby, had no idea of the fate that was quickly unfolding for his favorite daughter. Kura in fact had to sneak onto the boat, with the help of some of the harbor workers who served as a distraction, so that her father would not see her. And so it was that Kura set sail from the tiny island of Mangaia.

By way of Aitutaki and then Rarotonga, Kura’s relatives sent her on to New Zealand. She had to fly via Fiji – she knew a little English and had been given careful instruction about how to change planes. She recalls that it was exciting later driving down the streets of Auckland, the many lights reminded her of the magazine photos that she had seen of Hollywood.

A job had been arranged for her as a dish-washer. Kura – the naïve and eager teen-ager, the young island girl – had entered the wage labor market. Soon she was working two dishwashing jobs, starting work at 6am and returning home after midnight every night.

During this time, Kura lived with her uncle, who demanded rent from her. Kura was also under obligation to send as much money as possible home to her mother.\(^{25}\) There was little disposable income left, but of course Kura, with enviable teen-age persistence and ingenuity – and in tales of adventure not relevant here – managed to find both time and money for entertainment in her new land.

Meanwhile, Kura continued working, continued sending money home to her mother. It was not until years later that Kura learned the full extent of her mother’s

\(^{25}\) Money transfer was done by a Western Union equivalent.
plan: Kura’s mother was intent on providing for her eight children what she was convinced would be a better life for them in New Zealand.\(^\text{26}\) It was for this reason she had secretly saved money in order to initially send Kura away on the boat; and secrecy had been necessary because Kura’s mother had known that Kura’s father would never have consented to her departure.

Kura was not the end of the plan, however, but only the beginning. With patience and a focused tenacity, Kura’s mother had collected the money that Kura sent over in order to pay to send the next of Kura’s siblings over to New Zealand … and then the next … and then the next. Each was sent without forewarning and without the knowledge of anyone else in the family; as such, every few months to a year, the siblings and the father would come home to find another sibling, or sometimes two, had disappeared, launched out across the seas to the shores of New Zealand, not to be seen again for many years. Each new arrival to New Zealand, in turn, helped via fresh remittances, to fund the departure of the others.\(^\text{27, 28}\) Eventually all the siblings were sent away, and in a fitting coda, Kura’s parents then left Mangaia for good, themselves migrating to Auckland where they still reside.

\(^{26}\) As I’ve mentioned, the passionate desire for a better life for one’s children is a frequent theme among Cook Islanders (as among most peoples, I can assume). One Cook Islands minister I met had a father whose job had been to dive for pearls, which was at times a dangerous activity. The minister recalled from his childhood how when a boat sailed back to the island at half-mast, those on shore knew that someone on the boat had died during the day’s work. But it was a long, long wait until the boat would finally arrive and the on-lookers could find out who. He described how you would then hear the cries from the family of the deceased. It was terrible, he said, the waiting. The minister’s father was intent that he, the son, get an education and not follow in his footsteps; the father said to the minister when he was young: “I don’t want you to wear my goggles.”

\(^\text{27}\) Sometimes Kura has lamented to her siblings that their mother did not send her to Rarotonga to live instead of New Zealand. “No sis, don’t regret it,” they have told her. “What you did for us was huge, you made it so we could all come over.”

\(^\text{28}\) Of Kura's eight siblings, four now live in Australia (two in Sydney, one in Melbourne and one in Brisbane), and four live in New Zealand, in Auckland.
As for Kura, she continued in several jobs, including cleaning hotel rooms. She later met a charming young Australian named Peter, whom she married. The couple moved back and forth between Australia and New Zealand, having three children in the process. The two younger ones, both boys, went into the building industry and now operate an extremely successful building business in Dubai.  

When the oldest child, Sharon, was 15 – the same age that Kura had been when she left her home island of Mangaia – Kura and Peter took the children to the Cook Islands, to Rarotonga. Although this was her first time ever in the Cook Islands, from the moment they arrived, Sharon told Kura and Peter that this was where she wanted to live. Now married to a delightful and industrious NZ Maori man named Simon, the two have moved their family to Rarotonga where they started a successful coffee business called Reefside Rarotonga.

While my family and I were staying with Kura, Peter was in Rarotonga for a month to help with the grandchildren and the business. As I write now, Kura and Peter, never content to sit still, have temporarily left their home in Wellington to travel to Australia for both the adventure and the extra cash of doing harvest work.

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29 One of her sons – being of course the child of a Cook Islander mother and an Australian father – married a New Zealand woman and they recently, in Dubai, had their own first child. The global links continue to expand.

30 As this example illustrates, there are small communities of Cook Islanders in many places around the world, for instance in Hawai‘i and Salt Lake City, not to mention Hong Kong, where a small group of Cook Islander commercial pilots and their families have their homes.

31 Although there is not room for a full discussion here, the cultural politics of Sharon’s return have been interesting. On the one hand, she is often welcomed back as a “returning Cook Islander.” On the other hand, she does not speak fluent Cook Islands Maori; more importantly, she has unwittingly been drawn, by virtue of her family relationships, into the family-related politics that underlie many aspects of Cook Islands life; as such, there are some locals who, antagonistic toward Sharon’s more distant relatives, have directed that antagonism by familial extension toward Sharon.
As noted, these various aspects of movement, this fluidity, are not unusual among Cook Islanders. Whether Kura’s transition as a teen-ager from the non-technological world of island life into the demands of city labor markets, or her sons’ far-off move to a place like Dubai, or her daughter’s return to the islands that her mother was so intent to flee, all these stories were repeated, in so many forms, by many of the families I met.

Important in this regard are the Cook Islanders’ reasons for outmigration – and the consequences thereof, all of which I discussed in more detail in Chapter 2. In short, many people leave the Cook Islands or send away their children, as in Kura’s mother’s case, in order to try to make a “better” life for themselves or their children. In such a case, the reasons generally involve a desire for more education and/or higher wages. Other common reasons for outmigration include the better healthcare available in New Zealand (and Australia) and to be closer to family members who have already moved.

The consequences to the Cook Islands of this outmigration are many and significant. On the positive side, those who have left have been able to raise the level of education of the community as a whole (even if many of these better-educated individuals do not ever permanently return to the Cook Islands) just as they have been able to raise the living standard in the Cook Islands via their direct and indirect economic contributions. Further, at least as regards Rarotonga, the outmigration has lowered many of the burdens on the infrastructure of the island and – even though
there have been some gaps that have required the employment of non-Cook Islanders – the outmigration has no doubt also staved off major unemployment crises.

But negative consequences naturally abound as well. Among the most often discussed are the erosion of traditional culture and the diminishing use of the Cook Islands Maori language, all of which is due to many factors, but which certainly include the influences that non-Cook Islands culture exerts on the large portions of the population who live overseas. There have also been increasing discipline issues on the islands, especially in Rarotonga and in particular in regard to teen-aged boys, many of whom have grown up in the poorer areas of Auckland where they have been exposed to – and some have become embedded in – the social relationships of gangs and other cultures of crime.32

Movement to the Cook Islands

Kura’s daughter Sharon represents one important aspect of movement to the Cook Islands: Cook Islanders who return. (Note that “return” is the operative verb for all Cook Islanders regardless of whether they have ever previously resided in, or even been to, the Cook Islands.) In addition to these returning Cook Islanders, the social fabric of the Cook Islands is also made up of two groups of non-Cook Islanders who have, temporarily or permanently, moved to the Cook Islands.33

32 One Cook Islander suggested that via urban gang culture, many of these Cook Islander boys have more in common with boys in South Central Los Angeles than they do with their own grandparents in the Cook Islands.
33 There are of course many other minor variations here, such as one local business owner in Rarotonga who, part Cook Islander and part American, grew up mostly in Hawai’i and Tahiti and then moved to Rarotonga when in his 20’s.
The larger group of these non-Cook Islanders are generally known locally, in English as well as Maori, as *papa’a* (essentially “white folks”). Although they are in some ways integrated, in some ways rejected socially, *papa’a* own and manage a considerable segment of the private market/economy; they dominate, for instance, the local chamber of commerce. Members of this group not only own the biggest conglomeration of stores and supermarkets in Rarotonga, but also the largest restaurant and some resorts, among many other interests.

So as a group, these *papa’a* hold a significant position in the local economy. But their status is contested and the benefits that they bring to the Cook Islands are often subject to debate – and within this debate some *papa’a* are certainly more highly regarded locally than others. Their effects, however, are no doubt far-reaching. On the one hand, these individuals have brought with them tremendous amounts of both know-how and capital. This contribution, in such a small, remote location with previously lower levels of education and funding, is important, perhaps even essential. Nevertheless, the benefits of these contributions have at times – although impossible to quantify – come at the expense of local interests: the capital produced has often remained with the *papa’a* themselves, just as the know-how, although instructive, has in some respects reproduced the colonial-era dynamic. At the same time, the inertia of “progress” that the *papa’a* both drive and typify – which is clearly a progress inextricably tied to globalization – also carries with it a cultural shift toward Western ideologies and Western ways of doing things.
The other main category of in-migrating non-Cook Islanders is made up of foreign laborers, mostly Filipino and Fijian, who have come to Rarotonga to fill the labor gaps caused by out-migrating Cook Islanders. No scholarly writing that I know of has been done on this group. Still, their presence stands squarely at the heart of globalization: not only are they involved in cross-border movement for purposes of economic gain, but as noted, they are filling jobs made available by Cook Islanders who themselves have moved elsewhere – across other borders – for their own economic gain. Moreover, most of these foreign workers are employed in the hospitality industry. Therefore, given that nearly all tourists to the Cook Islands are from outside the country, these foreign workers’ labor generally caters to, relies on, and facilitates the cross-border flow of tourists and the cross-border movement of capital that they bring with them.

These Filipino and Fijian workers also tap into constellations of globalization in other ways. Indeed, there are two principal reasons why it is so far primarily

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34 An exploration of these workers’ reasons for coming to, and experiences in, the Cook Islands, would make a fascinating study.
35 This has been a multi-step process: labor on Rarotonga was originally performed by Rarotongans. But as Rarotongans, as the [in certain ways] most privileged class in the Cook Islands, began to migrate to New Zealand, a labor vacuum was created that Cook Islanders from the Outer Islands quickly moved to fill. These domestically migrating Cook Islanders often only stopped in Rarotonga for long enough to earn sufficient money to themselves move to New Zealand, but in any event, their continually replenishing numbers were adequate to fill the labor market in Rarotonga. It is only over the past few years that out-migration has changed such in form and magnitude that Rarotonga could no longer fill its labor needs with Cook Islanders only. (By “form,” I mean that Outer Islanders in some but not all cases have built up sufficient communities in New Zealand and Australia that they can afford to bring over relatives directly from the Outer Islands, without the traveler’s need to stop and work in Rarotonga.) Although I sadly dedicate little space to this and other aspects of cross-island migration within the Cook Islands, its importance cannot be over-emphasized.
36 Cook Islanders’ attitudes toward these mostly Filipino and Fijian workers is often hostile. The papa’a are not always loved; but with their long historical ties to the islands, papa’a have been curiously, if begrudgingly, accepted into Cook Islanders’ view of the Cook Islands. The Filipino and Fijian workers, however, are a novel phenomenon and are largely tolerated only with a strongly xenophobic resignation of necessity.
Filipino and Fijian workers who have come to the Cook Islands: their proficiency in
English and the history of their populations in the hospitality industry.\textsuperscript{37} To be sure,
Cook Islanders are largely proficient in English; Polynesian culture, moreover, is one
that highly values hospitality in its general sense. However, in basing its economy on
a tourism that draws not only from New Zealand but also from Australia, the US, and
Europe, the Cook Islands has inserted itself into what is certainly a globalized \textit{culture}
of tourism; this unique culture is replete with its own ideologies, discourses, and
expectations.\textsuperscript{38}

With exceptions, obviously, Cook Islanders have not yet learned well the
protocols of this globalized culture of tourism, including its demand for affective
labor.\textsuperscript{39} As such, Cook Islander workers in hotels and restaurants are at times
perceived as rude by global tourists. By contrast, the Filipino and Fijian workers who
arrive in the Cook Islands are frequently masters, in both demeanor and action, at
providing savvy hospitality services more consistent with global expectations.
Therefore – within the Cook Islands themselves – these workers often interface with
the global community in a more nuanced way than many Cook Islanders, even while
it is the Cook Islanders – or perhaps the \textit{papa’a} resident there – who are the primary
beneficiaries of the tourists’ capital.

At the same time, tourists’ understandings of Cook Islandness is becoming
increasingly affected by the tourists’ interactions with non-Cook Islander workers. It
is, for example, an extremely sore spot for many Cook Islanders that some of the

\textsuperscript{37} See Parreñas (2001) regarding the global movement Filipina domestic workers.
\textsuperscript{38} See Notar 2006.
\textsuperscript{39} See e.g. Hochschild 1983.
Fijian hospitality workers greet tourists with the common *Fijian* greeting of “Bula!” – and no doubt, some tourists do indeed [mis-]take this greeting as a “local” expression.


**The Movement of Goods and Capital**

It is not merely the *movement* of goods and capital from one country to another that is important in regard to globalization. Nor is “globalization” simply the fact that component parts of a good often come from multiple countries, combining to form the finished product; it is likewise not just that the result of this multinational production of goods is the globalized production of capital. (See Hardt and Negri 2000). Instead, I argue that the key to globalization is that nearly *all* goods are *co-produced* through the cooperation and complicity of *all* nation-states.

By *co-production* I mean that *every* nation-state is implicated in the production of nearly *every* product. In short, any given product – whether sofa or microwave or light bulb – will usually require raw materials from the lands of multiple nation-states. Even if not, the tools necessary to extract whatever raw materials *are* needed to make the product will likely come from different locations around the globe. And in any event, the factory and machinery used to assemble/paint/package the goods will be made of materials from around the world. And in each of these instances, labor in multiple countries – and/or laborers from multiple countries – will almost surely have been involved. And then, any
mechanized transportation of the goods themselves will have been in vehicles—
trucks and/or trains and/or ships—each of which will be comprised of hundreds if not
thousands of component parts, each of which will be made up of raw materials that
could be from any number of countries and each of which, to be extracted, will have
required labor in any number of countries and each of which will have been touched
by tools from any number of countries, all transported on vehicles using gasoline
from any number of countries, which may itself have been transported on a ship that
has a crew from any number of countries … the list goes on and on and on,
implicating more and more and more nation-states at each point along the way, until
all have been included.

I discuss this global co-production in more detail in the next chapter. The
point is that, with little exception, it takes the cooperation of every nation-state to
make every product. Moreover, this cooperation and complicity among all nation-
states is dependent on interacting legal regulations that not only in each instance
make domestic capital production possible, but that also interface with each other to
facilitate the transfer of capital, labor, and the goods themselves, transforming all
production into a cross-border phenomenon.

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I’m in Rarotonga. Ellena Tavioni’s name has been given to me as someone I
should speak with. Ellena runs one of the most profitable export businesses in the
Cook Islands. From a modest workshop off of the main road in town, she runs a
successful business producing and selling various articles of clothing. Although
Ellena, through her brand Tav, also make men’s and children’s clothing. Tav is best known for its women’s skirts and dresses. These skirts and dresses, which cost far more than average garments in the Cook Islands, are worn as symbols of status and savvy, not only in the Cook Islands but also in Samoa, New Zealand, and elsewhere in the South Pacific.

I stop by her shop. Ellena is in the middle of something. Indeed, as I quickly come to learn, Ellena is almost always in the middle of something. She is a woman of relentless energy – and one who tolerates little nonsense. (She borrowed $2,000 at age 19 to buy her first sewing machine and start her first business, and she hasn’t looked back since.) Yes, she says, she’d be happy to chat … but, she adds, but she’s in the middle of something. She tells me to come back in the afternoon.

When I return, Ellena has already forgotten about me. After a moment or two of hesitation her expression then flickers with recognition. The interview. Right. “Come on, follow me,” she says. It’s not easy to follow Ellena.

Ellena works with two of her uncles who are expert carvers. The uncles carve traditional patterns into large blocks of wood – a seemingly very local process. But Ellena and her employees then use these blocks to stamp colored reprints of the patterns onto cloth – the cloth and the dyes have been imported from a variety of locations overseas. The bright colors and the traditional patterns combine to evoke the past, while the chic, simple lines speak to, invoke, the contemporary.

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We race out of the shop and Ellena nods toward an old car that is parked askew by the front door. She motions for me to get in. In the awkward rush I of course forget that I’m in the Cook Islands and I go to the wrong side of the car. Oops, that’s the driver’s side. Ellena gives me a look of moderate curiosity and slight impatience. I go the passenger side, hop in, and we’re off just as I manage to get the door shut. Never mind the seat belt – seat belt usage is almost unheard of in the Cook Islands.

“What do you want to know?” Ellena says, almost sharply.

I start into my spiel: I’m a researcher from the States, studying sovereignty, etc. Ellena looks bored. I shift tactics and ask her how she started her business. Ellena launches into the story. She’s talking extremely fast. I’m writing as quickly as I can, which isn’t easy in the speeding vehicle. The windows are open. It’s hot.

A few minutes later, we pull into the airport and stop in front of the cargo building. Ellena explains that she has a shipment to send, she has to make sure to get it onto the next plane going out. Ellena brushes off my offer to help and totes the medium-sized box on her own. We hurry into the office of Air New Zealand’s cargo services. It’s sparsely decorated, dominated by a long counter. There’s only one worker.

Ellena is still telling me her story. She turns briefly to the worker to give instructions and fill out some quick paperwork. Then back to the story. But suddenly Ellena stops. She looks at the giant cargo scale in front of the long counter and her
eyes light up. She hoists up the bottom of her dress (a Tav, of course) and climbs up onto the scale. The meter displays her weight.

Ellena laughs. Herself the purveyor of globalized items, she now stands proudly atop the machinery of global transportation; in her playful transgression, Ellena is impersonating a good.

Her laugh quickly fades as she moves on, but the image of Ellena on the scale has been etched starkly into my memory. In this small, basic office, the scale is the point where most packages pass to agents of the airline to be loaded onto the plane and flown to foreign lands. The scale is a symbolic border, a launching point for Ellena’s skirts, dresses, and cloths to enter the global stream of commerce.

It all feels so deceptively simple: here, in this very office, Ellena receives cloth, dyes, and tools from overseas; using local labor and her own sophisticated knowhow and savvy sense of design, she transforms that stuff into commodities which she then places in boxes (which she has had to import!) and brings them back into this same office. With a signature and a laugh, the goods are returned, in new form, to the global marketplace. At every step, money is changing hands, capital is flowing within the structures of law – Ellena sends payments to China and other places for her source goods, Ellena receives payments from Samoa, Japan, New Zealand, the US, and other places, for her finished products; in the meantime, Ellena is paying her laborers, paying for transportation. Capital. Transportation. Flow.

I sigh. I realize, even then – as I discuss in the next chapter – that it’s not at all this simple; still, it’s a start, a snapshot in the dramatic film of globalization.
Ellena signs a few final papers and in a flash is out the door and climbing back into her car. I give a last glance at the scale, clutch my notebook and pen, and rush outside to try to keep up.

**The Individual**

As noted above, individuals in the contemporary age have become *of* globalization: globalization is a part of an individual’s physical body, it is implicated in nearly every aspect of one’s daily life. Indeed, it has become integral to the individual’s very sense of self.

*The Ingested, Embodiment of Globalization*

Individual human beings, in almost every instance, are *of* globalization in that they consume the fruits of globalization, literally ingesting and digesting ingredients that have grown in foreign soils, been plucked and handled by foreign hands, and transported by globalized means of transportation. This point cannot be understated. Indeed, cultivated foodstuffs are never simply *from* somewhere but *of* somewhere. When you eat an apple from New Zealand or rice from Japan, you are not simply eating a thing from that place, you are chewing, swallowing, digesting nutrients from the soil, among which of course is organic matter, the traces of the cycles of life of that place; when you eat goods grown in the land of foreign places, you are absorbing into your bloodstream the very land itself.
Tracing the sources of these foodstuffs, and following their pathways, is beyond the scope of this dissertation. But it is without question that Cook Islanders, even those on the more traditional Outer Islands, incorporate foreign foodstuffs into their regular diets. On the one hand, this incorporation means that Cook Islanders regularly consume things like meats, grains, and dairy products – as well as even fruits and fish – that have been imported from the global market. On the other hand, the incorporation of global foodstuffs has also extended to cultural incorporation, much like the oft-cited examples of dishes like pizza in the US. In the Cook Islands, one such example is potato salad which has, since probable introduction by American soldiers stationed on Aitutaki during World War II, become a “traditional” Cook Islands dish; in a similar way, and with similar origins, plain doughnuts are now quite common as a “local” offering.

The Integrated Presence and Use of Globalized, Co-Produced Products

Likewise, Cook Islanders’ use of products that are co-produced by multiple nation-states and received via the global marketplace is incontrovertible just as it is understudied. As with the globalization of the self by means of ingestion, I think that this topic is well-worth further, in-depth investigation; but at least for now, I will have to allow a single paragraph to suffice.

41 Cf. e.g. Mintz (1986), for a thorough discussion of sugar.
42 See Macpherson & Macpherson (2010) in regard to such practices in Samoa.
43 Although potato salad and doughnuts have been largely localized in terms of meaning, other introduced foods still bear symbolic baggage. For example, even though bread is becoming more common in the country, one small shop owner described for us how bread, for Cook Islanders, is often associated with the “fast life” (due to its limited period of edibility). Similarly, coffee, although rapidly becoming an unmarked drink, is still regarded by some as belonging in the world of business people (which, by extension, likely refers to papa’a – white folk).
In short, there are a plethora of products in the Cook Islands that have been produced by multinational corporations and transported to the Cook Islands on global transportation lines. Examples of such products include just about everything available in the markets of New Zealand and the US, ranging from cars to children’s toys to iPods and personal electronic paraphernalia of every variety. A Cook Islander from the Outer Island of Mauke, who lived 11 months out of the year in New Zealand, told me that each year when he returned to Mauke, the second most commonly requested thing that friends and relatives asked him to bring was new songs and videos on iTunes. (I discuss the first most commonly requested thing at the end of this chapter.)

The Individual’s Sense of a Globalized Self; the Simultaneity of Globalization

The modern self is now the global self. Individuals are not only aware of globalization, globalization has also become an inextricable aspect of self, an integral part of the individual’s understanding of the world. Cook Islanders are salient examples of this phenomenon. Certainly, Cook Islanders travel and relocate

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44 As I discuss elsewhere here, each element of this transportation – indeed, each vehicle – implicates the global marketplace and global co-production in regards to the production of the component parts of the vehicles, the fuel used to power them, the labor necessary to operate them, etc.

45 Unlike New Zealand and the US, however, the Cook Islands’ sources for global goods can be more eclectic. On the day that we arrived on Rarotonga for my fieldwork, my wife and I each purchased a Motorola cell phone. We did not notice until we had returned to our bungalow that the boxes each bore the text “Moto 4 Africa” and showed a large icon of the African continent; indeed, the phones had been produced for and were marketed to an African audience. As the curious anthropologist and nerdy language enthusiast, it was with no small amount of delight that I quickly discovered that I could easily switch the display language of my new cell phone – the cell phone that I had just purchased in the Cook Islands – not only from English to French … but also to Afrikaans, Hausa, Ibo, and Zulu as well, among several others. (Note by the way that in the Cook Islands and New Zealand, such a phone is not a “cell” phone, but a “mobile” phone; note further that mobile is not pronounced ‘MO-bill’ but instead ‘mo-BILE.’ In being corrected on several occasions, as was apparently necessary, I was sternly told that “Mobil” is a gas/petrol company, “mo-bile” is a type of phone).
frequently and are thus a part of global flows. More importantly, however, since their families and broader community are spread across the multiple nation-states of the Cook Islands, New Zealand, and Australia, Cook Islanders live and experience their family-lives and community-lives across these borders. In real time, therefore – indeed, in simultaneity – their sense of self transcends borders because they are always integrated into a simultaneous cross-border – ergo, global – existence (see Harvey 1990; cf. Anderson 2006).

Advances in technology, in particular transportation and communication technologies, are of course central here. Not only do these technologies make it feasible for Cook Islanders to travel relatively cheaply to New Zealand, Australia and elsewhere (even if, ironically, often less cheaply within the Cook Islands), but they also make it possible for Cook Islanders to maintain real-time connections with friends and family across oceans and borders, regardless of the distance. Since time immemorial, some communities have no doubt existed across borders, but now all communities – including Cook Islanders – can do so by mobile phone talking and

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46 I do not devote much attention to technological advances in these pages, but it is unquestionable that these advances, especially transportation and communication technologies, are essential foundations – the sine qua non – of contemporary globalization. Quite simply, without the ability to travel easily and relatively cheaply, without the capacity to ship goods inexpensively over long distances and to transfer capital instantaneously, and without the benefits of real-time global communications, what we call “globalization” would not, could not, exist as it does today. But these things all relate to the physical infrastructure of globalization; my arguments focus on the cultural aspects of globalization that have driven people to create and to use these physical tools as means to cultural ends.

47 As I also note in Chapter 2 and Chapter 5, the cost of traveling to the Outer Islands, especially those in the Northern Group, can be extremely high, even over $1,000 for a one-way ticket.
texting as well as via internet tools like Skype and Facebook. Such communications often occur, significantly, in *simultaneity.*

My fieldwork took place in a zigzag of multiple visits among the Cook Islands, New Zealand, and Australia. The original reasons for such crisscrossing were logistical, but the effects were as fortuitous to my research as they were exhausting to my little family. As I mentioned in Chapter 2, somewhere in about the middle of our travels, my wife realized that in all of our own back-and-forth, we were taking part in a very Cook Islands-esque existence; in all of these travels, we became parts of multiple branches of multiple families and communities of friends who, themselves, resided in separate countries but maintained a variety of connections, both simultaneous (communications) and occasional (physical travel).

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I wrote about Sylvia Marsters in Chapter 2. Sylvia is a fabulous and amazingly talented Cook Islands artist who was born in Auckland, the daughter of a Cook Islands father and a white, *papa’a,* mother. Living in New Zealand, Sylvia grew up as a New Zealander; but the daughter of a Cook Islander, and in the neighborhood space of Pacific Islandness, she was also a Cook Islander.

Instead of being an integrated part of two worlds, however, Sylvia was often embraced by neither. Because of her brown skin, she was not always fully accepted

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48 I draw here on, without intending to introduce or reproduce wholesale, Anderson’s ideas of imagined communities. (See Anderson 2006). One key difference, of course, is that Anderson’s articulations were meant to explain cohesion *within* a given nation-state; while I do not disagree with many of these articulations, I am benefitting from Anderson for purposes of describing *cross*-border communities.

49 I include in Chapter 2 a short account of Sylvia’s father and Sylvia’s childhood. See also http://sylviamarsters.vc.net.nz/.
by mainstream New Zealand society; at the same time, she often did not receive complete acceptance within the Cook Islands community because her father had passed on to her too few of the tools – whether language or cultural understandings/fluency – to be able to seamlessly negotiate the Pacific Islands world more generally or the Cook Island worlds more specifically. In Sylvia’s words, she was “never white enough for the white crowd, never brown enough for the brown crowd.”

Still, Sylvia’s sense of self has always been globalized; even when her father denied her knowledge of it, she always considered herself to be of the Cook Islands, to have a cross-border identity. To tap into this globalized identity, she subsequently turned to art, she began painting images in the style of the Cook Islands; building on these subconscious bonds, she started actively working to build explicit cross-border connections. A childhood trip to the islands had been a disaster, wreaking mayhem in the young girl not ready for – and unprepared for – cross-cultural conflicts and demands; but later, she won a scholarship to be an artist in residence in Rarotonga for a month. She went, she lived, she was transformed.

Today, still living in New Zealand, she has since become one of the most renown Cook Islands artists. She is of here and of there; she has grown into her globalized self.

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Music is both an expression of and a marker of culture. Music is also one of the many things that not only exists in identical forms in multiple places but that can
also be transmitted and transferred, instantaneously, by means of modern technologies. Like most peoples, Cook Islanders are avid consumers of music and take pride in their “own” music, that is to say, Cook Islands music.

One man, named No’o Pare (called “Papa No’o” by many), has his hands in some 70% of Cook Islands music that is produced in the world; No’o lives and works in New Zealand.

Like many, No’o came to New Zealand eager for opportunity and adventure – he was 20 at the time. And indeed, he found them manifold, often finding various forms of trouble right along with them. But throughout, he maintained his ties to the Cook Islands, in particular as a musician and through music.

Cook Islands songs, both as recorded tracks and as live versions performed by resident or traveling musicians, have long been circulating among the Cook Islands, New Zealand, and Australia. Today this circulation is more prevalent and more seamless than ever.

Given that a majority of Cook Islanders temporarily or permanently reside in New Zealand, it is perhaps not surprising that a majority of Cook Islands music is produced in New Zealand. No’o’s genius, however, is not in simply tapping into this numerical majority of Cook Islanders, but instead in integrating this globalized music market.

Indeed, No’o himself, often via his record label Heimana Music,\(^{50}\) works with artists from all three countries, the Cook Islands, New Zealand, and Australia. He

\(^{50}\) See http://heimanamusic.com.
brings them to Auckland for recording, plans release parties and other events for them in their home countries, and assembles artists from all over for important Cook Islands cultural events. More importantly, No’o has his finger on the pulse of – and simultaneously helps to shape – the form and direction of Cook Islands music.

Interestingly, the Cook Islands music performed in New Zealand and Australia is typically more traditional than the music played back home in the Cook Islands themselves. My naïveté about this was quickly cured by No’o’s two daughters, employees of his record label, who had joined us in our talk: in the Cook Islands, there is no need to stay true to any constructed idea of what authentic Cook Islands music is because whatever music is played in the Cook Islands by Cook Islanders is – by definition – “authentic” Cook Islands music. As such, Cook Islanders in the Cook Islands have been known to introduce synthesizers and other eclectic instruments into their performances, evoking sounds that would incite ridicule and rejection if performed outside the islands themselves.

By contrast, music performed in New Zealand and Australia is required to mimic what is considered to be authentic in order to be accepted as “Cook Islands” music. So to continue with the same example, synthesizers played in New Zealand

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51 In addition to regular events like Auckland’s giant yearly Pasifika Festival, No’o managed to bring together, while my family was in Auckland, dozens of artists for a massive fundraiser for the Outer Island of Aitutaki which a short time earlier had been ravaged by Cyclone Pat.
52 These two daughters, Tu and Anna, are the record label’s communications director and business manager respectively; as such, they run the business side of the operation while No’o focuses on the creative/artistic side. I got the sense, however, that the whole business still operates within the penumbra of No’o’s broader visions.
53 Other cultural products are part of similar phenomena. For example, tivaevae (alternatively, “tivaivai”) are quilts – made solely by women – that are extremely important among Cook Islands communities. In New Zealand, tivaevae are often used to mark oneself as a Cook Islander; but in the Cook Islands themselves, such marking is obviously not necessary. Moreover, like Cook Islands
would be seen as a corruption of the music because interpreted as caused by “outside” influence, whereas synthesizers played in the Cook Islands are just part of the organic development of the music. Furthermore, when Cook Islands music is played in New Zealand and Australia, it is often done so to evoke connections to the islands which is partly done through the *nostalgia* that the music invokes. So to tap into this nostalgia, New Zealand and Australian players are required to play, not newfangled variations of the music, but instead a more standardized form of the music that more strongly reflects the music’s roots over time and therefore will correspond that much better to at least part of what was being played in the Cook Islands whenever each member of the audience left the islands.

On the main road of Avarua in Rarotonga is an iconic music shop called Raro Records. Here, cd’s are sold to locals, tourists, and visiting Cook Islanders alike; the shop likewise sells via the internet to a vast global community of both Cook Islanders and non-Cook Islanders. No’o’s record label sells many of its cd’s via Raro Records; the label also recently reached a deal with a large Wal-Mart-like retailer in New Zealand called The Warehouse.

As such, Cook Islands music comes from many places; it likewise goes many places. It travels globally. At the same time, the factors that influence the *consumption* of the music are both fluid and mutually constitutive. So in short, Cook Islands music is globally *co-produced*: it is not only the physical recordings that

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music, those tivaevae made in New Zealand are more traditional than those in the Cook Islands; in New Zealand there is a great deal of policing of authenticity, whereas in the Cook Islands all tivaevae are by definition authentic. (Personal conversation with Dr. Phyllis Herda, March 22, 2010; see also dissertation by Jane Horan at the University of Auckland for fascinating explorations of the *economic* and *value-related* roles and consequences of tivaevae among Cook Islanders in New Zealand.)
travel globally, nor the artists themselves; instead, every aspect of what is Cook
Islands music – the recordings, the performance, and the consumption as well – exist
in a single plane across borders.  

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During our travels, my wife and children and I were very fortunate to be taken
in by Jacqui Teaukura and her family. (As usual, I suspect that such good fortune is
more due to the charm of the researcher’s wife and the cuteness of the researcher’s
children, rather than any social ability on the part of the researcher himself.) Aside
from a myriad memorable personal moments – such as Jacqui’s mother feeding our
daughter her first ever feijoa fruit, a New Zealand staple – Jacqui was kind enough to
connect us with her extended family – an extended family that is spread across the
Cook Islands, New Zealand, and Australia; and indeed, we interacted with her
relatives in all three places.

Jacqui herself grew up on the Outer Island of Aitutaki. She had spent some
shorter stints in New Zealand as a child, and decided to move to Auckland more
permanently with her husband and children when she was an adult. One of her goals
was educational opportunity for her children.  

The cross-border fluidity of Cook Islanders simply cannot be understated.
Indeed, several years after Jacqui herself, Jacqui’s parents also moved to New
Zealand and Jacqui’s daughter Leila, whom Jacqui’s parents helped raise, has moved
to Australia. Jacqui’s seven siblings are spread across New Zealand; the Cook

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54 See Appadurai 1996.
55 Interestingly, at the time of my fieldwork, Jacqui and her husband were themselves pursuing – and
had nearly completed – MBA degrees.
Islands; and Sydney, Melbourne, and Brisbane in Australia. If one begins to factor in aunts and uncles, as well as nieces and nephews, the number of multi-state connections becomes staggering.\textsuperscript{56} Jacqui maintains close relations with many of these family members. Moreover, she, and her family members as well, continue to engage in Cook Islands politics and culture on innumerable levels – to name just one, Jacqui’s uncle, Henry Puna, has recently become Prime Minister of the Cook Islands.\textsuperscript{57}

Jacqui is an extremely kind, delightful, and special person. As noted, I was fortunate enough to meet some members of her family – in what for me were more isolated meetings – in New Zealand, Australia \textit{and} in the Cook Islands. For Jacqui, however, these connections are not isolated incidents but instead are constant, simultaneous connections. As such, with family living extensively across borders, and in engaging with Cook Islands politics and culture across these borders, Jacqui’s existence is inseparable from globalization.

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In addition to the contemporary connections of family and extended family, as in Jacqui’s case, many Cook Islanders are also bound to globalization via connections

\textsuperscript{56} As with others whom I have described here, Jacqui’s family in this respect is more typical than atypical of Cook Islanders. Indeed, I would be hard pressed to think of any of my friends or informants there who did \textit{not} have siblings in two of the countries (the Cook Islands, New Zealand, and Australia), and usually in all three.

\textsuperscript{57} This is naturally a real mark of distinction for the family as a whole and one that builds on the decades of exemplary leadership that Jacqui’s own father, now retired, provided to the country while he was a member of parliament. Jacqui herself also had an important role in putting together the Aitutaki benefit shows, referred to above, for which No’o Pare assembled the musical talent. Jacqui at that time was the executive assistant to the mayor of Manukau, which is a former independent city/suburb adjacent to Auckland proper that, in a massive reorganization in 2010, was incorporated along with several other former independent cities, to form a single administrative district now sometimes referred to as “Super Auckland.”
of past family, that is to say, through ancestry. These ancestral links – to English, American, Italian, Danish, and Chinese pasts, among many others – serve as lingering reminders, floating markers of former globalizations.

And in regard to the globalization of today, this globalization is inextricable in a myriad other ways from the Cook Islands self. To be sure, Cook Islanders, like most people, are avid consumers not only of globalized movies, TV shows, video games, and magazines, among others, but also of the globalized discourses on these subjects, including relevant trends and fashions. One Cook Islander living in New Zealand even spoke of how often he sits in front of his computer screen, staring at his island on Google Earth, where he can zoom in on the marae, the communal sacred place of his home.

Cook Islanders are equally so consumers of, and participants in, sports. Organized sports often fit, and fit the [sports] self into, a globalized matrix. First, sports teams compete as nation-states against nation-states in a necessarily global scheme. In this regard, note that members of Cook Islands national teams are picked from among Cook Islander players in the Cook Islands, New Zealand, and Australia. Second, the members of mainstream sports clubs in New Zealand and Australia – whether rugby, netball, or any other – are often from multiple countries. National origin is an important marker here. For example, Kevin Iro and Tony Iro are brothers, Cook Islanders, born and raised in Auckland. They both went on to achieve fame playing rugby in New Zealand and Australia; when they did so, they were

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58 Clearly, some of the bravado of teen-aged Cook Islander boys, especially in South Auckland, involves re-workings and re-presentations taken from African-American pop culture, transmitted via music videos, movies, and other media.
claimed by the Cook Islands community as one of their “own” – one might even say
interpellated into the community.\textsuperscript{59} Third, in many parts of New Zealand and
Australia, Cook Islanders organize local sports teams precisely as a forum for
engaging with other Cook Islanders and maintaining Cook Islandness; these teams
often meet to play each other, at times in cross-border matches.

As a final example here, Cook Islanders also exist in simultaneous global
communities within the Church. The main denominations – Cook Islands Christian
Church, Seventh Day Adventist, and Catholic – all maintain cross-border networks of
Cook Islanders across the Cook Islands, New Zealand, and Australia, not to mention
the connections beyond the region for members of the Seventh Day Adventist and
Catholic churches.

\textit{Tying Together the Above Three Elements of Globalization
in Three Simple Letters: KFC}

One example in particular stands out as perhaps the most interesting in
illustrating the tripartite symbiosis of the consumption of global foodstuffs, the
globalized \textit{co-production} of products (in this case the production of food products and
their transportation), and the contemporary individual’s perception of self as an
element of globalization. In the petty suspense that is all that is permitted in a writing
such as this, I earlier in this chapter withheld a small piece of information concerning
the most common answer that I overwhelmingly received from Cook Islander

\textsuperscript{59} In fact, since retiring, Kevin Iro has moved to the Cook Islands, where he runs a well-respected
program for troubled local youth. Tony Iro, a man of tremendous grace and personality, is now the
assistant coach of the New Zealand Warriors, the sole New Zealand team in the premier trans-Tasman
(ie, Australia-New Zealand) National Rugby League.
informants in New Zealand in response to the following question: when you travel
back to the Cook Islands, what is the item that people back home most often ask for
you to bring for them?

I am now prepared to divulge the answer: the item most requested from New
Zealand by Cook Islanders in the Cook Islands is … KFC. Yes, KFC – fried chicken
purchased at the globally present fast-food restaurant chain (of which there are no
branches in the Cook Islands).

Many questions may leap to mind here, I understand that. And to be sure, it is
with some small regret that I cannot answer them all. But here are my responses to
some of the possibly more pressing ones:

Why KFC? Answer: Unclear. Even after all of my research, I cannot fully
explain this. After all, fried chicken is extensively available in the Cook Islands
themselves, even 24 hours-a-day, seven days a week at the aptly-named Raro Chicken
in Rarotonga. The only answer that I ever got was that KFC simply tasted better than
the locally-made chicken.

How do you get KFC chicken from New Zealand to the Cook Islands?
Answer: You take it with you on the plane. My wife and I were fascinated by this, so
we insisted on taking part in this cross-border food transfer. Our dear friend Jacqui,
whose story is told above, was – and rightfully so, probably – very fearful that we
were going to botch the whole thing. But, intrepid researchers that we were, we
insisted on doing it ourselves. (We did, however, listen carefully as Jacqui and Sylvia
both explained to us in great detail how to proceed.) This is how it is done: on the
day one is to fly to the Cook Islands, one calls one’s local KFC – there are many in Auckland – and places an order. I must admit, I was a bit dubious, even more so when the voice that came through the phone had a decidedly South Asian accent.

“Um,” I said, hesitating. But I had learned the script that Jacqui and Sylvia had taught me. “I’m flying today to the, uh, to the islands.”

The answer came with no pause, no delay whatsoever: “How many pieces do you need? 50? 100? And what time do you want to pick them up? We’ll prepare them and have them ready for you.” For the unaccustomed American, it was truly amazing. I ordered 50 pieces.

Per our instructions, my wife and I then purchased a “chilly bin,” that is to say, a cooler/ice chest, to store the chicken in (although, remarkably, no ice, nor any cooling material at all, was apparently required). With 50 pieces of chicken later snugly in our chilly bin, we headed off to the airport where, it is true, we even at this point maintained a small amount of fear that we were going to be questioned, detained, and/or arrested by airport security personnel. But not so; neither the agents of the state nor the contract security screeners so much as raised an eyebrow at our lukewarm and aroma-rich cargo.60

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60 We have heard many stories of how, especially around the holidays when Cook Islanders outnumber the tourists on flights to the islands, the whole cabin of the plane will smell like KFC. Indeed, one New Zealand-born Cook Islander was describing for me his first trip to the Cook Islands, which was in an old DC3 in 1974, when he was 7 years old; his most vivid memory from the flight: the smell of the KFC.
Really? What then? Answer: As for my family and me, we arrived in Rarotonga in the middle of the night, so we went straight to our bungalow. In the morning, in our little rental car, we did a loop of the island, stopping by the homes of many of our friends, to deliver, from the chilly bin now in the trunk of our hot car, one, two, or three pieces of chicken, depending. A common trait of Cook Islanders is a stoic, emotionless demeanor upon the receipt of a gift; the magic of the KFC, however, was enough to produce a large number of giant smiles, and an even larger number of happy, twinkling eyes.

And ... once one receives a piece of chicken, what does one do with it then? Answer: The chicken is not simply eaten directly, as one might consume it if in a KFC restaurant. Instead, the meat is carefully taken off the bone and combined into a larger dish, usually with healthy amounts of coconut cream. Family is invited – a feast is had. It’s all that simple.

... And so, you must forgive me – it is both the novelty of this KFC experience, and the joy that many of our Cook Islander friends expressed at our efforts – that inspire me to this lightheartedness. But I tell the story for a reason and with all seriousness and sincerity.

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61 Most flights to and from the Cook Islands depart and arrive at extreme times of the night and early morning; it was explained to me that this was for efficiency reasons because the airlines – Air New Zealand and Pacific Blue – could at those times use airplanes that were not otherwise needed for more lucrative [daytime] domestic usage; travelers to the Cook Islands – whether returning Cook Islanders or eager vacationers, are apparently willing to withstand this inconvenience, while New Zealand’s domestic travelers are not.

62 To the American reader: to the extent you are concerned about the tastiness of the chicken after it has been transported in this way, rest assured that where coconut cream is involved, essentially everything tastes delicious.
KFC, of course, is a multi-national corporation, with roots in the US. The capital flow, therefore, is multi-directional. Further, this KFC chicken that my wife and I purchased and distributed in the Cook Islands, was prepared in New Zealand of almost certainly spices and other ingredients from multi-national sources, and therefore is global; this globalized chicken then becomes consumed, ingested, part of the Cook Islander human body who eats it. Every aspect of the initial preparation of the chicken as well as of the transportation of course are part of, rely on, and implicate globally co-produced goods. And finally, this whole cross-border process occurs as part of a seamless plane of cross-border culture, a multi-national understanding, a globalized sense of self.

Conclusions

Globalization is many things. But one would be wrong to try to pick and choose among the components, or to try to rank them, because importantly, globalization is all of them. So it is the inter-linking relationships among states; so it is the global flows of goods and capital; so it is the cross-border movement of people; so it is also the globalized co-production of goods among multiple states; and so it is the intersection of these factors in the formation of the individual subject and, by extension, in every function of the state. In this chapter I have explored each of

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63 Not to mention – without trying to make assumptions – that there are likely further global connections of capital in regard to the South Asian workers (and perhaps owners) of the particular KFC restaurant in Auckland where I purchased the chicken in this particular case.
64 Not only is the state itself an essential component of globalization, but the functions of the state are also of course driven by humans who reproduce their relationship with globalization in their management of the state.
these aspects through ethnographic accounts of Cook Islanders in the global matrix of the Cook Islands, New Zealand and Australia.

Several questions, then, are: Where have these things come from? What makes them possible? And how are they maintained and reproduced? As I noted briefly above, technological advances, especially in regard to communication and transportation, might seem to provide the answer, because it is on the infrastructure of these advances that the physical flows – whether of goods, people, capital, or communications – take place. And to be sure, technological advances play a central role; but at the same time, it is essential to remember that technology itself is not a driving force, it is only a tool.

My argument, instead, is that the driving force of globalization is the global marketplace and the fact that the global marketplace is formed and managed by means of the tacit cooperation of essentially every nation-state. In the prior chapter, I explored issues of contemporary nation-state sovereignty; in the present chapter, I turned to globalization. These discussions are related: globalization is dependent on nation-states for the regulation of the flows of people, goods, and capital that make the global co-production of goods – and the global consumption of goods – possible as a system.

Therefore, given their symbiotic relationship, in the following chapter I will analyze nation-state sovereignty together with globalization. In doing so, I will try to establish models for answering the above questions: Where has globalization come from? What makes it possible? And how is it maintained and reproduced?
Chapter Five: Sovereignty, Globalization, Law, and Capital

Introduction

This chapter explores four aspects of the relationship between sovereignty, globalization, law, and capital. First, I examine ways that the concept of “fungibility” has made contemporary globalization possible. Second, building on that fungibility, I describe how contemporary globalization is co-produced by the nation-states of the world through the combination of capital production with the legal regulation that is the function of nation-state sovereignty, namely the regulation of the movement of capital and individuals. In short, nation-states co-produce goods, which – together with the co-consumption of those goods – is the driving force behind globalization; as such, one can likewise say that nation-states co-produce globalization itself.

Third, I explain why nation-states remain the central structural machinery of globalization. Many scholars have argued that globalization is weakening the modern nation-state; a few, by contrast, have suggested that globalization strengthens it. A comprehensive model, however, shows that globalization both weakens and strengthens nation-state sovereignty, and that in this process the nation-state retains a higher-than-previously recognized level of agency in the determination of which aspects are weakened and which are strengthened. Further, one should not jump to the conclusion that the changing role of the state is equivalent to a diminishing role. The centrality of the state endures; the key is to understand how, which is likewise to recognize the advantage gained by those states which most adeptly adapt to these dynamic changes.
Fourth, to be sure, the effects of globalization have transformed every culture on the planet and capitalism has been the vehicle for doing so. But just as all cultures are different, so is the capitalism of each culture different too. No model of sovereignty and globalization is therefore complete without a mechanism for accounting for differences in culture and capitalism. Indeed, as I discuss in Chapter 3, culture plays a vital role in the form and function of nation-state sovereignty, in part by influencing the state’s interface with global capitalism, which occurs differently in regard to each state.

I then conclude with a brief discussion of the global community of Pukapukans – people from the small island of Pukapuka in the Cook Islands. Their savvy and strategic use of capital to perform state-like functions offers an insightful reflection on the intersection of sovereignty, capital, law, and globalization.

Contemporary Globalization has been Made Possible by: Fungibility

As I have stressed, technological advances have made globalization possible … physically. Without the likes of jet planes, container ships, or the internet, the myriad paths of globalization would have little infrastructure. Of this, there is no doubt and I mean to take nothing away from the importance of this technology.

Yet, this technology is still a tool; it is nothing without the human beings who use and rely on it. In other words, technology does not create globalization but is solely the bearer of goods, people, capital, and ideas. It is only because of certain
conceptual changes in humans’ understanding of their world that these various technologies have come to be invented and to serve the functions that they do.

The key conceptual breakthrough that made contemporary globalization possible is the internalization of the notion of fungibility. The notion itself is a fairly simple one: to be “fungible” is to be replaceable with a substitute of equal value. A connotation of fungibility is that the replacement is not only of equal value but also that it does not alter the meaning of the original. So, for example, two individual dollar bills are generally fungible – a person usually does not have a preference of one particular dollar bill over another. Obviously, there are exceptions to this example: if someone is in possession of a dollar bill that was received in a meaningful action – say, a gift from a certain relative in a certain context, or it was the first dollar bill earned in an economic venture, etc. – then that particular dollar bill would not be fungible. But on the whole, dollar bills, just like coins, are considered to be fungible. The same is true of most manufactured goods: if you get home from the store and find that your new ipod/shoe/coffee-maker is broken, you simply return it for another.¹

By contrast, a common example of the antithesis of fungibility is land: land is never fungible. A given tract of land is never completely equal to another tract because, even if they are the same size and of similar characteristics, there will necessarily always be differences between two tracts, whether in view, in distance from the main road, in quality of the soil, or in any other of a myriad ways.

¹ Fungibility is a common concept in American jurisprudence. Law students and others often find great amusement in the use of the word “widget” to describe a hypothetical produced good that is fungible.
The fungibility of capital of course made capitalism possible; at the same time, changing ideas of fungibility beyond capital allowed for social changes that made globalization possible. There is, naturally, a connection between the two.

1. *Capital*

Capital is quintessentially fungible. This fungibility, as noted, enables capitalism as we know it: with this fungibility, labor can be commodified, profit can be realized at the expense of this labor, and wealth can be transferred, whether in terms of investment or in regard to the strategic sharing of wealth among capital owners and their progeny.

As I will describe more fully below, capital, with its inherently fungible nature, has made possible the porous, overlapping integration of the world’s nation-states on at least two levels. First, on a systemic level, capital binds countries together on the one hand via direct trade and cross-border investment, and on the other hand by means of the interlocking networks of laws and capital that combine in the cross-border production of goods (what I call global *co-production* below). Second, on the human level, the global capitalist system allows (and sometimes forces) individuals from one country and culture to move to and become employed in other countries and cultures; pools of labor are no longer local.
2. **Law**

In addition to capital, individuals have become, in certain key ways that I will discuss below, likewise fungible. But neither capital itself nor individuals are a system; instead, these elements are managed as part of a system created by law. Law is the structure that creates, on a systemic level, *structures* of fungibility; at the same time, law is the regulator of capital and individuals as fungible elements.

Capitalism took off in conjunction with industrialization in the 1800’s (see Wolf 1997). England was an important site for the transformation of capitalism from a periphery process to a central economic structure. In England at the time, early capital owners were in positions of power because of *status*: birth and strategic marriage were the primary pathways of wealth.

With the arrival of industrialization, some of these wealth owners sought to increase their wealth by means of the tools that the industrial process offered. With the benefits of their status, and their wealth-gained-by-status, they set up factories, they recruited labor, they began to generate *profit* in the form of capital accrued.

One problem for these early capital producers, however, was that their status and material wealth were insufficient on their own for guaranteeing either the conditions that provided for their capital production or for the maintenance of the capital they were accumulating. Instead, the capital producers had to find these means elsewhere, and they did so in the *law*. In these regards, the law served two ideal purposes.
On the one hand, law created rules – for labor, for capital transfer, for property interests – that standardized transactions involving labor and capital, thus making them predictable and thereby efficient. On the other hand, law, as an enactment of the state, neatly and importantly integrated the state into the capital production process because now the state was in part responsible for enforcing violations of the law. This latter enforcement occurred in many ways, ranging from the direct police protection of wealth and property to the indirect provision of judicial forums for the resolution of civil disputes regarding capital and labor (decided, of course, by a judge as agent of the state). From the beginning, therefore, law has been an essential infrastructure for capital production; as I describe further below, law plays an equally central role in the contemporary global production of capital.

Law – specifically modern law, because of its assertions, whether successful or not, of individual rights\(^2\) – provided a convenient means for dealing with these early issues of capital production because it was efficient in that it provided for categories of people. In other words, laws could be enacted to address all laborers; laws could simultaneously protect all capital holders (from, for instance, theft – whether by laborers or by banks who were emerging to hold the capital owners’

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\(^2\) The Solicitor General of the Cook Islands mentioned to me that an increased awareness of “rights” among Cook Islanders has meant much more work for the Crown Law office, as growing numbers of people seek to enforce those rights against the state. Previously, for instance, the police simply interviewed people in regard to a crime; now, most individuals are aware that they are entitled to a lawyer. According to the Solicitor General, many of the rights being asserted are human rights claims under the Cook Islands constitution. This constitution-based shift to rights-assertion has had consequences for Cook Islands cultural ordering and relationships (see also Merry 2003). For example, traditionally young people were expected to show unflinching respect for elders and their decisions. But today, there are demands by young people and others to “sit at the same table” – to be heard on the same level as the elders, regardless of the traditional rules of deference; the Cook Islands Constitution is the tool that these young people and others are using to raise these issues (Conversation with Tingika Elikana, April 16, 2010; see also Cook Islands Constitution, Art. 64-65; Sissons 1999).
capital). At the same time, the capital producers’ co-opting of the state into their financial ventures greatly increased the capital producers’ power. No longer were they limited to the power available via their particular status and/or personal wealth; now, instead, their ability to tame labor and protect wealth was as great as the state itself.³

It is unlikely that capitalism could have taken root – and taken over – as it did in England (and elsewhere) without capital producers having turned to the law in this way: law was, and continues to be, a fundamental structural component of capitalism. Nevertheless, capital producers’ turn to the law had important, no doubt unforeseen, consequences.

First, as noted, modern law is significant and peculiar in its purported treatment of categories of people, as made clear by so many ubiquitous phrases of law, such as “No person shall…” and “It shall be unlawful for any person to …” This seems unremarkable. But what these categories of “no person” and “any person” set up were categories; in turn, these categories, within which identity is irrelevant and each person is equal,⁴ comprise structures of fungibility. In other words, where the law applies to “any person,” it is treating “person” as a category within which each person is a fungible element.

Furthermore, in the eyes of the law, within this broader category of “any person,” there of course exist a multitude of sub-categories: “No employer shall…..”

³ See Merry (1990) regarding benefits and consequences of state involvement in individual disputes in contemporary jurisprudence; her insight informs much of my analysis here.
⁴ However, whether the law gets applied to all individuals equally is of course another matter.
“Any employee who…” Each of these – “employer,” “employee,” among many others – is a category in a system of structural fungibility.

So while capital itself is quintessentially fungible, it is no more than a thing that is fungible; its existence as such does not establish categories of fungibility. This is where modern law is key. Modern law – and the reliance of early capital producers on modern law to protect their interests – contributed to the creation of these conceptual categories of fungibility. Although law was not the only factor in this regard – other modern institutions like democracy also played a role – I suggest that conceptual categories of fungibility did not exist prior to modernity. Further, these categories of fungibility, as I discuss below, had dramatic consequences in regard to the foundation of contemporary globalization.

A second unforeseen consequence of capital producers’ choice of the law to protect their rights and wealth was the sometimes dilution, sometimes transformation, of the capital producers’ power. Most blatantly, the capital producers’ reliance on the law gave effect to the fungible categories that existed within the law, which served to undermine the capital producers’ status, which had been their original avenue to power. In other words, in choosing to rely on a system that purported to treat all laborers equally, they simultaneously committed themselves to a system that treats all owners equally. (Keep in mind that in a system of capital, ownership is also fungible!) Status itself was therefore insufficient to maintain power because the

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5 In regard to democracy, note that votes are “equal” and thereby fungible (like the people who make them).
capital producers themselves became largely subject to the sets of rules that they were otherwise turning to in order to protect their wealth.\footnote{Although laborers had few rights against capital owners at these early stages, those rights certainly grew over time. Further, take the example of banks: early capital owners needed law to give them rights against banks who might have squandered the capital owners’ capital; but at the same time, the banks gained rights against capital owners who did not, for instance, repay loans in a timely manner.}

Capital producers’ reliance on the law likewise had the effect, as noted, of inserting the state much more intimately into the processes of capital production. As Sally Engle Merry so insightfully has shown in other contexts, turning to the state for help greatly increases a party’s power, because now one has the power of the state on one’s side; on the other hand, in turning to the state one reduces one’s options because now one is also subject to the limitations placed by the state on one’s actions. (Merry 1990). So while early capital producers may have been able to rely on state power to enforce labor regulations, capital producers were themselves confined by the growing bodies of law that also placed limits on them too (see also Tamanaha 2007:377-78).\footnote{At the same time, capital producers were – and are – obviously in a more powerful position to influence the kinds of laws that are enacted and those laws often benefit the capital producers – but not always.}

In sum, in the joint birth of capitalism and industrialization, capital producers found themselves with insufficient power to efficiently control all the necessary conditions of labor and capital, or the myriad transactions that necessarily occurred in their regard. The generation of capital required greater predictability and efficiency and for this, early capital producers turned to the law as a system to structure the relevant relationships. In doing so, they solidified the enduring relationship between capital and law (a relationship that continues all the more strongly in global
This relationship fused the fungibility of capital itself with the structural categories inherent in modern law. On a smaller scale, this process served in part to dilute the importance of status as the key social marker among early capital producers – in other words, social status became *de-linked* from [financial] power.

Nevertheless, as described below, it was the global social upheaval caused by the pervasive spread of conceptual categories of fungibility that proved to have the most profound significance.

### 3. Social Fungibility

Capital is fungible. Modern law has created a structure with categories of fungibility. Our system of capitalism has in addition rendered human beings *themselves* fungible in key ways. As Marx foresaw, labor fungibility is integral to a wage labor system; but such a model of fungibility, focused on the available labor for a particular, say, factory, is largely localized. The consequences of human fungibility, however, are more than just of local significance. They are – for two important reasons – global.

First, demands today for labor at a given factory or for a particular labor-intensive project no longer simply lure laborers from the surrounding countryside into

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8 Human beings are obviously not fungible in *every* way: there can never be an “equal substitute” for a spouse, a child, a parent, etc. I am focusing on a different aspect here, namely that laborers are fungible; in Marxian terms, the factory owner only cares that there are workers in the factory, it does not matter *who* the workers are – and as soon as some workers are no longer able to work, others can be put in their place (see Marx 1990).

9 The point here is in part the one above, that one worker can replace another with little consequence; the point is also that because of this replaceability, those who are employed are forced to work harder, because they know that they can always be swapped out for unemployed laborers who are waiting eagerly in the wings for the chance to earn those wages (see Marx 1990).
the city, as may have been the case historically. Instead, laborers are now drawn literally from around the planet. At the same time, factory owners are no longer content to entice cheap labor to come to them, but now instead move factories around the globe to move production to the most ideal areas for labor. In either instance, in very Marxian terms, the factory owner is not concerned with the identity of the laborer, but only that the labor be completed cheaply and well, that is to say, efficiently; aside from the transaction costs, the factory owner does not care if one laborer replaces another. The laborer in these factories is fungible. But again, because laborers move globally and because factories move globally, this fungibility is global in scale.

Second, the fungibility of capital, the fungibility of labor, and the conceptual changes planet-wide that now allow for categories of fungibility, have combined to create fungibility in social structure. This process has both a horizontal and a vertical component.

Vertically, the power of capital has made possible, even if with difficulty, the upward social mobility of a given laborer – as well as, of course, the possible downward mobility of those with higher status. In other words, the available categories of social status are no longer transferred solely by birth and marriage, but today, in many (although not all) situations, people of little social status can now gain status, they can move from one category of status to another, simply by making money.10 This is possible due to the conceptual shift to fungibility between categories

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10 In the Cook Islands, for instance, the possession of money alone does not entitle one to become a chief or a sub-chief; but the possession of money can increase one’s power and influence.
of social status, up and down. As Marx himself admitted, capitalism entailed
liberation from feudalism.\textsuperscript{11}

Horizontally, the effects of the introduction of categories of fungibility have proven to be even greater. Whereas vertically the existence of categories of fungibility de-linked ancestry from social status, both ancestry and social status also became de-linked – horizontally – from the job/profession of a given person. Because fungible wages were available in many different industries, and because the laborers in each of those industries were fungible, a given individual was no longer bound to the profession of his father [\textit{sic}], but instead could take a job in \textit{any} available industry.\textsuperscript{12} When this fungibility is examined in global terms, the ramifications become monumental: employment positions in most fields can now be, and often \textit{are}, held by non-locals from any of a myriad global locations.

In other words, while ancestry still plays an important social role, social structure is no longer \textit{limited} to ancestry. Nor is such fungibility restricted to the wage laborer; professionals and capital owners themselves are equally, if not more so, fungible players in a system of social fungibility. As such, doctors from Fiji can move to and integrate into New Zealand; an optician from India can move to and integrate into the Cook Islands; the same with capital owners. It is the demands for

\textsuperscript{11} See e.g. Marx (1990), where he also noted: “Force is the midwife of every old society which is pregnant with a new one. It is itself an economic power” (916). See also Hardt and Negri: “We claim that Empire is better in the same way that Marx insists that capitalism is better than the forms of society and modes of production that came before it” (2000: 43).

\textsuperscript{12} I do not mean to paint this as a rosy picture; obviously, many people were – and continue to be – effectively \textit{compelled} by circumstance to work in a certain industry in order to survive. My point still stands, however, that where jobs in more than one industry are available, a given laborer – due to the fungible nature of the positions within those industries – can choose which industry to work in and is not forced solely \textit{by social position} into one only (such as a farmer in feudalism).
labor that create the *need* for the mass movement of people; it is social fungibility that makes the mass movement of people *possible*.\(^{13}\)

Although this type of movement is largely taken for granted today, this is no small point. Prior to capitalism, a person could in most situations not simply pack up and move to a new place and pick up life there. To be sure, there has always been inter-marriage between groups, just as there has always been overlap, war, slavery, and the incorporation of other individuals into a given culture in a multitude of ways. But what I refer to here is the voluntary\(^{14}\) movement of people globally that is one of the marks of contemporary globalization.

To illustrate, imagine any profession that a person might have and which that person might wish to move to another country to perform, whether doctor, farmer, clothing designer, whatever it may be. Now imagine that profession as it might have existed 1,000 years ago – medicine person, farmer, weaver, whatever words one wants to use. Now, imagine further that a person of that profession, a medicine person/farmer/weaver, packed up and moved across the globe 1,000 years ago. I argue that in most instances it is impossible to envision – and unreasonable to suggest – a situation where that person, even if she/he knew the language of the new location (which is unlikely), could simply insert her/himself into the new society and practice her/his profession there. In short and to the extent I may take the liberty of making

\(^{13}\) Of course, part of the reason for mass migration is the demands of *production* that requires mass labor in the first place.

\(^{14}\) By “voluntary” I mean that one is not physically transported away against one’s will, as in the case of slave capture. Obviously, many people who move around the globe today do so in search of work or to otherwise flee harsh conditions; these people do so out of necessity and therefore, arguably, not “voluntarily.” I contend, nevertheless, that there is a difference between these two situations, just as I recognize that in some instances the line is blurry.
such generalizations, prior to capitalism few if any societies permitted social fungibility, instead their social structures were *fixed* by various algorithms of status and ancestry. A medicine person of one group was simply not equivalent to a medicine person of another group, each was inextricably embedded in the social structure of that particular culture.

Capitalism – and the categories of fungibility that have come along with it – have changed this social structure. Just as the laborer on the factory floor can be swapped out against another, so too can doctors, farmers, and clothing designers now replace one another *globally*, just as factory owners can. Today we can have a [Chinese] owner of business in [Australia] in which an [Indian] supervisor oversees the work of a [Samoa] laborer. This is not surprising, in fact, we take it for granted – and obviously, the nationalities in these various brackets can be mixed around and swapped out for others without making the example any more or less noteworthy.

Furthermore, in the initial stages of capitalism, capital producers exploited the connections enabled by colonization in order to *extract* raw materials from global locations outside of Europe. But as capitalism seeped into the various locations where the extraction of the raw materials was being performed, as local workers were transformed from slaves/servants into wage laborers, the social structures of those various locations likewise began to change. In these locations there developed what I am calling categories of fungibility, meaning that the labor in those factories there could be performed, as historically, by locals or now also by outsiders; at the same time, in these social changes, locals of each place could now leave to find labor in
other locations, their prior social contributions being replaced either by others in the community or by means of purchased goods made available by the capital sent home by the departed worker (for example, canned fish bought with the money sent home by the departed fisherman).\textsuperscript{15, 16}

This latter point brings us back to the fungibility of capital in the first place. Indeed, it is \textit{because} capital is fungible that the laborer, now fungible her/himself in traveling to a new global location for purposes of labor, can send home capital and/or can achieve social mobility in the new location (or can move back home and do so there). Fungibility is global, just as categories of fungibility are globally interconnecting.

Furthermore, the fungibility of capital, the fungibility of labor, and the fungible categories structured by the law – these have all made globalization possible.

But possibility is nothing without a driving force; in the next section I therefore turn

\textsuperscript{15} It is worth reiterating that it is not solely the social fungibility in the country that people move \textit{to} that is relevant, but the social fungibility of the country that people \textit{leave} is also important. After all, if social structure were too rigid, then departure would not be tolerated (which is not to say that departure is necessarily ideal in each instance).

\textsuperscript{16} I am purposefully skirting the issue of citizenship here – that is to say, whether the state to which a worker moves ever accords to that worker – immediately or eventually and under what conditions – the status of “citizen” of that state. I do so because the issue varies dramatically depending on, among other things, the state, the nationality of the worker, and the situation. Ong uses the term “flexible citizenship” to refer “especially to the strategies and effects of mobile managers, technocrats, and professionals who seek to both circumvent and benefit from different nation-state regimes by selecting different sites for investments, work, and family relocation” (1998: 136). Others have noted, however, that citizenship is a concept that masks power relationships: citizenship is a “category through which people are disciplined into different kinds of subjects even as they struggle with the terms of their belonging” (Blackburn 2009: 67). Parreñas gives the example of how some countries deny citizenship to domestic workers; this and other restrictions make it cost less to reproduce the worker (in the Marxian sense), that is to say, wages can be lower because it is easier to expel the workers if or when the economy slows down (2001: 1134). Blackburn further argues that although citizenship can be a “useful focal point for subaltern groups trying to renegotiate their relationship with states it is fraught with hegemonic ideals of equality linked with universal rights and modernist subjectivities that can impede the political aspirations of those groups” (67; see also Boldt and Long (1984) who similarly argue that “sovereignty” is a double-edged sword).
to the *system* that emerges from these processes of capital, labor, law and fungibility: the *co-production* of goods.

**The Generating Force Driving Globalization:**

*Global Co-Production (and Global Co-Consumption)*

The mass production of goods today requires international cooperation. As noted earlier in the context of social change, capitalism has moved on from an era where capital producers simply extracted raw materials from distant locations. Now, all mass produced goods are *co-produced* among multiple nation-states. By ‘*co-produced*’ and ‘*co-production*’ I mean that, with very, very few exceptions, *every* good in the world is produced only by virtue of the co-operation of nearly *all* nation-states; in other words, the law, capital, and labor of nearly *every* state is implicated in the production of *every* good.

This is so quite simply because the raw materials for any good often come from multiple global locations; assembly often occurs at a different global location or locations from the source of some or all of the raw materials. So far, this is not all that remarkable. But one cannot stop here. For example, the tools used to extract the raw materials needed for any good are likely comprised of materials from multiple global locations. To be sure, any vehicle used to transport workers – and certainly vehicles used to transport the raw materials *and* the tools used to make the goods *and* the goods themselves – will *all* be composites of parts and labor from numerous global locations. Even the gasoline to power the vehicle(s) will be in part or in whole from a foreign location, transported via ships and other vehicles that in turn are
comprised of hundreds or thousands of globalized parts formed with global labor and each of these parts *themselves* transported with vehicles and with gasoline from multinational sources.

And of course, the companies that are implicated at each step – whether regarding design, manufacturing, transportation, marketing, or otherwise – are often managed by individuals and/or other companies from diverse global locations, and, more significantly, ownership shares in each such company are frequently held by individuals and/or companies in a multitude of countries. The connections go on and on and on: every manufactured good is from everywhere.

The product that first got me thinking about the global *co-production* of goods was, by chance, a bus (as late one evening, tired and a bit depressed, I was running on a treadmill and looking out the window at a busy street in Auckland). To be sure, a bus is a more complex good than, say, a chair. But *co-production* is inherent in each, there are just more components to a bus and so it makes a better, or at least, more colorful, example.

Indeed, I maintain that it would be nearly impossible to map all the countries that are implicated in the production of any given bus. Imagine, first, disassembling a bus and laying every single part out in a line on the ground – after which, of course, you’d also have to take apart each part – the speedometer, the radio, what have you – and lay out the component parts of *that* part. As noted, it is not only the source countries of the component parts that are implicated, nor those plus the source countries of the raw materials, nor those plus the source countries of the labor (not to
mention migrant labor to the particular labor sites). Instead, the transportation of
even a single component part – not to mention the bus itself – likely implicates
dozens if not more additional countries. To the extent the component is transported
by ship, the countries of origin of every part on the ship are now implicated, as well
as the countries from which the raw materials in that part came and the labor to
produce that part\(^\text{17}\); moreover, there is the gasoline used to power the ship, as well as
the myriad other fuels and lubricants, all which not only must have come from
somewhere (even if domestically in rare instances), but must have themselves been
extracted using equipment from multi-national sources, transported (perhaps
implicating a host of countries), refined using equipment from multi-national sources,
etc.\(^\text{18}\) So for each part of the bus (not to mention the assembly and transportation of
the actual bus), there is a web of connections to other goods, each of which implicates

\(^{17}\) Note also the global intersections at other levels. For instance, the operator of the majority of
shipping services to the Cook Islands charges customers in New Zealand dollars but is required to pay
fuel costs and vessel charter hire fees in US dollars; so in the shipping of every good to the Cook
Islands, the economies of several countries – regardless of the nature of the good – become implicated.

\(^{18}\) At the same time, note the myriad other financial and legal relationships that intersect in the
transportation of goods. The director of a large South Pacific shipping company walked me through
some of these in regard to ship-based transportation. First of all, there is someone who owns the ship
and then, perhaps, another party who is chartering the ship. The owner and charterer must comply
with all the regulations regarding the operation and insurance of a ship. A crew must be hired, paid.
Freight forwarders might be involved in preparing the freight and customs experts are needed for the
paperwork that must cover every item being shipped. Depending on the nature of the cargo, there may
be agricultural regulations, dangerous goods regulations, and/or sanitary regulations that come into
play. Before the ship leaves, it must maintain a running synopsis of its last 10 ports of call; when the
ship approaches its arrival port, it must comply with a host of regulations regarding port entry,
security, and health, followed by customs and immigration protocols. And this is only part of the
whole picture; in the words of this shipping company director, dealing with all of this regulation is
“bigger then Ben Hur.” He noted that when someone at a seaside restaurant in the Cook Islands opens
up a beer, she/he has no idea how the exporter, the importer, and the carrier “all have had to dance to a
number of regulatory tunes.”
not only more countries but also more goods. Trying to conceptualize the
currents, one quickly becomes dizzy. The global is in everything.

As such, all goods have touched, co-existed with globalization – in Peircean
terms, all goods have an indexical relationship to globalization. At the same time, we
see that Marx’s commodity fetishism is not only an erasure of labor’s fingerprint but
also the expunging of the multiplicity of global relationships contained in a good.
Curiously, as part of this process we conversely tend to fetishize the state in the
discourse of globalization, e.g., “Made in China.” In doing so, we likewise collapse
the local and the global into a simple binary relationship: Made in China/Bought in
the USA.

Although I do not dwell on it here, note that global co-production is part of a
system, the other half of which is global co-consumption. It is perhaps no surprise
that most populations on the planet are users and consumers of globally co-produced

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19 At each intersecting point is also a trace of the variability of human involvement, ranging from the
wording of the relevant regulations; to the varying degrees of efficiency with which the relevant
companies are run; to the ingenuity and luck of those searching for and extracting raw materials; to the
moods of the drivers of the relevant trucks/ships/planes and whether those individuals got to work on
time, got the products delivered on time, etc. Human involvement is pervasive here; the fingerprint of
human variability is inerasable, the impact of the nuance of individual human nature inescapable.

20 More empirical evidence of this can be seen in a recent newspaper article that I came across after I’d
written this chapter; it concerns the global problems to car production caused by the tsunami in Japan.
Among others, the article includes the following important observations: “it exposes the vulnerability
of the world’s most complex supply chain, where 3,000 parts go into single car or truck. Each one of
those parts is made up of hundreds of other pieces supplied by multiple companies. All it takes is for
one part to go missing or arrive late, and a vehicle can’t be built.”; “To get a feel for the supply chain,
consider a car radio. It’s made up of hundreds of pieces from all over the world. The display may
come from a supplier in Japan, while the wiring and circuitry originate in Korea. The plastic knobs
could come from a company in China, and the metal structure that holds it all together is shipped from
India. All those parts come together at different times: The wiring and electronic components are
installed into the metal frame. Then that piece is shipped to another supplier, who snaps on the plastic
face and knobs. The radio could pass through three or four suppliers before being put on a ship, where
it will spend weeks at sea heading to its final destination: The assembly plant.” Exactly! (See
27, 2011).
products and foodstuffs. But it is of course this market that perpetuates the global co-
production.\footnote{Factors that make up the driving forces behind consumption are interesting but beyond the scope of what I am addressing here. (For an accessible discussion see Sut Jhally’s film, Advertising and the End of the World. Northhampton, MA : Media Education Foundation, 2002.)}

A word is also in order on states, like the Cook Islands, where the manufacturing of goods is nearly non-existent. First, even the tiniest countries are implicated in global co-production because even if no raw materials were taken from a country and even if none of the production of a given product came from there, laborers from that country have surely migrated and been involved at some point in the thousands and thousands of pieces of production necessary to make any product – which, recall, also includes the production of all the parts of the factory, the production of all the parts of the trucks and/or trains and/or ships that have been used to transfer the parts of the factory, the production of all the parts necessary to make the factories needed to produce all the parts of the trucks and/or trains and/or ships, etc., etc., etc.

Second, regardless of their possession of raw materials or manufacturing, small states are equally implicated in the globalized system of co-production because these states are necessarily sites of co-consumption. As such, they are a part of the process that fuels and sustains the manufacturing processes that occur elsewhere.

Third, regardless of their manufacturing capacities, non-manufacturing countries still serve the interests of global capital production by supplying labor for services that generate surplus capital – profit – for the global capital producers. Imagine a global hotel chain in Fiji or the Bahamas: the local labor of the hotel staff,
as well as the benefit extracted from the lease, rental, or ownership interest in the underlying land, make money for the hotel owners that is in excess of the money earned locally; that money called profit is by definition global because “earned” by the multi-national corporation and its shareholders. At the same time, that “profit” is possible only because of the same global conditions, described here, that make the co-production of goods possible (not to mention the globalized aspects of most of the visitors to such a hotel). In other words, the phrase itself (“co-production”) and the model it represents are not limited to the production of goods but are necessarily equally inclusive of the performance of services.

Importantly, this globalized co-production of goods or services is possible because the laws of the many implicated sovereignties (in the form of nation-states) are structured so that they interface – an aspect of state sovereignty that I discuss in Chapter 3. So again, nation-state sovereignty is a necessary element of globalization just as a primary function of state sovereignty is to integrate a given state with other states (in the form of globalization). The reason that nation-states engage in this integration is two-fold: (1) to take advantage of the benefits – the capital profits – that come with being a part of the co-production process; and (2) to provide their populations with access to the goods so produced: co-consumption.

Therefore, there are significant driving forces on two levels here. On the micro level, corporations and individual capital producers seek to produce goods in

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22 I use Fiji and the Bahamas as easy examples because there are no global hotel chains in the Cook Islands. Nevertheless, even in the Cook Islands, similar relationships exist of capital qua “profit” being extracted from the islands to New Zealand, Australia, and elsewhere, due to outside ownership interests in many individually-owned hotels and resorts.
order to earn profit, that is to say, more capital. In doing so, the competition for capital compels these corporate and individual capital producers to find the most efficient means of production, which often means extracting raw materials from locations in foreign states, relying on labor in foreign states, and/or enticing labor from foreign states to domestic locations. Local capital production therefore extends globally – just as local consumption draws from global products. On the macro level, as I discuss in Chapter 3, nation-states must regulate the cross-border flow of capital and labor in order to bring in sufficient capital for the state to exist (while at the same time protecting certain aspects of its domestic citizenry). States do so, as just noted, by enacting laws that interface with other states; it is therefore the facilitation of the processes of co-production that link states together, that bind them … and it is through these processes that the states themselves co-produce globalization.

**Structural Machinery:**

*the Central Role of the Nation-State in Maintaining Globalization*

Many have wondered whether – given the interconnectedness of global production, consumption, and media – the nation-state might not be a dying form. (E.g. Hobsbawm 1990; Anderson 2006).

And yet, the nation-state endures. Indeed, the state is central to the system of contemporary globalization – it is the foundation and backbone. After all, it is the

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23 Capitalism makes possibility possible; for some, wages are necessary for the bare necessities for life; beyond this, the pursuit of capital carries with it the idea that something is possible – and for everyone, that “something” is different.
state that creates and enforces the rights that make globalization possible. Several examples can help illustrate this.\textsuperscript{24, 25}

Corporations. Corporations are of course a legal fiction. In fact, although now quite taken for granted, the question of whether corporations would even have the power to sue or be sued in the United States was at one time undecided, a legal question that had to be resolved by the courts.\textsuperscript{26} But corporations are not just a legal fiction, they are a state-sanctioned legal fiction – they therefore exist only by virtue of the continued support of state law: 	extit{but for the grace of the state go they}. Thus, to the extent that corporations are important components of globalization and the global marketplace, the state is implicated in each transaction made by every corporation.

Real property. It is the state that guarantees rights to land, that is to say, real property. Wherever a corporation or other party, domestically or internationally, purchases, rents, or leases real property in order to engage in the global market, it is

\textsuperscript{24} Sassen’s insights have been tremendously instructive here. Sassen herself describes the state as “the ultimate guarantor of the ‘rights’ of global capital, i.e. the protection of contracts and property rights, and, more generally, a major legitimator of claims” (Sassen 2003: 13). See also Coutin, Maurer and Yngvesson who explain that it is states who “give capital its mobility by crafting legislation that enables particular sorts of investment entities to exist” (2002: 809).

\textsuperscript{25} A further part of the answer is certainly the functional efficiency of the nation-state in managing the flows of capital and people (combined with the competition necessary in the dynamics of capitalism). Part of the answer is also, to be sure, the doggedly strong emotional attachment to the nation-state as a form of social organization. Of course, there are many examples of groups in the world who feel a stronger emotional attachment to the, say, region than to the nation-state as a whole; instead of disproving the stated theory, however, these cases demonstrate it because the emotional attachment to the region is often articulated as a desire for the region to in fact become a nation-state. As noted above, see also how the myth of the nation-state is reproduced in our relationships with globally produced products in phrases like “Made in China” or “American cars”; in the discourse of contemporary globalization, these phrases obscure the global scope of co-production in favor of an imagined compartmentalization in the form of the nation-state.

\textsuperscript{26} See the U.S. Supreme Court case of Trustees of Dartmouth College v. Woodward, 17 U.S. (4 Wheat.) 518 (1819).
subject to the given state’s enforcement of the rights to own the underlying land.\footnote{27} Obviously, if the state did not enforce property ownership – regardless of whatever the local variant might be – the instability of land tenure would make global co-
production, and hence globalization as we know it, impossible.\footnote{28}

Contractual rights. The state enforces contractual rights. Whether in regard to labor relations or investment activities, state law enforces the rights that parties have pursuant to a contract. Without the ability to enter into binding contracts, it is difficult to image a proliferation of cross-border business.\footnote{29,30}

Other examples. There are of course many more examples, ranging from the regulation of the financial transactions of which the good or service is a part, to the requirements regarding the corporate governance of any corporate body that is engaging in a transaction. The important thing is that state law is implicated at each point of co-production; at every single site where there is a connection between a good and the global market place, whether by means of a raw material, labor or otherwise, state law is embedded in multiple ways.\footnote{31}

\footnote{27} See also Blackburn: the “claims of capital, significantly, require that the state continue to exercise its sovereign authority as the guarantor of property rights within its national territory” (2005: 593).

\footnote{28} Even in the Cook Islands, where real property is not alienable and land tenure is in some respects subject to family/clan decisions, the state still enforces the rules that underlie this system – and most certainly enforces leases made in conjunction with that system.

\footnote{29} Note that judicial rules regarding jurisdiction are a way of showing that most states contemplate – and more importantly provide for – global interface. In short, through the jurisdiction rules of their courts, most states provide for dispute resolution by (and against) non-domestic parties, which helps to maintain the predictability necessary for efficient capitalism.

\footnote{30} Lehmkuhl (2003) points out that even where global corporations choose to resolve disputes through private arbitration, the enforcement of those arbitration decisions is still subject to and dependent on state law.

\footnote{31} State law also causes other kinds of effects on a country’s relationship with the global market. In 1901, for example, when New Zealand took on colonial administration of the Cook Islands, New Zealanders hoped that the Cook Islands was going to be “the tropical garden of New Zealand,” that is to say, among other things a perpetual supplier of tropical fruits to New Zealand. And indeed, for
The role of law in regulating the movement of capital and individuals is, as I discuss in Chapter 3, one of the central functions of nation-state sovereignty. As such, nation-state law is implicated twice in any cross-border movement of capital or people, namely in the state exited as well as in the state entered. Therefore, the cross-border movement of capital and people is only possible through the cooperation of two or more states; since capital and people move, in some form or other, from all states into all states (sometimes with intermediaries), then the cooperation of all nation-states is a precondition – the sine qua non – of contemporary globalization.

This cooperation, however, is not always explicit, is often not planned, and indeed, in regard to adversary states, is frequently not even desired. Instead, the cooperation occurs through the effectively standardized form of the nation-state that necessarily entails interface mechanisms that match those of other nation-states – as I almost a hundred years, a large portion of the Cook Islands economy was geared toward and depended on the supply of fruit to New Zealand. But during this time New Zealand often changed its import regulations, at one point requiring all fruit sent from the Cook Islands to be transported in boxes that were to be purchased from a certain New Zealand manufacturer. In the end, Cook Islanders became fed up with these mercurial regulations and in part under the guidance of then-prime minister Geoffrey Henry, restructured their economy to focus on tourism; in Geoffrey Henry’s words, as I quoted earlier: “I wanted to stop bringing the fruits to the mouths and instead bring the mouths to the fruits” (conversation with Geoffrey Henry, April 16, 2010). So it was New Zealand’s own state regulation that caused New Zealand to largely lose a once treasured fruit supplier and forced New Zealand to establish new relations on the global market for its tropical fruit acquisition. In the continuing saga, note that more recently some entrepreneurs in the Cook Islands have wanted to start new fruit export businesses, only to find the Cook Islands state dragging its feet on establishing the protocols (for biosecurity and other things) necessary to meet New Zealand’s latest import regulations, effectively keeping those businesses from ever getting started.

I have mentioned the legal stability and predictability that capitalism largely requires in order to function. Note that in part for this reason, the Cook Islands tends to bring in judges from New Zealand in order to preside over court in the Cook Islands. This move, while seeming to be an abdication of sovereignty, is in fact a strategic decision meant to prevent the cultural demands for favoritism that Cook Islands judges would be subject to based on family relationships, among others. Note too how this situation illustrates the horizontal categories of fungibility that I discussed earlier in this chapter in that New Zealanders, as outsiders, are, in spite of different social structures in the two countries, still able to insert themselves into a profession in the Cook Islands – an ability which, as I noted, we take for granted today but which would not have possible in earlier times. (The forceful imposition of foreign judges by colonial powers is another matter entirely.)
have described, like two compatible nozzles on the ends of very different hoses, through which liquid can flow with little spillage.\textsuperscript{33}

This interface also occurs at multiple levels, on the surface via import and export laws that allow for the efficient cross-border transportation of goods, not to mention permitting the movement of the labor necessary to produce those goods.\textsuperscript{34} As noted, land tenure laws serve as a foundation for cross-border production in providing a framework for multi-national corporations and others to buy, lease, or rent land in foreign states for purposes of bringing the production to the labor rather than the other way around; visas and/or guest worker schemes provide avenues for bringing labor into a state. Further, tax laws, labor laws, corporate laws, transportation laws, and more, in a given state, all combine to give a local or foreign company the framework for operating, obtaining labor, importing materials, and exporting goods; those laws must all interface with the laws of the company’s home office and/or foreign companies with which the company does business.

Whatever the transaction, law frames it and therefore state law and therefore the state are implicated. Global \textit{co-production}, which drives globalization, cannot exist without the state. At the same time, although the \textit{form} is similar, the \textit{substance} of states is different; no two states are exactly the same. There is indeed one globalization, but it – and the capitalism that underlies it – works differently in each nation-state: as I discuss below, culture still matters.

\textsuperscript{33} See Chapter 3 for more here.
\textsuperscript{34} At the same time, non-state-sanctioned requirements – sometimes equally predictable – may exist for the effective cross-border transportation of goods (and people), such as kick-backs to customs personnel in a given country.
Cultural Differences Remain Essential:  
One Globalization, Multiple Capitalisms

I begin here with an example. In many regards, due to the similarities in historical circumstance between Australia and New Zealand, the countries are in general terms quite similar. But a simple state regulation sheds important light on the consequences of the regulation of cross-border movement.

In short and as I’ve noted earlier, Cook Islanders are New Zealand citizens and as such are entitled, without restriction, to all the benefits of the New Zealand state. And given the accord between New Zealand and Australia, called the 1973 Trans-Tasman Travel Arrangement, Cook Islanders, *qua* New Zealand citizens, are allowed to move to and work in Australia without a visa. But, even aside from the historical and social differences described above, Cook Islanders’ experiences in Australia versus New Zealand are significantly impacted by the Australian state’s regulation of benefits entitlements: whereas in New Zealand, Cook Islanders’ entitlement to benefits such as welfare begins from their first day on New Zealand soil, Australia changed its welfare laws in 2001, such that now New Zealanders have no right to most benefits until after they have lived in Australia for a period of two years.

Quantitative measures offer little insight into the effects of this regulation; but in qualitative terms, the consequences are remarkable. Let’s begin with Cook Islanders relocating to New Zealand. Recall that many Cook Islanders have for decades moved to New Zealand, drawn by the lure of relatively high wages, the
opportunity to purchase consumer goods, and the chance to live in a land that offers possibilities unattainable in a small island nation-state. But the wage labor market, even when open and readily accessible,\textsuperscript{35} can be harsh.

I was told many stories of Cook Islanders who heard from friends and relatives of the going wages in New Zealand; such wages could be 10 times what an individual was earning in the Cook Islands. But comparing the wages themselves is tragically inadequate. In short, for Cook Islanders residing in the Cook Islands, there is often no rent to pay because one frequently lives on family land; store-bought food stuffs are expensive, but among the freely available fruits and fish, there is an abundance to live on, with few purchased items; family networks provide support in nearly all areas. So one can (and a few do) live on little to no cash income.

Arrival in New Zealand is a shock to some Cook Islanders. Although the wages themselves can be unimaginably high, the demands of the attendant costs of a capitalist market can be overwhelming. For example, most Cook Islanders who move to New Zealand begin by living with family. Cook Islanders are in fact well known for having family members who live in the garage of the family house because all the other possible living spaces have already been taken in the house.\textsuperscript{36} But after some time and whether due to family politics or simply the need to make room for

\textsuperscript{35} Through the 1960’s and 1970’s, for example, factories in New Zealand often hired on the spot; a Cook Islander needed only to arrive in the morning to be offered employment for that day.

\textsuperscript{36} It is said that some Cook Islanders in fact prefer to live in the garage because it is closer to the outdoors – and in the Cook Islands, when the weather is hot, people often sleep outdoors. This idealistic view of the outdoors, however, falls apart with the arrival of winter in New Zealand, which brings with it a bitter chill quite uncommon in the Cook Islands themselves.
additional relatives set to arrive, the primary tenants of the house often begin to put pressure on the new arrival to find housing of her or his own.

The new arrival is thus introduced to the burdens of rent payments, not to mention the harshness of landlords. At the same time, transportation needs to be arranged and paid for, whether it is a vehicle or simply monthly bus/train fare. The availability of food-for-purchase and consumer goods, not to mention alcohol and sometimes illegal drugs, can be quick drains on what once seemed like a high wage. These drains are compounded by the demands of both the church and the family for a multiplicity of donations; a financial counselor for low income people shared with me story after story of individuals who felt compelled to give money for family and church obligations even when doing so left the individual literally without money for food.

Lastly, what is expected of laborers in the Cook Islands is often less stringent than what is required by New Zealand employers. Cook Islander migrants to New Zealand at times have trouble adjusting to the Western obsession with punctuality, as well as to white New Zealanders’ low tolerance for frequent absences for family obligations. A life of wage labor is an empowering tool of social mobility for some Cook Islanders; for others, it is the pathway of debt and difficulty. For this latter category, state-funded welfare payments can be an instant, if incomplete, antidote. As a result, a large number of Cook Islanders, some through laziness, no doubt, most others through the sheer harshness of social and economic transition, become unemployed and on welfare – on “the dole.”
Many of these individuals earn more on welfare than they would by working in the Cook Islands. So for this reason, among others, they often do not return to the Cook Islands but instead choose to stay in New Zealand and receive the welfare payments. At the same time, although these Cook Islanders do get by – usually also by living together with large numbers of family members – they are among the least privileged in New Zealand. Here are clear cycles of poverty, cycles of debt, cycles of abuse. These individuals, these families, become what both white New Zealanders and many Cook Islanders themselves – albeit sometimes for very different reasons – refer to as a “problem.”

Now, compare Australia. Because Cook Islanders, like all New Zealand citizens, are not entitled to welfare (or certain other) benefits until they have lived in Australia for two years, those Cook Islanders who migrate to Australia generally do so under different conditions than many who move to New Zealand. Those who move to Australia tend to already have employment lined up – or to have more specific family contacts in place to facilitate locating employment. And once employed, Cook Islanders in Australia tend to work harder to maintain employment in their early years in the country because there is no benefits net to support them in the event they lose their jobs.

Many informants expressed to me a hope that all Cook Islanders would one day return “home,” i.e., to the Cook Islands. But given that some four or five times as many Cook Islanders live overseas, the country could not support their return (causing some to quip that in such a case, with that many people returning, “the islands would sink”); similarly, given attitudinal differences between Cook Islands-resident Cook Islanders and overseas Cook Islanders, the return “home” of these masses could hardly be expected to be harmonious. In any event, the dream – at least as articulated – persists.

Furthermore, until Cook Islanders take on Australian citizenship — an easy process which some Cook Islanders do follow, among other reasons because some perceive that Australian citizenship will make them more appealable to future employers (even though there is not technically a difference in rights)
As such, Cook Islanders in Australia tend to be both more upwardly mobile and more prone to assimilation in the broader Australian community.³⁹, ⁴⁰ The Australian state therefore set the dynamics of Cook Island migration into Australia – and in doing so, the state put in place a structure that reproduces itself.⁴¹

One of the most significant aspects of global capitalism is its totalizing effects; it is an autocratic system that allows little deviance. In other words, if a given nation-state desires access to global capital, that state must play by the rules of the global system of capitalism. For example, one idea for economic development on the small island of Mauke in the Cook Islands has been to start a goat farm. The viability

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³⁹ As mentioned, other factors affect this tendency to assimilate, including on the one hand Australia’s greater distance from the Cook Islands as compared with New Zealand’s, and on the other hand the desire of some Cook Islanders who relocate to Australia to distance themselves from the family/social demands that are largely inescapable in the Cook Islands themselves or even in New Zealand.

³⁹ In the sweeping cultural nostalgia that characterizes much anthropology, the anthropologist might regret this assimilation. But I learned that this regret is in many ways a re-inscription of colonialist ideas. I myself do not pretend to know what is best for Cook Islanders; I know only what Cook Islanders told me. For many Cook Islanders, social mobility – and the promises of better lives for their children – come only in the global markets more fully available in the systems of New Zealand and Australia. The dilemma between cultural roots and future promises could often be felt in the decisions of Cook Islander parents about which language to speak to their children, Maori or English. As a budding scholar, I can write a thousand reasons why Maori is more important; as a parent myself, I find it more difficult to argue with one Cook Islander parent’s simple words, which I quoted earlier in Chapter 3 – these words illustrate many Cook Islanders’ burning drive to help their children to achieve more economic success in life: “No doctor is ever going to ask for the scalpel in the Maori language.”

⁴¹ A related example can be seen in regard to Tongans and Samoans who migrate to New Zealand. Because immigration by Tongans and Samoans is very limited by the New Zealand state, those Tongans and Samoans who seek entry into New Zealand must often plan years in advance, for example by excelling in school or in pursuing post-secondary degrees; and once in New Zealand, Tongans and Samoans are generally perceived as working harder than Cook Islanders (presumably so that they will be allowed to stay). Recall that one theory regarding Cook Islanders’ more laid-back nature, as explained by many whom I spoke with, is that Cook Islanders have never been tested – they have always had plentiful food, have retained their land, and have had unlimited access to New Zealand’s labor market. (Compare Pukapukans, discussed later in this chapter; they have been tested in part due to their marginalization in the eyes of the Cook Islands government – to which they have responded with diligence and ingenuity.)
of such a farm, however, even given the extreme remoteness and localized nature of
the island, is still dependent on the ability of the farm’s owners to interface
successfully with some nodal point of the global market. In other words, even if the
farm only sells goats to people and/or businesses on the neighboring island of
Rarotonga, the global market is still implicated because if the Rarotongans can
purchase cheaper goats from New Zealand or Fiji or wherever, then they will likely
do so.

As such, there are no capitalisms in a vacuum, instead only those with
connections to the global system itself. But this does not mean that capitalism
functions identically in every location or that capitalism is not experienced differently
by different groups of people. Not at all. Instead, understandings of capitalism – like
understandings of sovereignty – are profoundly local; but, also like sovereignty, such
local understandings are necessarily paired with functional apparatuses that serve as
compatible interface mechanisms. A nation-state has the option of opting out of some
aspects of the global market – like the Cook Islands’ refusal to allow land sales – but
in those areas where a nation-state chooses to take part in the global market, the
nation-state must do so pursuant to the rules of the global market.42

It is important to remember that this global market – the globalized system of
capitalism – is not an inevitable result of the history and formation of capital but is
instead due to the particular cultural structure within which capitalism developed.

We know this because, as noted, capitalism operates differently in different localities

42 As I noted earlier, Mosley describes in her excellent article how the financial demands of the global
market discipline nation-states, but not in every respect. In her words, a given state has “room to
move” in the interstitial spaces between the disciplining demands (Mosley 2000, 2005).
(see Mosley 2005). So contemporary capitalism is a unique, *sui generis*, system that, just like nation-state sovereignty – or in fact, perhaps in tandem with nation-state sovereignty – is an *ad hoc* solution to a particular set of historically and contextually emerging dilemmas. Once started, the spread of capitalism is, for many reasons, no doubt nearly impossible to stop; yet, even once begun, we can still say that if history had been different, so too would contemporary capitalism have been different.

The above discussion of Cook Islanders’ divergent experiences in Australia and New Zealand is one demonstration of the way that capitalism works differently in different places. And no doubt, every country’s regulation of, among other things, labor relationships and welfare regimes will show varying valuations of capital production and citizen welfare, and thus differing engagements with capitalism.

From a lighter angle, certainly it does not take much time for an American in New Zealand to realize that capitalism functions in nuanced ways differently there. For instance, in New Zealand the workers at a store that is to close at, say, 5pm, might forego any remaining profit by closing shop at 4:45 or earlier; many small café and restaurant owners will close their doors for two, three or even four whole weeks over Christmas and New Years. In the US, by contrast, it is difficult to imagine that such periods of available capital solicitation would be abandoned – and it is equally unimaginable that the average American consumer would tolerate such periods. I give other examples in Chapter 3 regarding the Cook Islands, such the unwillingness of most Cook Islanders to open stores on Sundays even when hundreds of well-heeled tourists are visiting the island during a one-day cruise-ship stop.
To be sure, there are as many examples as there are nation-states. In short, capitalism does not follow inevitable paths or parameters.

The global market, to which these various different capitalisms inevitably all connect, operates according to rules. There is, however, no “rule-making” body for such rules, nor is there – in spite of the preeminent role of the US and others in the global market – a single clear generator or arbiter for the rules. Especially given that the rules change, where do they come from?

International law certainly helps to clarify the rules of the global market, in part via institutional forums such as the World Trade Organization. But the global market is far too diverse and dynamic to be reducible to one or more sets of codifications (see Tamanaha 2007:388). Instead, the global market is also subject to, among other things, the non-codified authority of the praxis of multinational corporations and the social norms of international business people (see Macaulay 1963). It is incidentally here, in this joint space of codification and unarticulated norms, that the field of legal anthropology, with its facility for addressing and combining analyses of both aspects of rule-making, makes one of its most important contributions.43

43 A large and interesting body of scholarship exists in an area called legal pluralism. Among the initial focuses of this literature were arguments that state law did not have a monopoly on “law” because there were also other kinds of legal ordering in place. Galanter, for example, claimed that the two are not mutually exclusive but are in tension (1981). As part of this inquiry there began a growing interest not in rules and disputes but in power (e.g. Merry 1990; O’Barr and Conley 1990, 1998). And then came yet another layer due to a recognition of globalization (and globalization scholarship) (see Rajagopal 2003, 2005; Koskenniemi 2005; Merry 1992). Here, globalization entails many legal orders from international to national to local: “There is no single, coherent ‘international’ legal sphere that is separated from a coherent ‘domestic’ sphere” (Rajagopal 2005: 387).
A full examination of this rule-making is beyond the scope of the present dissertation. But there are two important lessons to be learned from legal anthropology here. First, the insight of Sally Engle Merry that I applied above to early capital producers’ reliance on the state is equally relevant to the decisions of nation-states to engage with the global marketplace. In other words, in engaging with the global market, as all nation-states to varying degrees have decided to do, a given state greatly increases its power because it gains access to global capital (not to mention global goods, global knowledge, etc.). At the same time, engagement with the global market comes with great costs because the state is thereby likewise compelled to play by the rules of the global market, which can have severe disciplinary and homogenizing consequences.

Second, studies done by O’Barr and Conley offer an important model for understanding the relative success or failure of nation-states in their engagements with the global market. In their examinations of small claims courts in the US, O’Barr and Conley concluded that the success of a small claims litigant was strongly correlated to the litigant’s ability to articulate her/his claim in a manner similar to the judge’s own reasoning (which more often than not was based on a legally oriented, rights-based view of the dispute). A state’s ability to succeed in the global market functions similarly.

Recall that culture influences a state’s interface with the global market. Thus, where a given culture is more closely aligned with the cultural norms (the “rules”) of the global market, the state of which that culture is a part is more likely to “speak the
same language” (so to speak) as the global market and therefore to more efficiently interface with it.  It is no surprise that US cultural thinking is closely in line with the reasoning of the global market – the US has been a key actor in developing the global market. By contrast, as noted, Cook Islands culture, which often values family and leisure time over profit, is not always particularly successful in profiting from global capital; again, this is perhaps not surprising given that one would expect the Cook Islands to have had very little influence on the development of the global market.

In other words, the cultural norms – we can say “rules” – of the global marketplace are neither inevitable nor written in stone. Instead, they are outgrowths of the cultures of the biggest players in the global market: the US and Europe, to some extent Japan, and increasingly so China.

In regard to China, however, note that China has had to make significant modifications to its culture and global interface mechanisms in order to come into synch with the global market as it was in the 1980’s and 1990’s; in other words, in order to succeed, China first had to cater to the rules as they were. Having done so successfully, China now has sufficient influence to itself start changing the rules.

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44 See also political scientists Lindert and Williamson (2003) who argue that globalization has reduced the inequality gap for poor nations who have engaged in the global market.
45 Note that some states are somewhat of an exception to this rule, for example many of the states of the Middle East who have gained tremendous wealth through the provision of one single commodity: oil. While technically an exception, political scientists in fact refer to this reliance on a single source of income as a “resource curse” because those countries are so ill-equipped to engage with the global market beyond that single commodity (see Sachs and Warner 2001). In comparison with the oil-rich countries of the Middle East, compare Israel which, without oil, has a relatively successful diversified economy.
46 As another example, Thomas Davis, former Prime Minister of the Cook Islands, has argued that the perpetuation of the traditional hierarchy in Tonga and Samoa has been a hindrance to economic development there (in Sissons 1999: 125).
The point here is that the rules of globalization benefit those who most contributed to the formation of those rules and those with significant enough clout to influence those rules. This in part explains global inequality – developing countries must undergo cultural overhauls in order to adapt to a set of rules that the developed countries harmonize with automatically (since the rules are outgrowths of the developed countries’ own cultural norms).

So there is one globalization, multiple capitalisms. And culture matters.

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As I note in Chapter 4, bread has only very recently become a common commodity in the Cook Islands. Given its dramatically short shelf-life as compared with root plants like taro, bread was originally – and still is, to some extent – associated with the “fast life.” Today, there is indeed a small bakery on Rarotonga, though most of the ingredients are of course imported. As such, bread in the Cook Islands is globally co-produced. Further, the rise in the popularity of bread comes hand in hand not only with cultural changes (involving new relationships with food that incorporate bread into the local diet) but also with changing relationships with capitalism and the global market (because here one is buying the bread rather than growing the taro).

On one of the first days of my field work, my family and I went down to the local market held on Saturday mornings in Avarua in Rarotonga. This market, an

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47 A Cook Islander grandfather was telling me the importance of being able to live in the Cook Islands world and in the white papa’a world; at the same time, he was stressing that if one is going to do something the Cook Islands way, one should do so wholly and without compromise. To highlight this latter point, he looked me in the eye and said: “If you eat the taro, eat the taro. Don’t eat it with the bread.”
important weekly event to tourists and locals alike, is an outgrowth of local women’s Saturday-morning sales of fruits and handicrafts. Under former-Prime Minister Geoffrey Henry the state got involved to promote the market, so the market, in larger form, is now held on land provided by the state. Nevertheless, local fruits and local handicrafts are still a central focus of the market. Note, however, that in its role as value-maximizer, the state has strategically chosen this market as a value worthy of support.

On this particular Saturday morning, we met a future friend, a delightful woman named Victoria, who is originally from England. (Victoria’s husband is a New Zealander who mostly grew up in the Cook Islands, so the couple decided to settle in Rarotonga with their young children.) We were drawn to Victoria because she had a small stand at the market where she was selling organic breads and other tasty baked goods.

Victoria’s presence at the market is an interesting one. As noted, the fact that she was selling bread is noteworthy in and of itself. But as a white – papa’a – woman from England, Victoria’s role in the market also illustrates the fungibility of social structure: even as a foreigner, she can work in this market that was originally intended for the sale of local fruits and culturally specific handicrafts by locals. Furthermore, not only is her bread co-produced because it is made of ingredients from multiple countries, but her particular focus on organic bread taps into a global discourse, and a global market, on organic foodstuffs – even while the bread stands for sale at the “local” market.
Sovereignty in the Global Age: the Pukapukan Experience

Pukapuka is not a nation-state but instead an island of the nation-state of the Cook Islands. But the people of Pukapuka – across the Cook Islands, New Zealand, and Australia – are attempting to resolve many of the dilemmas that face them in the contemporary world by means of an interesting combination of state-like and corporate-like strategies. Their efforts therefore shed important light on the underlying issues of sovereignty, globalization, law, and capital that I am exploring here.

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Pukapuka is the most remote island of the Northern Group of the Cook Islands. It is also the most culturally distinct.\(^{48}\) Indeed, its language stems from the Eastern Polynesian languages and so is more closely related to Samoan than to the other dialects of the Cook Islands.\(^{49}\) And in fact, Pukapuka lies geographically closer to Samoa than it does to Rarotonga, the governmental center of the Cook Islands.

Pukapuka is a small, flat island curving around a lagoon, populated by three main villages. Historically, the population of the island was about 800. A prominent Pukapukan told me that an “ideal” contemporary population for the island would be in this ballpark; today only about 400 people remain on the island, of whom maybe only 10 are older than 60 years old – the average age is about 17. Meanwhile,

\(^{48}\) Pukapukans themselves generally refer to Pukapuka as Wale, which means “home/house,” or as “te ulu o te watu,” which means “the head of a rock.”

\(^{49}\) Pukapukan and Samoan are, however, apparently not mutually intelligible. In part because of the use of Rarotongan in church (since the Bible has so far only been translated into Rarotongan – although a Pukapukan translation is in progress), I have been told that Pukapukan *seems* closer to Rarotongan than Samoan.
approximately 5,500 Pukapukans now reside elsewhere, primarily in New Zealand, Australia, and in Rarotonga, although a few have of course found themselves farther afield, such as in Los Angeles.\textsuperscript{50}

Given its cultural and linguistic distinctiveness, Pukapuka’s inclusion as one of the “Cook Islands” is one of the many examples that exist in the world of the arbitrariness of colonial administration and the inefficient results of its rule. This notwithstanding, there is among Pukapukans not a strong feeling of affiliation with Samoa\textsuperscript{51} and Pukapuka is too small for self-rule to be a reasonable option. So, in some ways by default, Pukapuka is, and for all foreseeability remains, a part of the Cook Islands.

Inclusion in the Cook Islands has certainly had its benefits for Pukapuka and the Pukapukan people. To be sure, some resources flow from the central administration in Rarotonga out to the island. Moreover, the island and its people have been part of the nationalist project of the Cook Islands state, that has involved efforts to unify \textit{all} of the various islands (each of which, to be sure, has its own unique linguistic and cultural characteristics, even if not to the degree of Pukapuka). Although many Pukapukans have chosen to move to New Zealand or Australia, the Cook Islands itself has offered – whether via the public or private sector – at least a

\textsuperscript{50} Given the relatively small size of the community and its close-knit nature, the precise whereabouts of most of the overseas community are fairly well known to Pukapukan leaders. Among the 3,500-4,000 Pukapukans in New Zealand, most live in Auckland, followed by Hastings and Christchurch. In Australia, the largest communities are in Brisbane and in New South Wales, mostly in Wollongong, an hour or so south of Sydney. Most Pukapukans are in the lower economic strata.

\textsuperscript{51} Indeed, in spite of the historical linguistic and cultural connections, and although Samoa is closer geographically than \textit{Rarotonga}, Pukapuka’s nearest neighbors are in fact several of the other islands of the Northern Group of the Cook Islands, so affiliation with the Cook Islands is not \textit{completely} arbitrary.
small pathway of social mobility for Pukapukans; for example, the Solicitor General of the Cook Islands is an extremely impressive Pukapukan attorney named Tingika Elikana. As a respected member of the state apparatus, he has brought prestige to Pukapuka while at the same time serving as a bridge – both symbolic and real – between Pukapukans, Rarotongans, and other Cook Islanders.

There have, however, been political and practical impediments to the full integration of Pukapuka into the Cook Islands canopy. Although the roots to these impediments are in part to be found in the geographic and cultural distance, what is important here are the consequences of those impediments.

One of the greatest difficulties for Pukapuka is transportation. At the time of writing, a round-trip plane ticket between Pukapuka and Rarotonga costs around $1,100 US dollars.\textsuperscript{52} Travel by boat is a slightly cheaper possibility, but the trip takes several days from Rarotonga under austere conditions (for example, sleeping on the deck with no mattress) and such boats go to and from the island only sporadically, making scheduling difficult. These costs of course contribute to the isolation of those Pukapukans living on Pukapuka, not to mention the reverse effect they have on those Pukapukans living in New Zealand, Australia, and elsewhere who so rarely are able to travel home. Many Pukapukans blame the Cook Islands government for not being more proactive in subsidizing this travel.\textsuperscript{53}

\textsuperscript{52} Even at this cost, the planes making the trip are so small that each passenger is only allowed one item of hand baggage – weighing not more than 10 KG or roughly 20 pounds – and no checked baggage.

\textsuperscript{53} Moreover, it wasn’t until the 1980’s that the Pukapukans convinced the Cook Islands government in Rarotonga to permit Pukapuka to be a port of entry for the Cook Islands; until then, as I understand it, one was not officially allowed to land in Pukapuka – or anywhere in the Northern Group – from
Pukapukans tend to feel extremely close bonds to each other. For those Pukapukan communities in New Zealand and Australia, their cultural distinctiveness, combined perhaps with their difficulties in going back and forth to Pukapuka itself, have helped them become even more tightly knit. More than just cultural “closeness,” the Pukapukan communities in New Zealand and Australia have chosen to organize themselves in interesting, strategic ways.

The Pukapukan community in Auckland, for example, has formed a not-for-profit entity. Through that entity, the Pukapukans began selling bread and bakery items in order to raise money, among other things, to pay for a Pukapukan community center – by all accounts, a success story in and of itself.\(^{54}\)

Further, however, the Pukapukans have set up a number of capital-generating limited-liability companies under the umbrella of their not-for-profit organization. With one of these, the Pukapukans contract with the state to provide services for foster children; with another, they run a youth program; with yet another, they offer driver’s license approval services. All of these – including the continued bread sales – contribute to a NZD $7 million/year budget and plans are currently in place to double that.

The money earned by these entities is used to run a Pukapukan school (for about 300 children and with some 30 staff members) and to provide other social

\(^{54}\) In the words of one Pukapukan leader: “Money is not the answer, but it is a tool.” Another Pukapukan leader agreed about the value of money but also highlighted the importance of using it strategically: “If you give Pukapukans a fishing rod,” he said, “they’ll fish. But if you give them money, they won’t.”
services for Pukapukans. As such, the not-for-profit organization, using the corporate form, takes on many of the functions of a state. On the one hand, it establishes sets of rules for the creation of and running of its profit-making entities. In doing so, it is interfacing with the city of Auckland and the nation-state of New Zealand.\textsuperscript{55} On the other hand, it is distributing the incoming capital in terms of its own value-maximization criteria, in this case, for purposes of schooling, social services, and community cohesion.

This conflation of corporation and state function should not come as a surprise. Certainly, in many areas, corporations and governments are becoming increasingly similar. This is logical; it is not because corporations are eclipsing the state, as some might argue, it is because the two, as noted above, have intertwined roles – the state allows for the creation of corporations, just as corporations generate capital for the benefit of the state (due to taxes and also through the employment of the state’s workers, etc.). As such, it makes sense that the two would learn from each other: part of the work of governments is economic management and part of the running of a corporation is governance.

As to a state of their own, many if not most Pukapukans do not want one. Instead, they are, in a savvy and sophisticated fashion, interacting with the city of Auckland and the nation-state of New Zealand in order to achieve state-like sovereignty in regard to those cultural goals that are most important to them.

\textsuperscript{55} Cattelino (2008) offers a very interesting discussion of Seminole relationships with neighboring state and municipal governmental agencies.
At the same time, Pukapukan leaders across New Zealand, Australia, and the Cook Islands are working together to further the common goals of the broader Pukapukan community as it exists across national borders. One of these goals is to establish capital-generating enterprises in other cities where there are large groups of Pukapukans, such as Wollongong and Brisbane, in order to best provide social services for Pukapukans in those communities as well.

More importantly, these leaders are using similar state-/corporate models in order to address some of the problems affecting the island of Pukapuka itself. As noted, Pukapuka lies geographically closer to Samoa than to Rarotonga; and as likewise noted, Pukapukans have been frustrated with the extent to which the Cook Islands government has worked to connect Pukapuka to Rarotonga.

Therefore, Pukapukan leaders are working on plans to purchase or lease a fishing vessel and a small transport ship, while also leasing warehouse space in Samoa. Using money generated by a fishing enterprise that would supply fish to canneries in Samoa, the Pukapukans could operate a low-cost shipping service (for people as well as goods) back and forth between Samoa and Pukapuka.\(^{56,57}\) At the same time, by engaging an acquisition agent in Samoa, individuals on Pukapuka

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\(^{56}\) For Pukapukans in New Zealand and Australia wishing to travel to Pukapuka, it would be just as easy to travel first to Samoa rather than to Rarotonga, in order to pick up a boat out to Pukapuka itself (and that much more advantageous if the Samoa-Pukapuka boat trip were inexpensive and ran regularly).

\(^{57}\) American Samoa is in fact some 60 miles closer than independent Samoa, but the bureaucracy of American Samoa is too cumbersome.
could place orders for goods available relatively cheaply in Samoa, which could be delivered by the boat, enhancing the standard of living on the island.\textsuperscript{58}

So using a corporate model of capital generation, the global Pukapukan community is again here looking to supplement state activity by providing their own state services. What is important is not that the Pukapukans are enacting or imitating a state in every respect – because they are certainly not. Instead, what is significant is that their successful activities, which entail aspects of nation-state sovereignty, demonstrate the flexibility of sovereignty. Similarly, in embedding their activities in the various laws of New Zealand, Australia, the Cook Islands, and Samoa, the Pukapukans show the intersection of multiple states’ laws in multiple sorts of production, ranging from cultural production to capital production.

Lastly, for the Pukapukans, these efforts are not simply due to some interest in capital accumulation or lifestyle betterment. No, given what they see as the erosion of their culture in the face of other more dominant cultures, this capital-based sovereignty is being constructed for the purposes of the very survival of the culture itself.\textsuperscript{59}

\textsuperscript{58} Note that the resistance that the Pukapukans have received in regard to their plans has not so much come from Cook Islands government officials but instead from certain people in Rarotonga with business interests, because those people currently maintain a near monopoly on sourcing goods and services to Pukapuka and to the whole Northern Group, a monopoly that they are apparently not eager to give up.

\textsuperscript{59} The efforts of the Pukapukans are therefore that much more fascinating because they are two-fold in nature: on the one hand, Pukapukans are working to preserve Pukapukaness among Pukapukans; on the other hand, through investments in education, training, and counseling, they are striving to prepare Pukapukans for success in the non-Pukapukan worlds of New Zealand, Australia, and beyond.
Additional Comments

First ... a Sports Analogy

It may seem silly, but bear with me – we researchers are not always dry theorists devoid of levity – I’d like to offer a sports analogy in regard to various aspects of the interplay between sovereignty, fungibility, and globalization. To be sure, the analogy is far from perfect (what analogy is?), but I think, I hope, that it will be illustrative. To make this analogy, we need to pick a sport that is contested in nation-versus-nation matches, any sport will do … let’s say soccer.

First point: the structure of the system. Now, almost every nation-state in the world maintains a national soccer team – that is to say, an “official” team that serves, if not as an agent in the legal sense, then at least as a representation of the given state. Although the nation-states themselves might be very different, the teams need to be able to play each other with some sense of equivalence, so strict rules are established as to the structure of the team.

These rules in the case of international soccer are established by a specific body, FIFA (an acronym standing for: Fédération Internationale de Football Association), made up of representatives from each of the nation-states whose teams the rules apply to. As noted in regard the global market, there is there, by contrast, no such single, unified rule-making body, although as we have seen, the global market is governed by rules – it is just the case that these rules come from many different sources (some more obvious than others). I will return to this distinction.

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60 The FIFA Statutes, effective August 1, 2011, are available at: http://www.fifa.com/mm/document/affederation/generic/01/48/60/05/fifastatuten2011_e.pdf (last visited October 11, 2011).
later, but for now it does not matter. What is important here is that already, in the decision to make the teams of each nation-state equivalent on the playing field, we have – in the guise of being egalitarian – created a structure that systematically favors some states over others (just like the rules that apply to the global market). In short, the higher the population of a given state, the more disproportionate its advantage will be over smaller states because it will have more citizens to draw from in order to make its team.

“But, but,” you may well be saying, if I may for the moment be so presumptuous as to ghost-write for you. “China’s team is not the world soccer champions, nor is India’s.”

“Why not?” I ask.

“Because,” you might reply, “because of the culture of soccer that exists in certain countries and not others. Germany, Brazil, Argentina – in places like that, soccer is part of their cultural fabric, where it’s not in China or India, at least not yet.”

“Exactly,” I would say. “This is exactly how the global market works too.”

In other words, in terms of the global market – as in the assembly of winning soccer teams – base population size can help, but those countries who are the most successful economically are those whose cultural fabric is most closely aligned with the ways that the global market works.61

In addition, the one-to-one ideology of international politics/diplomacy is a curious aspect of the Westphalian system, but one that is at the same time deeply

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61 Recall O’Barr and Conley’s findings (1990), that I rely on above, in regard to the success of small claims court litigants in the US.
entrenched. For proof, one need look no farther than the UN: regardless of size or economic strength, there is one country/one vote. But of course, one would be foolish to think, given this ratio, that in UN matters Fiji has the same power as France. The same in soccer: the rule is one state, one team, but those various teams certainly hold different degrees of influence over the policies – and the scoreboards – of international soccer.

Second point: many differences, same rules of play. National soccer teams have to have the same number of players, to each have a set of colors, uniforms, a representative on FIFA, etc. – in short, national soccer teams are required to have the same form. In this way, they are similar to the functional element of nation-state sovereignty: recall that states too all have the same form: a set of colors, a flag, ambassadors, etc. But more important than the aesthetic attributes of things like uniforms and flags is the fact that sovereign nation-states have the same form so that they can interface efficiently with one another.

In soccer, the coaches of each national team no doubt manage their teams differently, sometimes perhaps very differently. This is true as regards personality and discipline, but also as to strategic choices, such as an emphasis on offense or defense, on demanding “boring” teamwork or indulging “flashy” individual exploits, and so on. Nevertheless, when two soccer teams meet on the field, the players – even though perhaps trained differently – will still follow the same sets of rules; or, more precisely, the players will articulate their various personalities and execute their various strategies within those rules.
So too, the leaders of each nation-state surely and frequently run their countries quite differently, both as to personality and strategy. But just the same, when countries meet, whether it is the leaders themselves or their representatives, they do so within the boundaries of the rules, here the rules of international diplomacy, among others. This is the case regardless of the size of the respective countries (Cook Islands leaders have in fact been formally received in China).

Furthermore, as with any system, changes to the rules of the system will favor some and disfavor others. If, in international soccer, we were to change the size of the ball or the width of the goal, the result would inevitably favor some nations’ teams and disfavor others. The same is true in regard to globalization. Changes in trends regarding free trade, for example, will benefit some countries and harm others.

Third point: fungibility. The players (and the coaches too, for that matter, as well as the trainers, the doctors, and others) of national soccer teams are fungible. To be sure, sometimes personality or star power might influence the decision to keep a player on a team past his or her prime; but on the whole, players are like the workers on Marx’s factory floor: they must toil day in and day out, knowing that hordes of shiftless worker-players are huddled just outside the factory-stadium gates, ready and willing to step in and earn the fruits of the labor available on the inside. In other words, and with some recognition nevertheless of personal politics and the like, the point of the team is not the individuals but the team, so players can be – and of course are, that’s how it works – replaced on a regular basis. The players come and go, the team lives on.
States are similar: on the one hand, their leaders come and go, but the state lives on. But at the same time, there is categorical fungibility across employment positions within the market economy of the state: we need CEO’s just as we need doctors, but neither need be of a certain ancestry or from a certain nation-state to begin with, they require only certain attributes. Within states, social status has been replaced by capital power, just as on the soccer field attributes like race are being superseded by talent.

As such, on a soccer team there is certainly vertical fungibility: there is no player or no position-holder who inherently leads the team. Status is not a priori. Instead, status is largely earned and leadership roles are given to the players who best combine hard work with talent – sometimes defenders, sometimes forwards, it all depends. There is likewise horizontal fungibility – in international play, regardless of the cultural differences, in spite of the historical rivalry, a German player who gets French citizenship can play for France. This may be disappointing for some – but c’est la vie.

Fourth point: unique emotional relationships: So there is a unified structure for playing international soccer and players play according to the same rules. But in spite of these levels of uniformity, soccer means different things in the different countries that have teams. In this way, soccer is like the emotional element of sovereignty: as I discuss in Chapter 3, even though nation-states have similar forms, nation-states have very different meanings for the people of each state; indeed,

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62 See Kantorowicz 1957.
nation-states are founded on greatly differing ideologies, some based on land, others on ancestry, and still others on a collective appreciation of rights.

So, for example, even though there are many similarities between US and English culture, the meanings that the English attach to their soccer team and those that Americans attach to ours, are very different. Indeed, most Americans don’t even know when the US team is playing; and whereas many English players are international celebrities, most Americans would be hard-pressed to name a single player on the US team. So like sovereignty, the teams look the same – but evoke and are organized around a very different set of emotions.

Here is a better example: the name Zinedine Zidane may or may not be familiar to you, but a certain incident that Zidane was involved in will help illustrate my point. If you’ve never heard of Zidane (known affectionately as “Zizou”), suffice it to say that he is a famous soccer player who played, among other places, on France’s national soccer team; relevantly, he is the son of Algerian immigrants and grew up in a poor part of Marseille in the South of France.

Behind Zidane’s leadership and skills, France reached the finals of the 2006 World Cup, where the French national team played against Italy. Watched by hundreds of millions of people around the world, it was a close and exciting match. Indeed, with only 20 minutes remaining to play in overtime, the score was still tied. If no one scored, the game would be decided by penalty shots – an activity at which Zidane was particularly adept (he had already scored on a penalty kick earlier in the

For a thorough discussion of Zidane’s role in the 2006 World Cup, see Dubois (2010).
game). But maybe this wouldn’t be necessary, France was pressing, attacking
deliriously, over and over, Zidane was right in the thick of it, wearing down the tired
Italian defense. The pressure mounted, time was ticking, but a French goal seemed
imminent, almost destined in the flurry of the French attack.

Only 14 minutes left. We the spectators were nearly breathless, panting,
tense, transfixed in front of our televisions. France continued, fiercely, pressing,
pressing. Italy was trying, fighting, hanging on, but barely, oh barely. Now only 12
minutes. Then on the screen, there was suddenly a commotion, a rupture in the flow;
something had happened, we the television audience had not seen it, but we could
sense it, what was it? Play had stopped, the officials were running, then conferring.
It was nearly unbearable. Then, just as suddenly, came the replay, the commentators
were just as stunned as we were, their commentary stuttered: on our screens, Zinedine
Zidane, the giant, the pillar of French soccer, was slamming his prodigious bald head
into the chest of an Italian player, Marco Materazzi, knocking the latter to the ground.

It was all so confusing. Here came the images, again and again, now from one
angle after another, Zidane head-butting Materazzi. But why? We didn’t know.
Shift to the officials conferring, now real time, Zidane was strolling slowly, eyes
averted, waiting with the other players. The replay again, this time starting a few
seconds earlier – we could see an exchange of words, Materazzi making a final
comment and then the head-butting and, in incredible slow motion, Materazzi again
falling to the ground. We were taken in real-time back to the officials, then to
Zidane, then to the officials again. Then abruptly the referee left the group of
officials and began jogging toward Zidane, the referee was reaching into his rear pocket, and we knew, we knew what was coming even before it happened, there was no going back now. Before the referee even reached Zidane, the red card had been wrenched from the referee’s rear pocket and now the referee, in a grand, final gesture of drama, held the card solidly high above Zidane’s head. That was it, it had happened. Zidane had been permanently ejected from the game.

Zidane – France’s star, their pillar – had been ejected, he was out of the game, he could not come back and pursuant to the rules of international soccer, no new player could be brought on to replace him. France now had to finish the game with one fewer players than Italy; more importantly, the inertia was gone, the zeal, the will. There were still 11 minutes to play, but France had already been beaten. The team tried to attack, but their soul had been lost, sent to the locker room, banished. Time ran out and, as per the rules, the match turned to penalty shots. Each team received five tries; if one team got more than the other, then that team was the winner – of the game – of the entire World Cup. Here was where Zidane would have shone, would have led; but Zidane was gone. Italy pricked the ball into the goal, one goal after the next. The shot by one of the French players hit the post. It ended 5-3. France had lost.

It was stunning.

But why this long example, what does any of this have to do with emotional sovereignty? The answer is not in Zidane’s actions themselves but in popular reactions to Zidane’s actions. After the game, it came out that Materazzi had insulted
Zidane’s sister. Some said: so what? Isn’t trash-talking part of the game – and isn’t it the winning of the game that’s most important here, in particular since this was the *World Cup*, the championship of all championships? But others, for example many in the immigrant areas of Marseille where Zidane had grown up, *praised* Zidane precisely *because* he had struck Materazzi; in their view, Materazzi had “crossed the line,” and this hot-tempered retaliation was not only necessary but praise-worthy because Zidane had been forced to defend his honor – World Cup be damned.

So the rules of international soccer are uniform; but when to play, how to play, and when not to play, are questions that are subject to very different collective understandings. On that fateful soccer field in 2006, culture met – collided with – these uniform rules. For some, Zidane was to be criticized for breaking the *rules*; for others, Zidane was a hero for doing the thing called for by *culture* (even if a sub-culture). Sovereignty is no different; sovereignty in the form of the nation-state is subject to certain rules of globalization – but emotional attachments to sovereignty are different in different states and moreover, expectations of when to follow the rules of globalization, when to abstain, and when to respond with violence, all differ … but, to be sure, all exist.

*Conclusion*

One of the goals of this dissertation is to offer insight on sovereignty in the contemporary age of globalization. To do so, I attempted to show in Chapter 3 a

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model of the form and function of contemporary nation-state sovereignty; in Chapter 4, I set up a framework for describing and understanding contemporary globalization. Building on these foundations, I have tried here to combine these analyses by answering the most salient questions that I see being generated by them: What has made contemporary globalization possible? (Answer: changing concepts of fungibility.) Given the possibility of its formation, what generating force brought globalization into existence and continues to drive it? (Answer: global co-production, along with co-consumption.) What then is the structure that supports this driving force? (Answer: the state.) And do these models apply equally everywhere? (Answer: there is one globalization, but many capitalisms; in short, culture matters.)

Furthermore, just as there are many capitalisms, there are many types of states – and certainly states function at different levels of efficiency and extensiveness. So just as some states pervade more intimately the lives of their citizens, others barely function at all.\(^{65}\) Regardless of its position on the continuum, however, each state fits the models I propose, even where there are holes in the given state’s borders and regulatory reach. I do not deny, for example, that there are significant capital transfers that occur across the borders of, say, Columbia, that are outside the reach of the state. Such transfers can and do occur across every border, to some extent. These transfers are certainly worthy of further study.\(^{66}\) Nevertheless, the sum total of such extra-regulatory transactions does not disrupt the models I describe.

\(^{65}\) I discuss this in more detail in Chapter 3.

\(^{66}\) Such a study would, however, be difficult given the extra-legal nature of the transactions; would-be transferors and transferees are likely to little appreciate the pesky questions of a social scientist in
Instead, in a myriad different ways, they all come together: globalization, sovereignty, law, capital. Each is inextricable from the other: globalization is *co-produced* by nation-states who use law to regulate capital; at the same time this capital intersects with state law to *co-produce* products that bind the nation-states in a network of globalization. It is a *system*.

But here again, the system is not simply a mechanical one, it is not without life. Instead, the system is comprised of – cannot exist without – elements of both culture and agency. As such, some states and some cultures fare better in the system, others worse. But as I have noted, every state and every culture – indeed, every person – is implicated; the system does not just affect us, it is *of* us.

regard to the details of their illegal operations. (See also Spoonley et al. 2003: 35; Coutin, Maurer and Yngvesson 2002).
Chapter Six: Conclusion

Chapter Overview

In these final pages, I summarize the theories that are at once the results of my research and the culmination of this dissertation. I likewise offer some concluding discussion about those theories, propose some practical value for them, and also suggest some areas where further inquiry might be relevant and productive.

In addition, I stray perhaps from the format of a conventional conclusion by using this space to make a few final remarks. In particular, I discuss pertinent issues, on the one hand about the critical role of anthropology in my research, and on the other about the discipline of anthropology as a whole. I also address the impact of my legal training on my thinking.

Summaries and Discussion

At the beginning of this dissertation, I posed the questions: what is sovereignty, how does it work, and why is it important?

The questions are relevant. For one, our daily news is filled with stories of economic crises from thousands of miles away. And to be sure, these news items are not mere curiosities. There was a time when we self-centered Americans (and others) might not have given a damn what was going on in so-called “sovereign” places such as Portugal and Greece. But now we care – or at least we should, every American (and others) should, because among a million other reasons, the retirement accounts
of everyday people depend on them, not to mention the availability of jobs, the price of gas, the value of houses, the list goes on and on.

In the same newspapers we also regularly read stories of US military drone strikes inside the borders of some foreign country, with the obligatory inquiry of whether that country’s “sovereignty” was “violated.” Commentators ponder the stability of the collection of “sovereignties” in the European Union, while activists monitor the progress of the movements for “sovereignty” in Tibet and elsewhere. Even within our own borders, debates continue about the “sovereign” rights of American Indians to run casinos, and what about the risks to our “sovereignty” from the national deficit, oh the deficit. Ideas of “sovereignty” are therefore no longer reserved for academic and scholarly debate alone. Instead, the term now exists in daily discourse; and more importantly, it affects daily lives.

*What is sovereignty, how does it work, and why is it important?* The questions are answerable. But not in a vacuum, not on their own terms. Instead, as I have suggested, an understanding of sovereignty requires the dual task of simultaneously linking sovereignty both to the individual and to the globe. As such, an understanding of sovereignty necessarily requires an understanding of globalization just as an understanding of globalization requires an understanding of sovereignty: theories of contemporary nation-state sovereignty and contemporary globalization are *mutually constitutive.* The number of questions to be answered consequently doubles:
• What is sovereignty, how does it work, and why is it important?
• What is globalization, and what drives and maintains it?

For the reasons that I outlined in Chapter 1, the existing scholarly treatments of these questions fail to provide adequate answers. This is so for two reasons. First, scholars have largely failed to recognize the need to more thoroughly integrate theories of sovereignty with theories of nationalism. Second, existing treatments of sovereignty were either proposed in regard to an earlier global context and thus do not account for current conditions of globalization or else the treatments are too narrow and therefore fall short of justifying and explaining the full scope and ramifications of the concepts they address.

In this dissertation, I have attempted to fill these gaps on both fronts. Below I offer summaries, taken directly from Chapters 3 and 4 above, of my conclusions in regard to sovereignty and globalization respectively. I then link the two together by revisiting material from Chapter 5.

Sovereignty. I contend that sovereignty is made up of several components, all of which together are essential to understanding the concept as a whole:

(1) emotional component

(2) function/instrumental component, comprised of:
   • interface mechanism
   • value maximization mechanism

Thus, first, sovereignty involves a subjective component that is unique to each group. I have called this component *emotional sovereignty*. These are the ties that bind, the reasons that people often unite in the
magic of nation-building, whether because of ethnicity, ancestry, land, or common rights – or even as a result of force.

Second, sovereignty includes a functional/instrumental component, which is nearly identical among and across all groups; even if some sovereignties operate differently from others, the structure is still roughly the same. This component is made up of the machinery that makes sovereignty work. Sovereignty is, after all, not just an idea, a concept, a belief, but is also a system that people organize themselves under, that people live by; we are all, whether one likes it or not, embedded in a world of nation-states, of so-called sovereignties. This functional/instrumental component of sovereignty is comprised, in turn, of two elements, one that serves as an interface mechanism with other sovereignties and another that functions to maximize selected local values. These values are of course related to a group’s emotional attachment to the sovereignty in the first place. This relationship illustrates the symbiotic nature of these several components of sovereignty: they impact each other just as they function together.

Globalization. I discussed four main points in my treatment of globalization, covering people, capital and goods, nation-states, and the individual.

First, globalization is not simply the connections among states but is also a matter of the movement of the state’s citizens, and so is about
people (whether as laborers or as consumers of labor’s production, or both) and the movement of individuals, both out of states but also likewise into states, in ways that link states and sub-state groups, from regions to families.

Second, capital as well as goods (produced objects) play an integral role in globalization. Globalization is sometimes thought of as the movement of goods across borders, but that definition is insufficient; in reality, globalization is about the co-production of goods – that is to say, the fact that materials and labor from multiple global locations are required for the production and transportation of essentially every produced object on the planet; global flows of capital underpin this co-production.

Third, globalization is about nation-states and the relationships between nation-states. Nation-states of course interface with the global community and the global marketplace in different ways.

Fourth, globalization is about the individual. Globalization in the contemporary world is linked to the individual in several ways. (1) Given the globalization of foodstuffs, some part of most people’s diet is imported – the human body itself thereby becomes of globalization, a part of globalization in its most physical form, inseparable from it. (2) Given that essentially all products are co-produced through
globalization, humans’ use of just about every thing connects an individual to globalization and the global networks of relationships.

(3) Not only is essentially every individual aware of the global community, as well as of the global market (even if not in such terms), but every individual is also affected by the processes of international movement, inter-dependent economies, and planet-wide communication technologies. Globalization is therefore more than the mappable infrastructure and quantifiable processes themselves; globalization is equally so the ways that the patterns of this infrastructure and the reverberations of these processes become reproduced in individual subject formation, in the understandings of self. That is to say, globalization is not merely a set of circumstances, conditions and relationships, but is a way of being, a means of engaging with and experiencing the world.

The relationship between nation-state sovereignty, globalization, law, and capital. Having developed theories of sovereignty and globalization, a final step is necessary: one must integrate the two. Here, the key is the connections created by systems of law that serve as the framework for many of the core processes of globalization, while flows of capital within and enabled by that framework – and regulated by the nation-state – fuel those processes. As such, there are at least four important aspects of the relationship between sovereignty, globalization, law, and capital.
First, certainly, advancements in technology have provided the infrastructure for contemporary globalization. But in order for globalization to truly become possible, a more important conceptual shift was necessary in the shared understandings of the world. This shift came to pass in the form of an internalization of ideas of social fungibility. The term “fungible” refers to items that can be replaced by an identical item with little consequence, an example being a dollar bill: in most circumstances (although with exception) a person will indifferently trade one dollar bill for another, one is not better than another.

Capital itself is quintessentially fungible and therefore capitalism is a system of fungibility. This system of capitalism is made possible by sets of laws that structure the rules within which the capital operates; that is to say, law is the structural apparatus through which economics functions. Modern law was able to provide an effective framework for capitalism because modern law had over time constructed categories of fungibility; in other words, whereas a group’s rules had once depended on an individual’s status and position within the group, modern law purported to apply each rule equally to all individuals such that individuals were fungible in the eyes of the law.
There were two consequences to the proliferation of capitalism and the fungible categorization made by modern law: the fungible nature of capital meant that capital could easily cross borders to any point on the globe with few restrictions based on physical transportation; at the same time, the power of capital loosened the social structure within groups, making it simultaneously possible for outsiders to insert themselves socially – what I term social fungibility. Money and people could now not only move and be moved around the planet but could also be integrated far and wide – globalization was born.

Second, contemporary globalization is co-produced by the nation-states of the world through the combination of capital production with the legal regulation that is the function of nation-state sovereignty, namely the regulation of the movement of capital and individuals. In short, nation-states co-produce goods, which means that because of interlocking networks of law, capital, and labor, essentially every state is implicated in the production of nearly every good. This co-production – together with the co-consumption of those goods – is the driving force behind globalization; as such, one can likewise say that nation-states co-produce globalization itself.

Third, nation-states remain the central structural machinery of globalization. In short, many scholars have argued that globalization
is weakening the modern nation-state; a few, by contrast, have suggested that globalization strengthens it. A comprehensive model, however, shows that globalization both weakens and strengthens nation-state sovereignty, and in this process the nation-state retains a higher-than-previously recognized level of agency in the determination of which aspects are weakened and which are strengthened. Further, one should not jump to the conclusion that the changing role of the state is equivalent to a diminishing role. The centrality of the state endures; the key is to understand how which is likewise to recognize the advantage gained by those states who most adeptly adapt to these dynamic changes.

Fourth, globalization is not uniform. To be sure, the effects of globalization have transformed every culture on the planet and capitalism has been the vehicle for doing so. But just as not all cultures are the same, all capitalisms are not the same either. No model of sovereignty and globalization is therefore complete without a mechanism for accounting for differences in culture and capitalism. Indeed, just as there are many capitalisms, there are many types of states – and certainly, states function at different levels of efficiency and extensiveness. Just as some states pervade more intimately the lives of their citizens, others barely function at all. Regardless of its position on the continuum, however, each state fits these models.
Moreover, because culture matters, and because culture influences a state’s interface with globalization, so too is globalization affected by culture – an interface is, after all, a two-way mechanism. No doubt, the rules that govern the global marketplace are more affected by powerful cultures than by less powerful ones, but the important point is that in being affected, the parameters of globalization are flexible: globalization is dynamic.

Sovereignty is likewise dynamic; sovereignty is also relational. The task for contemporary nation-states, therefore, is to manage their interface with the global market progressively. This management – in the form of the legal regulation of the cross-border flows of capital and people – entails recruiting global capital while protecting strategic elements of the domestic economy in order to promote targeted components of local culture.

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It is these sets of answers that are necessary to adequately respond to the questions that I posed as imperative ones, questions that I repeat here one final time: what is sovereignty, how does it work, and why is it important? as well as what is globalization, and what drives and maintains it? In short, an answer to each subpart requires the comprehensive models generated as a whole. These comprehensive
models are therefore important for understanding the full, dynamic breadth of sovereignty and globalization.

Moreover, I suggest that these models are likewise relevant to any treatment of sovereignty or globalization, no matter how broad. In other words, on its own, a narrow discussion of sovereignty or globalization can suffer from unstable meaning; without a comprehensive backdrop, the terms “sovereignty” and “globalization” remain floating signifiers, subject to slippage and misinterpretation. But the above theoretical models complete the signs, providing a foundation of context and translating a language of arbitrariness and personal predilection into a functional and productive *lingua franca*. As such, any treatment of sovereignty or globalization, whatever the focus, can, I hope, benefit from the anchored framework of the comprehensive theories that I propose.

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While the field of law has informed and influenced every aspect of my research, my project is, at core, an anthropological one. As such, although I have worked through the binocular lens of both disciplines, it is the field of anthropology that has ultimately made it possible for me to make my observations and to reach my conclusions. To be sure, there is much to be said about sovereignty and globalization from the point of view of law itself; the same is true of the viewpoints of economics and political science. But we are, for better or worse, human; sovereignty and globalization are systems that affect people just as much as they are systems that were created by people. And here anthropology is essential.
In other words, the texts of laws are certainly important. Numbers are important. But neither can truly explain the processes of sovereignty and globalization. As I described in Chapter 3, sovereignty is in part made up of a subjective component which I refer to as *emotional sovereignty*. This is because sovereignty has different meanings for different peoples. (Certainly, these meanings differ on an individual basis, even; but here I am referring to differences that members of *groups* share.) And this emotional component is inextricable from a broader definition of sovereignty for two reasons: people *live* sovereignty and people *believe* in sovereignty. Why else would people be willing to die for their countries? Why else would indigenous peoples around the world be demanding sovereignty? Sovereignty is *valued*, although valued differently and for different reasons by different people.

So any model that does not recognize the subjective component of sovereignty must, I think, be faulty. After all, it seems silly to suggest that sovereignty means the same thing for Americans as it does for the French, the Maori, the Chinese, or the Cherokee. It is likewise clear that the ways that these groups manage their sovereignty *domestically* – the ways they run their groups *internally* – are all remarkably different.

Furthermore, a country’s engagements with, and successes on, the global market are not simply dependent on the mechanics of economics. Instead, cultural factors are also central. For instance, the Cook Islands has been fairly successful in the global tourism industry. This success, however, is not only due to the fact that the
Cook Islands possesses a tourist-friendly climate and beautiful beaches. Instead, the welcoming cultural traits of Cook Islanders have helped to facilitate and integrate a tourism model just as early leaders of the country prioritized this economic path at the expense of others. At the same time, cultural resistance to changes in land tenure rules and ambivalent opinions on labor have kept the Cook Islands from what could be additional economic tourism successes on the global market, since Cook Islanders have preferred to sacrifice a certain amount of economic success in exchange for other culturally valued things and practices. Such decisions would naturally not be consistent with the cultural preferences of all peoples nor would all peoples make these same decisions.

By contrast, other aspects of sovereignty are nearly identical in regard to every nation-state. This is because, as I have noted, no sovereignty, no state, exists in a vacuum. Instead, all states are inter-connected in the matrix of globalization. In order for this to be possible, all states must function in the same way: they must serve as an interface mechanism with other states; they must function similarly so that the interfaces can work. In other words, they must set up the conditions of law that make commerce possible between and among the various states of the planet.

Obviously, every piece of commerce that occurs between actors in different states does not take place on a state-to-state level; nevertheless, each state is necessarily implicated in nearly every transaction because the states control the structures within which the transactions occur. This control can be at the level of border regulation, such as taxes or import restrictions; but such control also exists in a
myriad other ways, such as the regulation of land rights, the regulation of labor rules, and even the regulation of the avenues of transportation that goods might travel. Of course, not every regulation applies to every transaction; but even if the cross-border “commerce” is, say, only a lone worker typing on a computer in her or his apartment for the benefit of overseas clients, the conditions that make that apartment available to the worker and the availability of the internet, among many, many other things, are all likely products of state regulatory systems.

In short, a comprehensive model of sovereignty must incorporate all of these various aspects of what sovereignty is and how it functions. The ability of anthropology to reach the human element in these regards makes it both unique and powerful.

Similarly, analyses of globalization are incomplete without descriptions of the complexity of the system combined with more on-the-ground understandings of the human relationships at play and at stake. This complexity of globalization can hardly go without note: the innumerable circuits of capital flow, the immeasurable connections among people(s) around the globe, the simultaneity of media, all coalesce in ways that are difficult to fathom. It is still, however, possible, to break down the entirety into manageable components.

Here, of course, the technology of both media and transportation are foundational; technological advancements make globalization possible in the physical sense. But the driving force behind globalization is still the production, sale, and consumption of goods. It is for this reason that companies and individuals enter the
global market; it is this process of production and consumption that in large part
causes capital, people, things, and ideas to flow from place to place, bringing together
– binding together – all the states of the planet, every group on the globe.

But as with sovereignty, a model of these structural processes of globalization
is not enough to give an understanding of the entire phenomenon; as with
sovereignty, we need a model that includes the lived nature of globalization. After
all, from the foods we eat to the things we use, there is essentially no moment when
we are not touching, consuming, directly interacting with globalization.
Globalization affects what we do, how we think, what we digest. We are of
globalization.

Furthermore, an understanding of the raw numbers cannot explain how we got
here: how did we go from being a planet of far-flung tribes and kingdoms, hordes and
monarchies, into overlapping communities where cross-border relocation is
commonplace and integration can be possible? The answer is that capitalism has
removed many of the inherited constraints that most groups previously placed on
social structure, such as nobility and caste; with capital, suddenly people of any rank
could achieve at least some kinds of status and power.

As such, the fungibility of capital brought with it a fungibility of social
structure, not only in regard to upward mobility within the group, but also in regard to
the sudden ability of outsiders to move into positions previously unthinkable for
them. Now, individuals or groups can become absorbed into other groups either
because the moving group has capital and therefore power, or because the receiving
group needs labor and is willing to pay capital in order to receive it.

The point is that prior to these conceptual shifts, globalization in its present
form would not have been possible. Moreover, these shifts – while happening in
various ways among different groups all over the planet – involve culture,
humanness. As such, they can neither be discerned nor discovered by quantitative
means; they require anthropology.

Practical Value and Areas for Further Inquiry

From the moment I first made the decision to write it, I have considered this
dissertation to be an open letter to the people of the Cook Islands and to the Cook
Islands itself. In doing so, I have tried hard to make sure that in addition to whatever
academic and scholarly value my theories might have as theories, my efforts and
conclusions will also have practical value, especially to the people who taught me
and inspired me.

Hopefully others will derive additional ones; in the meantime, I want to
suggest three possible areas of practical value. First, I suggest that discussions of
“sovereignty” need to be broken down into their component parts and re-analyzed
based on what really is at issue. For instance, whether a given issue is related to
subjective aspects of sovereignty or to the role of sovereignty as an interface
mechanism can have serious consequences for how best to approach that issue and
achieve whatever result one is hoping to achieve.
I was once having lunch with a lawyer who represents a Maori tribe in a claim against New Zealand. I asked him what the claim was about, what the tribe wanted, and he responded, although I forget his exact words, that the tribe was seeking a recognition of their sovereignty.

“Why?” I replied.

He looked at me with a slightly baffled expression, thinking, I think, that surely I knew why. But I explained my question roughly as follows: there were only two possibilities here, either that “sovereignty” meant something in practical terms or that it did not. If the latter were the case, if the value to the tribe of a recognition of “sovereignty” was solely symbolic, then the New Zealand government should simply agree – why not? But if the former were true, if the tribe was seeking “sovereignty” for reasons that had a practical effect, for instance, the right to X, Y, or Z with or on the land they held, then I felt, and continue to feel, that the tribe should consider seeking that specifically; a claim for something called “sovereignty” alone only muddies the issue because it not only comes with diverse emotional baggage but also can be hopelessly ambiguous.²

1 Stephen Turner at the University of Auckland pointed out to me – profoundly, in my opinion – how striking it is that in the Western discourse of statehood, so many cultural values must be translated into – or really, converted into – rights, in order for them to be operable, fought for, or even discussed. (Conversation with Dr. Stephen Turner, April 3, 2010). My own comments here are certainly an example of that phenomenon, as unfortunate as the phenomenon itself might be.

² I’m sure there are many who will disagree with me here. Such, I would argue, is the symbolic value of “sovereignty.” I can also see one response to this particular example as being: “wait a minute, if the tribe negotiates for X, Y, and Z, then all they get is X, Y, and Z; but if they get a recognition of ‘sovereignty’ then they get everything that comes with that.” But my point is: what comes with that? Unless it is agreed to up front, then it is subject to future dispute. The work of Elizabeth Povinelli is insightful here (2002). To turn her solid ethnographic samples into a hypothetical example: say that the Maori tribe in question here were granted “sovereignty” over their lands but the next week they began permitting some practice seen as absolutely abhorrent in the eyes of the dominant New Zealand culture, whatever that might be (I’ll leave this to one’s own imagination). Would the New Zealand
Second, as I describe in Chapter 3, one role of the state is to further, where possible, valued aspects of culture. The state does this in part by managing the flows of capital across its borders; this regulation facilitates the flow of capital to certain areas of the domestic economy and restricts its flow to others. Recall also from Chapters 4 and 5, that most domestic laws are implicated in the commerce of globalization; as such, most domestic laws affect cross-border capital flow in one way or another.

In law-making, therefore, I suggest that it is imperative to keep in mind these relationships: how will a law or set of laws affect capital flow? And more importantly, how will changes in that capital flow affect the things that the people of that country truly hold at heart?

Third, my models show that sovereignty and globalization are *dynamic*, that they are in constant change. I submit that the states that will fare best over time are those that maintain a continuous understanding of the changes *as they occur*. Some of this is of course an economic question, relating to a state’s ability to most productively secure foreign capital and to best integrate its domestic enterprises with the global market. But it is also a *cultural* question involving the trends and multi-layered rule-making forces that make up the global marketplace; the global marketplace is, after all, a community.

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state step in? Others might dispute this, but I submit that there is no question whatsoever – the state *would* step in; for them not to is unthinkable. (Note how the Australian state in 2007 began intense intervention efforts in the Northern Territory in order to combat, among other things, child abuse among Aboriginal families.) Here the state might even make use of a globalized discourse often relied on by indigenous peoples *against* states, namely the discourse on international human rights.
There are of course areas where further study could improve my project –
avenues that, in a perfect world, I myself would already have followed. But alas …
just as sovereignty and globalization are human, so am I.

There are two such areas that strike me as the most relevant. The first
involves additional amounts of the kinds of quantitative data that I have elsewhere
here minimized the importance of. My point all along has been that it would not be
possible to reach the conclusions that I have, to build the models that I suggest, based
on quantitative data alone. And of that I remain convinced. Nevertheless, I would be
interested in seeing more of what the numbers do show. For example, I’d love to take
apart a bus and trace every single one of its pieces and parts to their countries of
origin, including the nationalities of the laborers involved, the routes of travel, etc.
What a project! In any event, I think the quantitative data do support my models, but
it would certainly be nice to have the corroboration. Moreover, assuming they are
indeed supportive, it could be that they illustrate other aspects or angles that I have
not covered or discovered.

Second, I suggest that additional comparative work would be beneficial. To
be sure, in addition to my fieldwork per se, I have over the years lived in five
countries, with home addresses ranging from the bottom of the South Pacific to the
edge of the Arctic Circle, and traveled in dozens more countries across all six
inhabited continents. I have worked not only as a corporate litigator, but also as a
construction worker, a nanny, a translator, an au pair, a teacher, and as a wage laborer
in a frozen potato processing plant. I’ve picked broccoli with migrant workers who
had temporarily left their homeland in order to make better lives for their families and
I’ve spent a year intensely studying Swedish with political refugees who’d
permanently left their home countries because they feared for their lives. In short, far
from having experienced everything, I’ve at least seen a thing or two in my time; and
always the would-be anthropologist, I have always watched, always puzzled, always
asked. So although my fieldwork was of and among Cook Islanders, it is likewise
from the whole my decades of eclectic and far-flung experiences that I draw my
various conclusions.

Nevertheless, having deduced these conclusions, it would still be interesting to
follow up more systematically in other locations. What insight would fieldwork in
other places, in other parts of the world show? As with the quantitative data, would
this further research corroborate my original findings – would it suggest further
nuance? For now, I will have to wonder.

_A Few Further Comments on the Law_

One of the central components of globalization is of course the world’s sticky,
tangled, and intractable web of commerce. In performing my research, I have tried to
observe, to experience, and to evaluate this web in the lives of people – not as
numbers on a page but as lived and shared phenomena. For this reason, and as I
discussed above, the field of anthropology has been fundamental to the performance
of my research and to the breadth of my findings.
But I do not rely only on the tools of anthropology. Without a doubt, I have also been tremendously influenced by – and informed by – my almost ten years’ of experience in the field of law, specifically in corporate litigation. Through these years I have, certainly, done many of the things that one might expect of a litigator, such as deposing witnesses and arguing in court. But it is not these activities that have been most beneficial, most insightful for my research, but instead two others, neither of which even involves wearing a suit and tie.

First, and quite simply, my legal work has thrust me into the heart of global commerce. In order to understand my clients – who have ranged from among the largest multinational corporations in the world to local, privately owned businesses – I have naturally had to comprehend the commerce in which they are engaged. To do this, I have had to be attentive not only to my clients’ individual business models but also to the broader, often global, commercial contexts in which they operated.

Second, I have had to develop an extensive knowledge not just of what business laws say in print, but more importantly of how business law works in practice (see Macaulay 1963). For sure, one can see by looking in a statute book that A is allowed or that B is forbidden. But what is relevant, what matters, is how such statutes actually play out in the “real world.” How do judges apply them? How do companies rely on them or evade them?

The answer to these two questions can, moreover, be very different since many – in fact, most – corporate disputes never reach final resolution by a judge and jury because they are resolved first through settlement by the parties themselves.
These settlements, and the negotiations that create them, operate within the framework of the law, or at least within its penumbra, but they are not “the law.” As such, corporations’ engagements with the law are often not ascertainable from judicial opinions even though the law nevertheless lives through these engagements.

At the same time, corporations are not, of course, lifeless bodies; they are populated. No matter how many quantitative figures a corporation might produce or inspire, every detail of the actual functioning of the corporation still occurs in human hands, every decision of the corporation is still the product of the vicissitudes of human thought.

In practicing law therefore, in treading through the labyrinths of corporate machinery, I got a glimpse of globalization at its capital-driven core. This was not globalization as a theoretical construct but as a process in action. I cannot even begin to describe the power of what I saw. Capital has, obviously, transformed the world, and here it held, like the gods themselves, the supremacy to give life with one hand while sometimes crushing, maiming, destroying with the other.

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But capital, and the system of capitalism that has sprung from it, are not all bad. Of that, there is no question. Indeed, among the relentless critiques of capitalism that are generated by the field of anthropology and others, one cannot find – or at least, I have yet to – a suggestion that we should return to a system of feudalism.
Certainly, we can do better. But to do so, we need to appreciate how far we’ve come – and we need to continue to look forward. 3

A Few Further Comments on Anthropology

As I described above, I came to the field of anthropology precisely for the tools that it offers for understanding lived experiences. Although the field as a whole is diverse, one focus shared by many anthropologists is a strong interest in issues of power, which I find compelling. Nevertheless, in turning away in recent years from institutions and highlighting other forms of legal power, like governmentality, I think that the field has missed parts of the bigger picture.

Any system will favor some actors and disfavor others. Thus, it should come as no surprise that within the models I propose, it is the powerful actors who both have the most control and receive the most benefit from the modeled systems.

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3 One issue, of course, is what solution to apply to present-day problems, especially in regard to indigenous populations. One answer involves a recognition that sovereignties can be constructed so as to benefit minority and majority populations – that is to say, enclaves with different sets of regulation from the larger political entity; the Cook Islands is obviously an excellent example of this, but there are also lessons to be learned from Native North America (the US federalist system is in fact another example). A system that allows for different areas of regulation can be extremely productive. Indian casinos are a testament to such productivity in economic terms (see Ong’s areas of “exception” (2006)). And in social terms, the allowance of different areas of regulation makes it possible to codify indigenous value systems. There are, however, conceptual dilemmas here. One of the most significant ones involves the question of how to address regulations in the local enclave that are repugnant to the values of the majority group. (See Povinelli’s excellent discussions on this subject (2002)). For instance, when I was in New Zealand I heard a talk by an anthropologist named Peter Sutton whose career-long work has been in Australia. Sutton discussed the fact that for cultural reasons, many Aboriginal peoples do not wash infants upon birth; the result of this practice is a high – though otherwise easily avoidable – infant disease and death rate. Anthropologists and others, however, have been extremely resistant in pushing for requirements of infant-washing since this is seen as conflicting with Aboriginal peoples’ rights to their own values and a concomitant imposition of European values. Relatedly, Sutton described how Aboriginal women can be – and are – killed for uttering sacred words that are forbidden to women. Should the Australian state stand by while this happens? These are difficult questions. And of course, these kinds of tensions and conflicts – some mild, some severe – are found in all parts of the world.
Indeed, it should go without contest that the US has more global power than New Zealand; and similarly, that European descendants have more power in New Zealand than the Maori. I do not speak here to what is “fair,” only to what in this contemporary moment is.

The field of anthropology has the inclination – the drive, even – to investigate and highlight the agency of various groups of actors who are traditionally viewed as having less power. This is one of anthropology’s great insights and likewise one of the aspects of the field that drew me personally to it. But a corollary to this bent has been the temptation to overstate the agency of less powerful groups of actors.

Societies are organized according to cultural systems that include social, economic, and political systems. These many systems are dynamic. That dynamism of course means that the systems change and, therefore, are changeable. Many within the field of anthropology seek to change contemporary cultural systems in order to address and attempt to rectify a wide range of inequalities that become reproduced in modern systems of culture, politics, and economics, among others. An understanding of less powerful actors is of course of key significance to such change. But a narrow focus on the powerless in any context nevertheless obscures the broader picture of that particular context, in which powerful actors by definition – ipso facto – are central.

The models I suggest in this dissertation both contain and make room for powerful as well as powerless actors, including the continuum in between. For instance, Australia, New Zealand, and the Cook Islands are all actors in the system of
globalization. In the broader scheme, it is certain that their power to influence the system comes in precisely this order: Australia with the most and the Cook Islands with the least. But the Cook Islands is nevertheless a player, a participant in the system. Although generally not having a tremendous influence on the global state of affairs, the Cook Islands must still act and must still do so within the system, which in some ways it does well and in other ways less well. Yet the point remains that it has agency – and that agency gets applied toward efforts at domestic betterment even if the Cook Islands usually has little agency in regard to changing the entirety of the global system.

And of course, no actor is powerful in every situation; each actor will necessarily be more powerful in some ways, in some circumstances, but less powerful in others. This is important to remember; indeed, the fact that even very powerful actors are at times powerless often gets lost in the blinding glare of the powerful aspects of the actor’s power. By contrast, recall the example of the global Pukapukan community who in many ways are among the economic “powerless” but have nevertheless managed to harness the power of capital to create, in essence, a kind of sovereignty for themselves among their integrated communities in the Cook Islands, New Zealand, and Australia.

Likewise, it is also important to remember that given the stated dynamism of cultural systems – including globalization itself – any changes to the system will favor some actors and disfavor others. At the same time, the actions of the actors will influence the functioning of the system; of course, there is usually a direct
relationship between the power of the actor and the degree of influence by that actor. Nevertheless, this relationship is not always true. Like the occasional YouTube video by the unknown teenager that has an effect on global pop music in spite of the power of big record companies, so too the actions of less powerful cultural actors can, for any number of reasons, exert a seemingly disproportionate influence on the system as a whole.

So coming back to systems and models: because of the given power relations globally and because of the ways that domestic power affects the local distribution of wealth and resources, any model of sovereignty and globalization must necessarily account for these various internal as well as global power relationships. The models that I propose are not meant to justify these many relationships in moral terms. At the same time, illustrating how the relationships interact systemically opens up space, I hope, for beneficial political engagement.

In spite of its tremendous power and in the face of all that it has to offer, the field of anthropology has nevertheless suffered in status over the years. In 1936, the prominent anthropologist Franz Boas was on the cover of Time magazine, his name proudly labeled with the rubric “Anthropologist Franz Boas.” Such prestige and recognition for an anthropologist in today’s day and age seems, by contrast, almost impossible. But why?

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There are perhaps many reasons but I think two are the most significant. First, as I touched on above, it is somewhat ironic that one of the great contributions of anthropology has been its study of the powerless, the downtrodden, the weak. Here anthropologists have bucked the trends of other fields and have demonstrated incredible resilience and insight. In doing so, however, many anthropologists have lost focus on the bigger picture. The point is not that we need less understanding of powerless groups in the world; no, what I am saying is that one must remember to situate understandings of the powerless into the systems of power which render those groups powerless in the first place.

Second, anthropologists have a curious predilection for self-doubt and self-qualification. I have read far too many anthropological texts where it feels like the author spends more time elaborating her or his own failings than she or he does discussing the issues actually at hand. This is unfortunate and belittles many of anthropology’s contributions.

Here I myself decided to take a key lesson from political science: during my anthropological coursework, I fortuitously discovered that political scientists do not waste their time in endless self-critique. In fact, they seem to wallow in it very little at all. Instead, political scientists – or, the ones I read, anyway – simply state a conclusion and then show why they believe it to be so based on the data they relied on. It appears to go as well-understood that these conclusions are not final, not incontrovertible; I saw no political scientist who ended her or his article by saying, “ok, turn out the light when you leave, this article answers it all.” No, the ideas were
simply proposed, justified … and left for future thinkers to expand on them, to
critique them, or to reject them, as appropriate. This is, to me, how bodies of
knowledge are best built and I have tried to follow this model in my own thinking and
writing here.

In short, I have made observations and drawn conclusions; I think that these
are correct, and more importantly, I hope that they add productively to previous
theories and scholarship. Whatever the case, in writing them down I now offer my
conclusions to the broader academic community and I leave them to stand or fall as
they may deserve. As I’ve mentioned: if others might read these pages, if these
words might help others to develop their own theories, to expand the world of human
knowledge, then I will be content.

Gratitude, Well-Wishes, and a Lingering Refrain

As I noted in the introduction, I have been reminded throughout my research
of a song from the 1980’s, the refrain of which is: *that was the river, this is the sea.*\(^5\)
That refrain is particularly relevant here. At one time, capital flowed in separate,
discernable channels; now globalized, capital flows as currents *within* one larger
body. These currents continue, they are observable, but they are no longer separated.
Instead, now, every swirl of the current impacts the ebb and flow of all the others.
That was the river, this is the sea.

\(^5\) The Waterboys. “This is the Sea.” *This is the Sea.* Island Records, 1985.
The Cook Islands, likewise, were once separated from distant places, distant peoples. But now, on the map of globalization, the distance is shrinking. On the internet, on the phone, I can today reach the Cook Islands just as easily, just as clearly, as I can reach my neighbor; a single plane-ride from Los Angeles can bring me to Rarotonga just as easily as to Tokyo or to Copenhagen. At the same time, Cook Islanders now live all over the world, from Hong Kong to Dubai to Nevada. That was the river, this is the sea.

And yet, in the face of all these changes, the Cook Islands – like so many places around the world – has stood strong. The people of the Cook Islands have struggled, resisted, and adapted. Connected by culture and capital, they straddle multiple borders. They have entered the global market, sometimes gaining, sometimes losing, but always persevering, always enduring. That was the river, this is the sea. And there’s no doubt, Cook Islanders have always been good at navigating the sea.

It is therefore with my every gratitude and my every debt that I close the pages of this dissertation. To the people of the Cook Islands I do so with words that you taught me, words of well-wishes and of love: kia manuia and aro’a nui.
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282


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Biography

Kevin B. Sobel-Read was born in Duarte, California and grew up in Macon, Georgia. He was a high school exchange student in Tornio, Finland, and studied Swedish and French for two years in a non-degree program at the University of Linköping in Sweden. He obtained his B.A. in Anthropology-Linguistics from New York University (1999), and his J.D. from the New York University School of Law (2002). He worked as a business defense litigator following law school, associated in New York City with the law firm of Morrison & Foerster LLP, and in Raleigh, North Carolina with Ellis & Winters LLP. He is licensed to practice law in North Carolina, New York, and in the courts of the Eastern Band of Cherokee Indians.

In law school, Mr. Sobel-Read was a Public Interest Law Foundation grant recipient. In the Ph.D. program in Cultural Anthropology at Duke University, he has received the James B. Duke Fellowship, a Summer Research Fellowship from the Graduate School, and an Aleane Webb Dissertation Research Award. Mr. Sobel-Read’s dissertation fieldwork was funded by a National Science Foundation Doctoral Dissertation Improvement Grant, Law and Social Sciences Program. At Duke, he is currently teaching a self-designed undergraduate course titled Anthropology of Law.

Mr. Sobel-Read has worked as a literary agent, nanny, construction worker, translator, au pair, teacher, and line worker in a frozen potato processing plant.

Mr. Sobel-Read is married to Alison Sobel-Read and together they are the proud parents of two patient and delightful research assistants, Nolan and Tessa (Tavake), aged 5 and 2 respectively at the time of the defense of this dissertation.