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Reconsidering the Development of Citizenship of the Republic of China (Taiwan) Under the Shadow of the Citizenship-Nationality Complex*

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Abstract

This research examines the evolution of citizenship in the Republic of China (Taiwan) from the beginning of 1949 to the post-democratization period, under the shadow of the still unresolved divided-nation issue across the Taiwan Strait. Embedded in communitarian ideals, the evolution of citizenship has been shaped by the gradually-consolidated *new-era communitarian-ness*, which is a concept comprised of: an inclusive membership having both *territorial*-national and *post*-national elements, active and self-consciously exercises of citizen rights and civic participation in community affairs, a newly-configured identity that blends indigenous ethnocultural features with universal values, while reformulated by the effect of a definite territorial domain under the ROC's effective control. This process of the development of citizenship has been advanced in due course of democratization and democracy consolidation, with which nationality has been relegated to a secondary position. Nevertheless, the issue of nationality resurfaces when incidents occur that have the salience of intra-national affinity and rivalry, such as the influx of Hong Kong immigrants to Taiwan.

Keywords: Citizenship, Communitarian-ness, Definite Territory, Politics of Nationality, Politics of Identity Reconfiguration

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I. Prologue

A. The Hong Kong Exodus of the 21st Century

The sociopolitical turmoil, triggered by the Anti-Extradition Law Amendment Bill movement in Hong Kong in 2019 and exacerbated by the subsequent pandemic crisis spanning 2020-2023, has jointly catalysed a great exodus of Hong Kongers, leading to a considerable drop in Hong Kong's overall population. The population growth rate at the end of 2020 had reached a record low point of negative 1.2%, compared to a negative 0.3% rate in 2021 and a positive 1.0% rate in 2022 (Census and Statistics Department, 2023). A portion of these Hong Kongers has managed to settle in Taiwan (the Republic of China, ROC) by obtaining the Taiwan Area Resident Certificate or gaining ROC citizenship (See Table 1) (National Immigration Agency, 2024). This sudden influx has prompted swift reactions across all sectors in Taiwan, including in civil society groups and in governmental agencies. Despite declining to join international sanctions, the ROC government was, allegedly, the first to provide humanitarian aid to these Hong Kong emigrants by opening a special task office under the administration of the Mainland Affairs Council (Aspinwall, 2020).

Table 1
Hong Kong People Immigrating to Taiwan Via Obtaining ARC Status and ROC Citizenship, 2018-2023

Year	Obtaining TARC (Taiwan Area Resident Certificate)	Obtaining ROC citizenship	Total
2018	4,148	1,090	5,238
2019	5,858	1,474	7,332
2020	10,813	1,576	12,389
2021	11,173	1,685	12,858
2022	8,945	1,296	10,241
2023	6,626	1,432	8,058

Note: Data from People in The Mainland Area Entering Taiwan Area. Statistics, by Ministey of the interior National Immigration Agency, Republic of China (Taiwan) (n.d.).

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Swift governmental responses aside, the situation became fuzzier. The Taiwanese generally hold ambivalent views toward this influx of Hong Kong immigrants, despite their sympathy for their struggles against Beijing's tightened controls (Nachman et al., 2021). Taiwanese support remains symbolic, which implies the lack of a genuine connection, as many Taiwanese politicians have suggested (Table 2). These vagaries aside, many Taiwanese hold that they share with the Hong Kong immigrants a common adversary: Communist China (the People's Republic of China, PRC).

Table 2
Taiwanese Support for Hong Kong Immigrants

Issues	Approval Rate
Right to vote	43%
Right to migrate to Taiwan	36%
Right to purchase housing	25%

Note: Data From Taiwanese Are Sympathetic but Uncertain about Hong Kong Refugees, by Nachman et al., 2021.

This unexpected Hong Kong exodus of the 21st century has also revitalised public attention to the refugee issue (Cody, 2020; Reynolds, 2020), which had lapsed into dormancy after the last legislative deliberation in July 2016 (Gerber, 2016),[1] when various drafts proposed by the Democratic Progressive Party (DPP) and New Power Party (NPP) failed to earn the required legislative approvals. Legislative failure can be attributed to, first, the thorny issue of PRC-ROC political relations, and second, the intricacy of integrating refugees with different cultural backgrounds into Taiwanese society. Absent refugee laws, asylum applications in Taiwan have been left in bureaucratic limbo. Nevertheless, the Tsai Ing-wen administration (DPP, 2016-present) decided to stick to a case-by-case approach to handle this issue, while declining to enact

[1] Debates on the refugee issue and corresponding legislation had been ongoing since the Chen Shui-bian administration (DPP, 2000-2008), and the progress on the legislation of asylum and refugee issues has been stalled since its second reading in July 2016.

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new legislation (Cheung & Chung, 2021). In the face of this unprecedented Hong Kong exodus, the ROC government holds that the incumbent mechanism is sufficient, while implying potential tumult in the Cross-Strait relations that entails corresponding legislative amendments. Furthermore, the Taiwanese have seemingly deemed these Hong Kongers to be another country's nationals; yet, they are legally presumed to be ROC nationals living in the Hong Kong area. What is revealing is that despite a lack of ethnocultural affinity between the Taiwanese and Hong Kong immigrants, there is a sentiment of being the victim of Chinese suppression shared between Taiwan and Hong Kong against a common adversary: Communist China.

Given the hesitant official position, wavering public opinion, and aborted legislative attempts, the fallowing critical questions logically arise: are these Hong Kong immigrants considered to be ROC nationals? Triggered by the influx of these Hong Kong immigrants, how can the tensions between nationality and citizenship be understood in the still-evolving PRC-ROC relations?

B. Reconsidering the Citizenship Issue in the Democratic ROC

This research studies citizenship, nationality, and their tensions with each other during the Chinese transformation to a modern nation-state, which was first recorded in the late 19th century. For most of the time during this transformation, the concepts of nationality and citizenship had not been conceptually distinguished. Instead, nationality assumed a dominant position, while subsuming the deliberation of citizenship. This emphasis put on nationality can largely be attributed to a national salvation complex, and an accompanying aspiration for omnipotent leadership, which not only led to the subordination of the state but also reinforced the nationality-citizenship fusion by emphasising the blood and emotional bonds between the people and the nation. In this vein, citizenship had been suppressed, while being marginalised in the decades-long period of national division before the ROC's process of democratisation.

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This nationality-citizenship fusion was prevailing in Chinese politics during most of the 20th century, so that the divided-nation issue and the related politics of nationality had overwhelmed the ROC's development. It was not until the steps taken toward democratisation in the 1990s that space were created for renewed deliberation of citizenship, while its development was nourished along with the development of the politics of identity and recognition. Nevertheless, the politics of nationality were not totally abandoned, but loomed in the background to resurface when conditions were met. The immigration of these Hong Kongers to Taiwan after 2019 revitalised the politics of nationality, while sending a pointed reminder of the still-unresolved nationality complex that comprises the ROC's inchoate statehood, aspirations for international recognition, and the residual PRC-ROC competition for international Chinese representation.

The resurfacing nationality complex has locked the status of Hong Kong immigrants into a scenario embedded in the issue of PRC-ROC competition for international Chinese representation. The politics inherent in the ROC's efforts at seeking formal recognition from the international community, which can be referred to as the politics of identity and recognition, is likely to be challenged by the politics of nationality, which underscores the issue of these Hong Kongers' status under the ROC's legal framework. However, these Hong Kong immigrants have been thrown into a greater plight. Despite being legally-presumed to be ROC nationals, they have suffered refugee-like difficulties, whereto relevant international protection is not applicable. Furthermore, they are facing harsher conditions than regular refugees when seeking long-term residency in Taiwan by obtaining the ROC citizenship. The reality is deeply discriminatory. These Hong Kongers need to work harder to prove their values to Taiwanese society before they are able to secure a safe and stable life there (He et al., 2019; Liang, 2022; Wang et al., 2022). In the ROC's quest for long-aspired international recognition, how would these Hong Kong immigrants be positioned in the ROC's legal framework? Relatedly, what would their legal status be?

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These harsh realities provoke some reflections. How should citizenship be understood within the ROC's ongoing democratic consolidation? How can the development of citizenship help illuminate state(ruler)–society(ruled) relations? Has the ROC continued to be haunted by politics of nationality, epitomised in statist institution such as the title of the national identity and the indefinite territorial boundaries? Furthermore, has the politics of nationality intervened in and shaped the development of ROC citizenship? This paper intends to address these issues by delving into the development of the still-evolving definition of citizenship in the ROC.

To better address the interactive dynamics of nationality and citizenship, this research opts for an analytical method that begins by re-deliberating the definition of citizenship via its four constitutive dimensions, its application in the ROC context, and its interaction with nationality in issues listed in chronological vicissitude. This research contends that ROC citizenship has developed further by being premised upon the new-era communitarian-ness after democratisation. By encapsulating how nationality has been trumped by citizenship in the democratic ROC, the strength of this new-era communitarian-ness began to flourish, not only due to shared culture and tradition, but also from citizenship activities. These include common living experiences, the active exercise of rights and civic participation, identity reconfiguration and membership redefinition propelled by a synthesised form of ethnocultural and civic nationalism, and a definition of nationality transformed by a newly emergent factor: a definite territorial domain. Therefore, examining the conceptual evolution and vicissitudes of citizenship is intellectually-enlightening, not only for understanding how the transformation of a modern Chinese nation-state can be sensibly-prescribed with contextual details, but also for reexamining its statehood realistically. Therefore, this research paves the way forward for reevaluating the ROC's status in the international community.

In the following section (Section II) citizenship will be studied from a structural perspective by examining its four constitutive dimensions: membership,

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identity, rights and participation. This study contends that a communitarian model of citizenship fits the ROC context, whereby the communitarian-ness has formed in the interactive dynamics between membership and identity, while being formalised through nationality. Furthermore, its development has been advanced through the exercise of individual rights, mostly for collective goods, and the peoples' participation in community affairs. In Section III, citizenship will be repositioned in the context of the democratic ROC. The politics of nationality in the context of a divided nation had dominated the ROC's national development in the pre-democratisation era (1949-1991), which collaterally suppressed citizenship and its development. It was not until the democratisation era (1991-present) that space was created for the re-deliberation of the definition of citizenship, whereby its sophistication has been realised through the integration of inclusive membership into a Taiwanese identity, and the exercise of citizens' rights and civic participation embodied in the principles and practices of self-determination. Nationality has therefore been relegated to a secondary position, which nevertheless resurfaces when incidents involving intra-national affinity and rivalry occur. Section IV concludes with some observations made for future research.

II. Citizenship: An Analytical Framework

A. Citizenship

Citizenship is a multidimensional category, the elaboration and practice of which includes a range of political, legal, socio-economic, and cultural features. Citizenship serves a dualist function, as a conceptual term that orders multiple realities, of which are encapsulated in relevant discussions and policy dialogues of citizenship status (Hodgson, 2011; Hsu et al., 2022; Hurenkamp et al., 2012, pp. 135-148). Meanwhile, citizenship can also be an object of empirical study, to which attention is drawn to citizenship practices, as well as their effects and implications.

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(A) Models of Citizenship

There are several different models of citizenship: the inclusivity model, Marxist theory, liberal theory, communitarian theory, pluralist theory, multicultural theory, the feminist critique, and the intersection of globalisation and citizenship.

Class struggle underpins the claims categorised under the Marxist theory of citizenship. *Inter alia*, Anthony Giddens views citizenship as one among others … won by a particular class through rebellion, via suppressing the rights of the oppositional and antagonistic class (Giddens, 1981a, 1981b). Furthermore, citizenship rights can be … extended via the advancement of class conflict, which intriguingly reifies the contested nature of modern citizenship due to consistent challenges posed by the ruling class (Giddens, 1985).

As a proponent of liberal theory, T. H. Marshall deals with two themes underlining citizenship rights: equality and integrity, which define citizenship a status enjoyed by those who are full members of a community (Marshall, 1950). He argues that citizenship can be more precisely classified into three categories: the civil, the political, and the social aspects. The civil aspect establishes individual autonomy, recalibrated in the principle of equality (Barbalet, 1988, p. 6; Marshall, 1964). It is secured and delimited by law, while being exemplified in the freedom of speech, the freedom of religion, free movement, the right to assembly and association, property ownership and protection, etc. (Barbalet, 1988, p. 19; Delanty, 2000, p. 15; Habermas, 1996, p. 503; Marshall, 1950, p. 10). The political aspect addresses mainly the right to participate in the democratic decision-making process and the exercise of political power (Barbalet, 1988, p. 6; Habermas, 1996, p. 503; Marshall, 1950, p. 11), which is necessary for the realisation of citizens' political participation "on free and equal terms" (Bellamy, 2008, p. 14). For the social aspect, a state's welfare policy needs to ensure citizens a life of dignity, which is epitomised in the fulfilment of basic income, social security,

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and the right to societal participation (Habermas, 1996, p. 503; Barbalet, 1988, p. 6; Marshall, 1950, p. 11).

Communitarian theory, which is often referred to as republican theory, focuses on citizen participation in political affairs. With the proponents of Arendt, Walzer and Barber (Arendt, 1977; Barber, 1998, 1984; Walzer, 1983, 1990, 2021), citizens must acquire sufficient agency to realise their involvement in community affairs. It is only when they actively engage in the culture, beliefs, and sentiments of their community, that citizenship can be substantially achieved. Put another way, citizens' active participation in community affairs is of critical importance in forming a strong sense of belonging to a given community, which constitutes an integral part of the development of citizenship.

While emphasising citizens' engagement in community affairs, the pluralist theory nevertheless underscores the interdependence of rights and duties inherent in citizenship. Held thus defines citizenship as the reciprocal relationship between individuals and the community that has been premised (Held, 1989). Turner establishes a sociological model of citizenship, while emphasising more the need of nondiscriminatory coexistence between individuals, and between individuals and the community (Turner, 1986).

By adding the multicultural criterion, this theory stands out from previous strands with its capability to address the challenges and complexities arising from cultural diversity within a society. Different cultural identities and corresponding practices are therefore expected and require opportune flexibility and space within the framework of citizenship.

Will Kymlicka argues for multicultural citizenship, which he defines via his exploration of how cultural diversity can be accommodated in liberal democratic states under the conditions for upholding individual rights and equality (Kymlicka, 1996). Iris Marion Young's proposal of differential citizenship is to provide space to acknowledge and accommodate the specific

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needs of different groups which could better match their different experiences involving community affairs (Young, 1990). Therefore, structural inequalities would need to be recognised due to their sometimes disproportionate impact on the rights of certain groups. This entails active participation of all citizens, irrespective of their cultural backgrounds, which thus necessitates regular reevaluation of institutional structures and relevant practices to avoid perpetualising exclusion. Kymlicka (1996) and Young (1990) both make effort at reconciling cultural diversity with the principles of liberal democracy, although with different focuses. Kymlicka focuses on the group-specific characteristics and the capacity of a liberal framework for cultural accommodation. Young's attention is put on the structural aspect by addressing systemic inequalities and inclusive democratic practices.

The globalisation perspective brings in the influences of economies, cultures and societies in an era of globalisation. Yasmin Soysal advocates for a cosmopolitan perspective that allows citizenship to transcend the limits of territorial states by branding it global citizenship (1994). Collaterally, interconnectedness between individuals living within different national boundaries can form and be consolidated under the principle of universal personhood, which promotes diversity, social justice, and meaningful involvement in global civil society. Soysal's focus is on forming a sense of citizenship at a supranational level, upon which the individual's sense of inclusiveness and understandings of interconnectedness can be better reconciled within the complexities of the reality of globalisation.

The feminist critique is premised on a gender-related perspective, criticising existing theories for being gender-blind. Voet addresses the ideas and uses of private and public spheres, viewing citizenship and the entailed participation in community affairs as a domain reserved exclusively for males (Voet, 1998). By introducing a gender-sensitive perspective, differentiation is needed in both the equality aspect and the citizenship domain to address the disadvantages women face in the social reality beyond formal equality.

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(B) Elements of Citizenship

Despite the various models of analysing citizenship, there remain certain core elements. They are: membership, identity, rights, and participation (Bauböck, 1994; Bellamy, 2008; Carens, 2000; Cohen, 1999; Delanty, 2000; Faulks, 2000; Kymlicka & Norman, 2000, pp. 1-41; Olsen, 2008, 2012, 2013).

Through the communitarianism lens, membership can be deemed as the institution that determines which individuals can be included in a given community. As a legal status, individuals can establish institutionalised connections with their given communities, whereby the inclusion-exclusion issue is addressed. Furthermore, conditions of membership are premised upon commonly-shared values and interests and get consolidated through exercises of individual rights and participation in community affairs. While the selection criteria for membership has been largely formed under the discretion of existing community members (Walzer, 1983, p. 32, 1992, p. 66), the citizenry thereby established is generally premised upon bounded domain, which is usually a nation-state with a demarcated national territory (Brubaker, 1992; Olsen, 2008).

Identity is connected to citizenship in a relatively convoluted manner. Inevitably, Citizenship is mutually intertwined with identity, for identity is where civic bonds are embodied and applied in the forging of a unique interactive status which contributes to the meaningful distinctions between communities (Heater, 2004). Therefore, a citizen's identity is built upon civic bonds, which have been informed with either the ethnic or socio-cultural data of given communities, or from the ideals and values upheld in various international legal texts. When focusing on ethnic elements or civic values, identity denotes how the connections between an individual and a community can be established, whereby a sense of belonging to a given community can be formed and further consolidated. (Fossland & Grimen, 2001; Heater, 2004).

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Those who are granted citizenship enjoy a set of rights and entitlements that correspond to their citizenship status (Bellamy, 2008, p. 13; Habermas, 1996, p. 75). A citizen's right is "a resource provided by social institutions which protects and legitimates the existence, needs and interests, or the actions of the bearer of the right" (Bauböck, 1994, p. 209). Furthermore, citizens' rights contain multidimensional aspects which duly reflect what internal life can be in a democratic political system, with pluralised goal-setting, wide-ranging manners of self-fulfilment, and a balanced interaction between rights and obligations.

T. H. Marshall argued that a citizen's rights can be classified with more nuance into three categories: the civil, the political, and the social aspects. The civil aspect establishes individual autonomy which is recalibrated against the principle of equality (Barbalet, 1988, p. 6; Marshall, 1964). It is secured and delimited by law, while being exemplified in the freedom of speech, freedom of religion, free movement, the right to assembly and association, and property proprietorship and protection, among other rights (Barbalet, 1988, p. 19; Delanty, 2000, p. 15; Habermas, 1996, p. 503; Marshall, 1950, p. 10). Political rights are associated with the right to participate in the democratic decision-making process and the exercise of political power (Barbalet, 1988, p. 6; Habermas, 1996, p. 503; Marshall, 1950, p. 11), which are necessary to realise citizens' political participation "on free and equal terms" (Bellamy, 2008: 14). Social rights are normally linked to a state's welfare policy to secure citizens with lives of dignity, which usually includes basic income, social security, and the right for societal participation even if they lack necessary resources (Barbalet, 1988, p. 6; Marshall, 1950, p. 11; Habermas, 1996, p. 503).

Participation serves as a means through which citizens channel their voices through policy deliberation and voting in national and local elections. Participation takes both voluntary (active) and involuntary (passive) forms. Voluntary participation refers to exercises of institutionalised rights, including the right to participate in the political system by voting, running for office, standing as candidates, and other such political activities which are able to

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influence the policymaking, decision-making, opinion-formation, and information-dissemination (Habermas, 1996, p. 151, p. 503; Olsen, 2008, p. 35), leading to active civic participation and the shaping of democratic procedures. Involuntary participation is practiced through undertaking obligations prescribed by domestic political systems, including compliance to the law and fulfillment of legally-mandated shares to support the community's operation and realise its essential goals. This involuntariness can also involve individuals sacrificing personal gains for the common good, and in exchange for benefits and protection from the state.

The dynamic interaction and mutual influence of these elements have shaped the operation of citizenship, transforming it in consistently-evolving external contexts.

B. Communitarian Citizenship in the Contemporary ROC

(A) Communitarian Citizenship

Communitarian citizenship is characterised with a sense of belonging to a given community. Embodied in communitarian-ness, its formation and evolution have been epitomised in the interaction between membership and identity.

Membership in communitarian citizenship is characterised by cultural traits, because the communitarian deems community a culturally-defined group, as "social collectives whose members are tied to one another by bonds of affection and by at least a core of shared values" (Etzioni, 2011, p. 336). In this vein, membership implies a member's integration into the community based on a shared culture and identity accentuated with certain common elements. By this account, membership into communitarian citizenship can be highly exclusive, so that outsiders shaped by unfamiliar cultural backgrounds and foreign customs would be rejected (Heater, 1999). Therefore, citizenship is not so much a legal status established by certain civil values and derivative

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virtues such as deference to human right and rule of law, but rests solely on being situated within a given community (Kymlicka, 1990, p. 207).

Furthermore, identity needs to be factored into the discussion, as its interactive dynamics with membership help clarify the structure of communitarian-ness.

The communitarian model posits that citizenship develops in a community of shared culture and values, which logically leads to the cultivation of a common identity. This is particularly the case in a democratic system, as individuals' belonging to a historical and cultural community helps enhance democratic legitimacy (Olsen, 2005, p. 36). Collaterally, the effort to promote "essentially shared values" also implies that the identity of separate selves is "partially or wholly constituted by the relation itself" (Kartal, 2002, pp. 14-15). In other words, the identity stems from and is nourished by the reality of the individual's social-embeddedness, which confirms that a sense of belonging to a community fortified by cultural bonds and traditional ties is at the core of communitarian citizenship. In this sense, identity can be considered to be a defining element of conferring communitarian citizenship.

That said, the formation of the communitarian-ness of citizenship can be summarised as follows: membership is a legal status, whereby community members determine the selection criteria so that community boundary-making evolves and adapts through member inclusion. In this vein, membership is exclusive in nature and informed with the tenets and practices of collectivism. Identity refers to the self-identification of community members, both as individual traits and as collective perceptions, which are informed with either ethno-cultural elements, civic values, or a combination of both, while the formula varies depending on the given national context. In this sense, individuals are deemed as socially-embedded (Kymlicka, 2001), whose identities are formed by the individuals' positions in the socio-cultural network, and their relations with the community and with the other members (Gaventa, 2002). Communitarian-ness has been developed and refined in the community members' exercise of rights and civic participation.

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While *rights* generally refers to cultural and collective types, *participation* is a form of political practice by community members, largely through the exercise of citizens' rights and the fulfilment of their corresponding obligations. In the communitarian lens of citizenship, individual rights are balanced against the needs of the community, and may even be overridden at times with the pursuit of the common good with exemplary practices. Kymlicka defines the common good refer as the "substantive conception of the good life which defines the community's 'way of life'" (1990, p. 206). In this sense, pursuing the common good endorsed by the community is one way individuals can make contributions to the community. For example, this can be done by sacrificing personal gains and pursuing a life that reflects the community's expectations, while simultaneously upholding community goals. Therefore, the communitarian has associated individual rights with group or cultural rights, which are derived from the active participation in public affairs for community interests.

Furthermore, this communitarian model depicts the individual as a proactive citizen, who is willing and feels obliged to contribute to public activities via civic participation in community affairs. This alludes to the importance of civic participation as a form of civic obligation, which is contrary to the self-focused individuals prescribed in the liberal model of citizenship. Participation is therefore considered a necessary component that encapsulates individuals' engagement in public affairs for the collective good. In this sense, community members' political practices, epitomized in participation, are consequently crucial to the consolidation of citizens' sense of belonging.

(B) Communitarian Attributes Inherent in ROC Citizenship

The Taiwanese have perceived the concept of citizenship mainly from a communitarian point of view, where an identity based on communitarian-ness−a sense of belonging to the Taiwanese community, both conceptually and operationally−has dominated the formation and evolution of citizenship amid ongoing national development. However, it also has a touch of liberal

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essence, such as the protection of individual rights and the actualisation of social justice.

Given the legacy of authoritarian rule, protecting individuals from governmental interference constitutes one remarkable achievement in the course of democratisation. This view therefore "denotes membership in a community of shared or common law, which may or may not be identical with a territorial community" (Pocock, 1995, p. 37). However, as central as individual liberty is in this understanding, it is communitarianism that has informed the conceptualisation of citizenship and actualised its operation. In this vein, individual liberty is discussed and defended in both public and private spheres, which differs from the liberal concept of citizenship that stresses citizens' freedoms exercised primarily in private associations and relationships rather than in the public or political domain. Therefore, political liberty constitutes one important dimension of individual freedom in the Taiwanese understanding of citizenship, which has been informed by the ideals of self-determination, salvation, and fulfilment, while being framed by a group-oriented mentality.

This group-oriented mentality is epitomised in the outcome of a poll conducted November 2021. Compared to 16 other advanced economies from Europe and Asia, the Taiwanese respondents marked society as the most important factor (38%) able to bring meaning to their lives, outranking Singaporeans (23%) who were in the secondary position with considerable margins (Silver et al., 2021). Furthermore, the Taiwanese place material wellbeing as the second most important goal for leading a meaningful life, which refers to their economic security and sufficiency. Only in a secure environment with institutionalised protection can Taiwanese aspirations to property, safety, and wealth accumulation be realised and guaranteed. Community serves a constitutive role in how individuals make life decisions, leading to a kaleidoscopic manifestation of life choices, based upon individual free will. Therefore, individuals are viewed as socially-embedded human beings, who shoulder obligations inherent to their status as community

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members, promoting the common good, dedicating themselves to political activities, and aiming to improve community life.

(C) Scarcity of Literatures on ROC Citizenship

There is relatively little literature on the development of ROC citizenship. In the early 21st century, Rigger (2002) argued that a growing consciousness of national identity had been nourished over the previous decade alongside democratisation. Despite earlier ethnic divisions between native Taiwanese (also dubbed benshengren [本省人]) and those who came from the mainland during the 1940s (also dubbed waishengren [外省人]), in recent years cultural cleavages and incongruence between different ethnic groups over the future of ROC-PRC relations has been reduced by a new and inclusive Taiwanese identity, partly through national education and intermarriages. This leads to an increasing majority Taiwanese identity, which now defines itself as simply Taiwanese, or as both Taiwanese and Chinese.

Chou (2016) identifies three trends that have substantially influenced Taiwan's policies of citizenship education: Western democracy, Confucian traditions, and the still-evolving Cross-Strait relationship. While citizenship education remains a contested term in Taiwan, it has been designed to fulfil the multiple needs of social change, government policy, and personal development. However, Chung (2009, p. 249) finds that the concept of national identity receives very little attention in contemporary Taiwanese citizenship education, largely due to the ambiguous political relations with China. Nevertheless, an image of "being Taiwanese" is increasingly promoted and receives increasing attention in Taiwan's curriculum and instruction.

Law (2021) traces the development of Chinese notions of citizenship and citizenship education in relation to social changes and historical transitions, with his attention placed on the incumbent citizenship regime of the PRC. While the terms "citizenship" and "citizenship education" first appeared in 1912 under the ROC regime, Confucianism, the Three People's Principles

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(proposed by Sun Yat-sen, the founding father of modern China), and Chinese socialism, respectively, influenced social transitions, developing the Chinese modern citizenry with multidimensional citizenship education in responses to domestic and external contexts over time.

Chen and Huang (2024) state that along with the onset of democratisation, Taiwan has been transformed into a robust democratic nation, which has simultaneously reshaped the development of Taiwanese citizenship. In this vein, complex citizenship dynamics can be observed due to a mix of perplexing legal structures and a precarious international status. Furthermore, with the Greater China ideology deeply entrenched in the incumbent legal framework, the citizenship status in Taiwan is fragile, particularly for Taiwanese traveling abroad, which has been exacerbated by the lack of formal recognition from the international community and the undetermined sovereign status of the ROC. Aside from exogenous challenges, internal conflicts among different groups of citizens within Taiwan, such as Taiwanese residents with ancestral origins in the southeastern provinces (also dubbed benshengren [本省人]), Chinese immigrants who arrived after World War II (also dubbed as waishengren [外省人]), and Taiwanese indigenous people, all play a role in the formation and shaping of citizenship practices in the democratic ROC.

C. Citizenship vs. Nationality: Formalising Communitarian-ness

In the communitarian model, an individual's sense of belonging to the community, as well as citizenship development, hinges on the formation, evolution, and deprivation of communitarian-ness, which is formed from the membership status and identity of both individual and collective levels, and established from the practice of citizens' rights and exercises of civic participation. In this vein, membership is critically influenced by the inclusion of individuals into given communities, while identity substantiates this inclusion with ethnocultural elements and civic values encapsulated in identity narratives. Therefore, membership addresses the institutional aspect by attending to criteria and conditions of inclusion ascribed by the community,

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while identity focuses mainly on how this institution has been driven and operated through the elaboration of identity narratives and content.

The decision of nationality falls within the sovereign exercises of a state's government. This decision can help an individual to be formally recognised as a state's national, upon which the individual can gain citizenship status via their fulfilment of certain elements: the conditions of membership, the formation of identity narratives, the exercises of political rights, and the participation in community affairs. Nationality has therefore served to formalise the communitarian-ness, while safeguarding the individual from all challenges imposed exogenously. In this vein, communitarian-ness fleshes out the national image of given communities embodied in nationality, while nationality formalises the communitarian-ness by consolidating the sense of belonging of the community members via its conditions which are set by the state's government. That said, nationality and communitarian-ness generally interact in a mutually-reinforcing manner.

In succinct terms, membership is a legal status, which comprises a set of criteria that establishes an individual's inclusion into a given community. It therefore provides an objective reference by which inter-group and inter-community demarcation can be drawn and readjusted. Over time, the evolution of membership also triggers identity reconfiguration and a personal identity that resonates with it in a synchronised manner. The evolution of membership therefore functions as a kind of soft norm of boundary-making of a given community, while its interconnection with identity is reflected in the nationality regime. The nationality regime is, in essence, the formalisation of the communitarian-ness of a given community within the existing political institutions that operate by reinforcing the cultivation of a unique identity and strengthening its membership.

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Table 3
Communitarian Citizenship vs. Nationality

	Citizenship				Nationality
	Communitarian-ness				
	Practicing Communitarian-ness		Forming Communitarian-ness		Formalising Communitarian-ness
	Right	Participation	Membership	Identity	
practice and attribution	- cultural rights - collective rights - community-oriented activities	- citizen rights (active) - citizen obligations (passive) - a form of the political practices of community members	- a legal status - community members determine selection criteria - community boundary-making through member inclusion - collectivism - exclusiveness	- self-identification - ethno-cultural elements - civic values	- formalising the communitarian-ness - formalising citizenship in the statist institutions

III. The Nationality-Citizenship Complex in China's Transformation to a Modern Nation-State

To attend to the needs and wellbeing of the people had long been a central concern of the Chinese ruling elite in the pre-modern era. Yet, there is no doubt that the introduction of citizenship, as a product of politico-social developments in the West as a rights-based approach at the turn of the 19th to the 20th century, had triggered Chinese elites' efforts to re-examine the relevant concepts under the "*ti* (體) – *yong* (用)" formula,[2] a guiding principle of the Self-Strengthening Movement that was initiated by the Qing government between 1861 and 1895 (Palmer, 2003; Twitchett & Fairbank, 1978). One example is the conceptualisation of citizenry and the corresponding re-illustration of state-society relations, which posited that the people were citizens in a constitutional republic in the early 20th century, and not subjects of imperial monarchy. Yet, the sophistication of citizenry and citizenship had

[2] This term refers to an East-West synthesis model in which the system of Western knowledge serves as an instrumental tool shedding illumination on state-building, while the Chinese classics and texts provides principled guidance.

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fallen behind schedule due to the decade-long turmoil caused by the Japanese invasion, the Chinese Civil War, and the context of the divided-nation that would result.

A. ROC Citizenship in the PRC-ROC Contestation over Nationality (1949-1991)

In the divided-nation context of the pre-1991 era, pressures of regime survival and competition over ruling legitimacy under the shadow of the Chinese representative issue have jointly shaped and reconfigured communitarian-ness. In other words, it was the politics of nationality that had dominated the development of communitarian-ness, redirecting policy efforts and corresponding socio-cultural resources toward issues helpful for the realization of a national unification agenda. In this vein, the politics of nationality had been characterized with heavy state intervention, with citizenship policies substantially suppressed.

Citizenship policies had been suspended because their development had been closely related practices of people's political rights. Instead, politics of nationality had dominated, strengthening the ROC government's narratives of it being the legitimate representative of China, whereby the nationality regime that was firmly grounded in the *jus sanguinis* principle (a Latin term for nationality related to bloodlines).[3] Membership and identity had been substantially reshaped, attaching critically important ethno-cultural elements to redrawing community boundaries and re-making identity narratives. In this manner, communitarian-ness could most effectively support the national unification agenda sanctioned by the ROC government. Meanwhile, reconfigurations of communitarian-ness had been aimed at creating an idealised people which had been inculcated to honour and prioritise ethno-cultural

[3] See, Oxford Reference (n.d.) "Jus Sanguinis", [Jus sanguinis is] the principle that the nationality of children is the same as that of their parents, irrespective of their place of birth. This contrasts the concept of "jus soli", whereby nationality is dependent on place of birth.

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elements inherited from Chinese civilisation with unwavering allegiance to the ruling authority. A song titled "Descendants of the Dragon", written in 1978,[4] serves as an example of a patriotic symbol, as its lyrics were written in response to the serious downturn in the ROC-U.S. relation during the 1970s (Ministry of Culture, 2015).

That said, the ROC government's emphasis on nationality can be attributed to its competition for control over territory and population, which catalysed antagonism between rival regimes in the context of a divided-nation. Serving as indicative evidence of ruling legitimacy, the ROC's efforts at obtaining territory and winning popular support, particularly from the overseas Chinese, had aimed to justify its self-portrayal as the sole legitimate successor to the founding father of the modern China, Dr. Sun Yat-sen. (Han, 2019; Wang, 2011).

Thus, this drove the ROC government to further dedicate itself into the cultivation and promotion of "authentic" Chinese culture, which in turn reinforced the nationality regime. The ROC held onto the idea of cultural supremacy exhibited in the Chinese Culture Renaissance Movement (which started in 1966, with no explicit ending date) as a comparison to the cultural extinction vehemently pursued in Mainland China (during the Cultural Revolution, 1966-1976). As a result, great importance was placed on ancestral lineage and a Han-Chinese-centric cultural narrative in Chinese history, which accordingly formulated nationality (Rigger, 2002; Gold, 1992; Shih & Chen, 2010, pp. 95-98; Wu, 2011).

However, with an enhanced nationality regime reinforced by the emphatic importance of ethno-cultural elements, the fallout from the ROC government's heavy intervention in identity-engineering seemed inevitable, which intriguingly

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4 "Descendants of the Dragon", also translated as "Heirs of the Dragon", is a Chinese song written in the 1980s, which had commonly been regarded as a patriotic song expressing sentiments of Chinese nationalism.

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left membership aimlessly-anchored. Communitarian-ness had therefore been substantiated mainly through nationality, which was fortified largely by practices of invented Chinese festival traditions and the policy benefits attached to the status of nationality. A vivid example is the territorial claim over the Diaoyutai Islands, which had not been claimed by the then Nationalist Party (KMT) administration until 1971, after the U. S. announced the handover of the Ryukyu Islands to Japan (The New York Times, 1971). This claim had been informed by historical incidents, serving as evidentiary reference to ROC sovereignty, which could be traced back to the Han dynasty (Department of Treaty and Legal Affairs, 2012). Contrarily, the ROC's claim had not included the fishing practices of coastal communities in Northeastern part of Taiwan until the late 1990s,[5] when elements of Taiwanisation were introduced into all aspects of Taiwan's national development by the Lee Teng-hui administration.

As a result, what dominated the development of communitarian-ness was nationality, the strength of which was determined by a complex of attenuated membership based on an imagined territorial domain, an identity instrumentalised under heavy state intervention and ideological dogma, and attached realistic interests. Intriguingly, the overwhelming politics of nationality reified how nationality had been shaped, and how its discourses were re-deliberated through a multi-dimensional approach which covered both macro and micro aspects of community life. With this, the focus would be redirected to the individual, echoing the *jus sanguinis* had implied, that the "ethnicised" state moves with its members and even beyond its territory, while continuing to exert a personal jurisdiction over its citizens (Fitzgerald, 2017; Joppke, 2003).

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5 It was in 1998 that the Lee Teng-hui Administration (Nationalist Party, KMT, 1988-2000) had included, for the first time, the rights and interests of fishing communities into the ROC's Diaoyutai Islands claim. See the "Foreign Policy" in Column 6 (issued March 18, 1998), The List of Diaoyutai Islands (Department of Treaty and Legal Affairs & Legal Affairs and Association of East Asian Relations, 2012).

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Table 4
Citizenship in the PRC-ROC Contestation of Nationality (1949-1991)

	Citizenship				Nationality
	Communitarian-ness				
	Practicing Communitarian-ness		Forming Communitarian-ness		Formalising Communitarian-ness
	Rights	Participation	Membership	Identity	
practice and attribu-tion	- cultural and collective rights - community-oriented action Suspended: - political rights	- citizen obligation (passive) Suspended: - citizen rights (active) - political practices	- community formed with cultural boundaries - exclusiveness - sense of belonging informed with ethno-cultural elements ex: lineage, ancestry, culture	- a collective identity - individual self-identity to serve the national imagination - heavy state intervention	- politics of nationality - nationality supersedes citizenship - nationality equalised as national identity, subsuming individual's self-identity - *jus sanguinis*

Note: Amid democratisation, the ROC had denounced nation-wide mobilisation against the Communist rebellion in 1991, which was a *de facto* recognition of two separate, independent Chinese governments across the Taiwan Strait.

B. ROC Citizenship in the Era of Democratisation (1991-present)

Beginning in the 1980s, political reform had been triggered alongside democratisation, while more indigenous elements had been incorporated into the socio-cultural aspect of the Taiwanese context, (also dubbed *indigenisation*) and the into the lifting of government control in the political and social aspects (commonly referred to as economic deregulation). Against this backdrop, the ROC government had to make necessary adaptations, such as downgrading aspiring claims over territories not under its effective control, shifting its focus from the military takeover of the mainland and national unification, to the maintenance of peaceful relations across the Taiwan Strait. As a result, the ROC relinquished competition over the issue of Chinese representation in the international community.

Parallel to the advancement of democratisation, citizenship reformulation revitalised from the 1990s. In due course, nationality had been de-emphasised,

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while citizenship had been remoulded by the manoeuvring of the politics of identity and recognition, and had been nourished by new-era communitarian-ness. As a result, a newly-configured Taiwanese identity continued to evolve from the integration of indigenous ethnocultural elements and values shared among citizens inside and outside the territorial borders of Taiwan. Likewise, membership has been transformed from one embedded in a common lived experiences within the territorially-bounded communities to a more inclusive form that is issue-centric and based on values and ideals that go beyond the boundaries of the nation-state. Furthermore, exercises of citizen rights and civic participation in community affairs have been protected in a politico-legal institution that honours democratic constitutionalism.

In the democratic era, the pro-unification forces in Taiwan continue to wield the politics of *nationality*, going head-to-head with the emerging trend of new-era citizenship informed by the politics of *identity* and *recognition*. Now, it turns out that the nationality issue has become marginalised. Its recession signifies: first, the disenchantment with the politics of nationality and the inherent narrative of Chinese; second, an instrumental view of nationality that frames its acquisition under practical concerns, such as utilitarian calculations and policy benefits attached to the nationality's status.

(A) Reforming Communitarian-ness: An Inclusive Membership and a Taiwanese Identity

In the democratic era, newly consolidated factors, like common lived experiences and universal values, have profoundly influenced the shaping of more inclusive membership. This has triggered the reconfiguration of a new identity that has been able to secure international recognition for the democratic ROC. In this vein, it is the manoeuvring of the politics of identity and recognition that has dominated the reformulation of the new-era of communitarian-ness. The "One China" contention inherent in the statist institution of the ROC is revealing: for example, the Constitution was enacted and implemented in 1947 when the ROC was based in the Mainland and

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when there was controversy about where the ROC capital should actually be (BBC Chinese, 2015; PTS, 2013). This "One China" contention has nevertheless encountered serious challenges, due to a strong Taiwanese national identity nourished from the consolidation of democracy and the prevailing aversion to the PRC's push toward unification, which leads some to argue that "One China" is both an ideal and an informal institution that is quickly losing appeal and utility in Cross-Strait (Chen, 2022, p. 1028).

That said, over the course of the cultivation of a new concept of membership, the focus has been reoriented from aspiring territorial control to the territories currently under the ROC's actual effective control, where the community is now situated. This new form of membership has been enriched by indigenous ethnocultural elements, while being strengthened by the individuals' increasing interest and active participation in community affairs. New development as such can be epitomised in newly-emerged elements and common lived experiences, which suggest that the individuals' exercise of rights and participation in community affairs can help instantiate the membership with real-life incidents and context-sensible details. Thus, participation has become pluralised and routinised, where the individuals' engagement in community affairs can make substantial contributions to increase the community's wellbeing so as to form a genuine connection between the individual and the given community.

This factor of common lived experiences brings in universal values while encouraging discussions of issues of common concern between individuals situated in different sovereign domains, which helps to forge a sense of belonging to certain communities that go beyond territorial boundaries, such as communities formed out of shared values and interests. In this sense, space is created for post-national membership. As Soysal describes, while rights and privileges can become universalized and abstract (1994, p. 8), identities may remain "particular and territorial" (1994, p. 159). Therefore, "as an identity, national citizenship still prevails. But in terms of its translation into rights and privileges, it is no longer a significant construction" (1994, p. 159).

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The latter prescription alludes to transnational units other than the nation-state, implies the forming of post-national membership (Ferrajoli, 2022; Jacobson, 1996; Sassen, 2002, pp. 277-291; Soysal, 1994), which can be epitomised in the de-emphasis of the rights premised upon territorial states, with increasing emphasis placed on universal, de-territorialised rights, privileges, and civic concerns. This post-national membership can be exemplified first by the observance and upholding of universal values that prevail in the international community. Under the slogan "Taiwan can help", the scenario of health issues and Taiwan's democratic achievements stand out in the wake of a global democratic recession (Fong, 2023; Diamond, 2015; Plattner & Diamond, 2016).

Upon the formation of a more inclusive membership, identity reconfiguration has been collaterally triggered, characterised with both ethnocultural narratives and civic virtues. On one hand, identity reconfiguration is driven by a pluralised exercise of citizen rights, with multi-pronged civic participation, which resonates closely with social development and acts to refine the official institutional agenda of national development. In this manner, identity reconfiguration has evolved by adopting a synthetic approach that integrates practices that occur at both the macro and micro levels of community life, and in which both the individual and community, as well as both common citizens and the elite, can have their voices articulated in appropriate forums. This is reified in the great vitality demonstrated in social activists that advocate for movements on a wide range of civic rights issues, and also in the government's efforts at shaping given processes through policy promulgation and resource allocation (Ho, 2010; Hsiao, 1990; Fan, 2020). An example is the movement for protecting women's right in the broader context of democratisation in the 1990s (Fan, 2003), which demonstrates the causality, implications, and resonance among political reforms, economic growth, and socio-cultural transformations.

On the other hand, the Lee Teng-hui administration (1988-2000) undertook efforts to revise history education shaped by a party-state perspective and

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Han-centric rhetoric, and insert Taiwan-centric elements like the wave of migration, characteristics of a settler society, and a marine culture. This effectively replenished the history education with ethno-cultural data derived from Taiwan's indigenous context.

In this way, a synthesised form of citizenship that blends both ethno-cultural and civic nationalism has served to actively shape a Taiwanese identity which can more opportunely serve the interests of the Taiwanese (Brown, 2004, p. 22; Chen, 2012) and also strengthen the sense of belonging inherent in the newly-reformulated membership.

(B) Practicing Communitarian-ness: Exercising Citizens' Rights and Civic Participation in Self-Determination

Amid democratisation, exercises of citizens' rights became more diversified, with multiple goals and pluralised rights holders. A related phenomenon is the prevalence of individual-based claims in these exercises, indicating not only the growing individual rights consciousness, but also newly-formed tensions between the individuals and their communities. Put succinctly, when democratisation advanced, the political rights of the people could no longer be suppressed, which required the protection of individual rights to be formally prescribed, and duly-authorized limitations imposed. Following this, the individuals' claims to rights becomes increasingly diversified because they now project a myriad of categories of self-fulfilment, while their exercise is balanced against the concerns of public interests and common decency. This is reified in the increasingly pluralised value system of the democratic era, which no longer admires success that is defined in a traditional sense. For example, on 15 May, 2024, then President Tsai Ing-wen welcomed Nymphia Wind, the U.S.-born, Taiwan-raised artist who won the "Rate-A-Queen" in the Emmy-winning reality TV series during its 16th season in 2024. Wind is also the first Taiwanese drag queen to appear on the global reality TV series *RuPaul's Drag Race*. (Office of The President, 2024; Tomson,

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2023). This echoes the increasing recognition of unconventional sexual orientations in Taiwan's younger generations despite the persistent social resistance.

However, Taiwan has yet to explicitly reject group-related rights. Rather, exercises of individual rights in a democratic system requires deliberate balancing between the community and individuals, so that the fulfillment of individual rights can be pursued without the cost of endangering community interests or obstructing overall development. Reframing the exercise of individual rights between individualism and collectivism can be attributed to the Taiwanese to a well-crafted blending of Confucianism, Buddhism and Daoism in everyday life, with an emphasis on familial traditions and social networks based on relations.

Along with the pluralisation of the exercises of individual rights, participation also becomes more diversified. Participation is taken as an appropriate means by which individuals can have their views reflected in the policy-making process. In a democratic system, civic participation tends to be proactive, with multiple purposes ranging from community welfare, the vindication of universal values, and self-interest. Participation can also be practiced by individuals with passive undertakings of obligations, suggesting a closely-related concept of social responsibility (De Weerdt, 2019). With obligations imposed on the people, there comes expectations of government performance. Put otherwise, the greater the peoples' dedication to fulfilling their obligations, the more bargaining power they have in the policy-making process over issues having to do with their interests. In this sense, civic participation becomes more individualised and consolidated, while it's multi-tasked to serve both public and private interests.

Furthermore, practices of citizens' rights and civic participation have been epitomised in the exercise of self-determination, a concept having genuine connections to the development of peoples' consciousness of their rights during democratisation. Motivated by aspirations to rid great power

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interference and take things into their own hands, the Taiwanese have viewed self-determination as a key to self-salvation, and a way out of the conundrum of PRC-ROC relations. The faith of self-determination, or the belief of self-salvation, has prevailed in high politics, splintering into various dimensions in the ongoing politico-social reform, including the development of a new concept of citizenship. The Sunflower Movement occurred in the spring of 2014 and served to reify the self-salvation belief that was prevailing in society, where the people convened voluntarily to protest against a Cross-Strait trade agreement that would allow China to intervene into all aspects of Taiwanese daily life and influence Taiwan's democratic politics (Fell, 2017; Ho, 2018, 2015; Rowen, 2015).

(C) Reformulating Communitarian-ness: De-Emphasising Nationality in the New Concept of Citizenship

Over the course of democratisation, it is contended that the government invests in the capacity-building of both the public and private institutions, while coping with new developments and uncertainties that have both exogenous and endogenous origins (Rondinelli & Cheema, 2003). The institutional agenda–the blueprint of national development whereby the government can accordingly reformulate its governance–can therefore be more substantially prescribed, and the ruler-ruled relationship can be more sensibly recalibrated. It is therefore expected that citizenship would stumble into tensions with nationality, while the politics of identity and recognition trump those of nationality in the ROC's overall development. The crux lies in the formulation, adaptation, and application of communitarian-ness which can be extended beyond national boundaries, given the inclusiveness of membership and the developing of civic content in identity reconfiguration. In this vein, nationality no longer dominates the ROC's overall development, but is relegated to a subordinate position, as it becomes one constituent to this new-era communitarian-ness. That said, a newly-emerged factor, a definite territory, has been set to substantially intervene, while lending explicatory help in explaining the new role of nationality in this new-era

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communitarian-ness. Two incidents serve as exemplary cases:

First, the territorial factor was raised in two occasions: the lifting of martial law in 1987, and the subsequent proclamation that put an end to the nation-wide mobilisation against the Communist rebellion of 1991 (Laws & Regulations Database of The Republic of China, 1948). While the territorial factor had not been dealt with in these occasions in explicit terms, it nevertheless was implicated. In these occasions, the ROC was denouncing its position of rivalry against the Communist regime in the Mainland, while also recognising the reality of split governance across the Taiwan Strait, in which two separate Chinese governments had exercised effective control over distinct parts of the alleged ROC territory. In this vein, the ROC's sovereignty claim would inevitably be remoulded. Otherwise, by maintaining sovereignty claims over aspiring territories not under the ROC's effective control, it would inevitably allude to a political agenda aimed at Chinese national unification. This has apparently run counter to the mainstream opinion of the Taiwanese society, which has ever since focused on advancing the synthesis of Taiwanisation (or indigenisation, from another perspective) and globalisation in the politico-social development, as a counteraction to governmental efforts that promoted Sinicisation in the pre-1990s era.

Second, the enactment of laws and acts governing the exchanges between Taiwan and Mainland China in 1992 (Act Governing Relations between the People of the Taiwan Area and the Mainland Area) (Mainland Affairs Council, 1992), and between Hong Kong and Macao in 1997 (Mainland Affairs Council, 1997), also reified the evolution of the territory factor. These legal texts clearly state that the ROC government exercises effective control only over the Taiwan area (Article 1), while the Mainland area, Hong Kong, and Macao fall outside of this control (Article 1). Therefore, the territorial factor has become further consolidated, with only Taiwan and its adjacent islets falling under the ROC's effective control.

This territorial factor had become set to remould nationality by replenishing

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it with a definite territorial domain whereupon the people actually reside. Thus re-substantiating the new-era communitarian-ness inherent in citizenship development, by more nuancedly restructuring its membership, while enriching the identity narratives. The membership is restructured, first by having its development embedded in Taiwan and adjacent islets, so as to make it the membership premised upon territorial states, and second, by forming value-based communities for citizens living in different territorial states (dubbed by Soysal [1994] as the post-national membership). Identity re-narration logically ensues, comprising both thinning ethno-cultural bonds and developing civic bonds, whereby identity can be de-linked from nationality. That said, this new-era communitarian-ness is made up of: nationality that's reformulated upon new definitions of territorial domain, membership containing both an ethnocultural national membership and a post-national value-based one, and an identity reconfigured accordingly. Yet, this does not mean the relinquishment of the long-upheld *jus sanguinis* principle in the nationality regime. Rather, it gets further loosened, while space is created for the application of practices based on the *jus soli* principle.

Citizenship is therefore reformulated on the basis of a more inclusive membership and a new identity incorporating both ethno-cultural and civic elements, and a nationality formed upon both blood lineage and territory, which collaterally helps craft a new state-society relationship and an institutional agenda for national development.

The nationality regime, having strict expatriation rules and naturalisation standards with higher moral and financial thresholds (Low, 2016), has become further de-emphasised. It is unreasonably restrictive in terms of attracting quality foreign talent to migrate to the ROC, while upholding stricter, and even discriminative, thresholds on marital immigrants from Southeast Asian countries, who actually serve a critical role in identity reconfiguration and socio-cultural development in society. Furthermore, a nationality regime failing to attract white-collar foreign talent, while shutting the door to most blue-collar immigrants, will lead to an instrumental view: only those who can

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make significant contributions to Taiwan deserve the institutional protection that entails residency status. This can neither lend help in developing the new-era communitarian-ness that honours democracy and universal values, nor does it bode well for the prospects of the ROC's efforts in earn international recognition.

Table 5
ROC's Citizenship in the Democratic Era (1991-present)

Communi-tarian-ness	Communitarian Citizenship				Nationality
	Practicing		Forming		Formulation
	Rights	Participation	Membership	Identity	
practice and attribution	- political rights - individual and collective rights - rights that honour universal values ex: human rights	- citizen obligations (passive) - citizen rights to participate in community affairs (active)	- formed on the effectively-controlled territories (the territorial-national membership) - formed on shared values and ideals, with issue-centric focuses (post-national membership across territorial borders) - common living experiences - inclusive	- a collective identity with indigenous elements (the Taiwanese identity) - individuals' identity reconfigured by shared values and civic practices - thinning ethno-cultural bonds - developing civic bonds	- definite territories under the ROC's effective control - *jus sanguinis* (a Latin term, laws relating to blood) loosened, conditioned *jus soli* (a Latin term, laws of nationality dependent on place of birth) (Nationality Act, ROC), Article 2) (Ministry of the Interior,1929) - a national identity: 1. a critical dimension of citizenship 2. de-linked from nationality - citizenship trumps nationality

IV. Conclusion

Citizenship in the contemporary ROC has been consistently transformed in parallel with the process of democratisation, which is characterised with political self-determination exercised through citizen rights and the undertaking of obligations. The new-era communitarian-ness builds upon a more inclusive membership and identities replenished with ethnocultural elements and

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universal values. Furthermore, nationality has been transfigured into one constituent element of the new-era communitarian-ness, through which it contributes to the sophistication of citizenship. However, the development of citizenship has been overshadowed by the politics of nationality, and the legacy of a divided-nation wrestling in the Cold War era, which resurfaces in scenarios characterised with intra-national affinity and rivalry, such as the issue of Hong Kong immigrants. These Hong Kongers send a sarcastic reminder of the unresolved struggle between citizenship and nationality, which is inherent in the modernisation of a Chinese nation-state, as well as the yet-to-be resolved PRC-ROC dispute for Chinese representation.

In addition to the endogenous sociopolitical development brought about by democratisation, this new-era communitarian-ness also reflects exogenously-originated changes in certain communities. In other words, this new-era communitarian-ness encapsulates both the phenomenon of indigenisation (Taiwanisation) and globalisation. This is reified in universal values, which are incorporated in the reconfiguration of a Taiwanese identity, such as human rights protection, democracy, and environmental sustainability. The connection between national communities (within sovereign domains) and transnational communities (at the inter-state level) can be accommodated at both international exchanges, and intra-state transformations. In this manner, citizenship that developed from this new-era communitarian-ness is also imbued with a cosmopolitanism ideal, by which it serves to connect global or transnational institutions within a single global democratic domain (Hudson & Slaughter, 2007, p. 86; Slaughter, 2007, pp. 7-8).

The ongoing tension between the politics of nationality and that of citizenship should not be surprising when viewed as an implication of the consistent efforts made by Taiwanese for self-determination. After all, it is democratic politics—not ethnicity—that strengthens a genuine bond between the state and the citizens by making political decisions representative of and accountable to the people's will and providing social and economic benefits to individuals at an unprecedented level.

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在國籍與公民權持續角力的陰影下，思辯中華民國（臺灣）的公民身份*

曾蕙逸**

摘　要

本文探討中華民國從兩岸分治開始（1949年）到民主化之後，公民權的發展以及其與國籍之間的關係與轉變。臺灣人民對於公民權的理解，是立基於群體意識之上。易言之，對於公民權的認識與演變，係由臺灣人民對於公民權利的自覺行使，以及公民對社區事務的參與來推動，這是立基於社群主義、一種新時代社群概念的重塑。此一新時代的社群概念，包含了以有界限領土的國家爲本而認識的公民權、以跨越國界的普世價值作爲理解公民權的內核、融合本土民族文化元素與普世價值的新認同、以及因爲中華民國明確化領土因素（意即，明確的治理範圍）所轉變的國籍。儘管隨著公民身份的發展，國籍已被置於次要地位，但發生具有對國家內部次級群體的親疏關係有重要影響的事件時，例如2019年之後出現的香港人移居臺灣的浪潮，國籍議題及其爭議仍會再次浮現。

關鍵詞：公民身分、社群概念、明確領土、國籍政治、認同重構的政治

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