

The Cosmopolitan Life of Alice Erh-Soon Tay*

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COSMOPOLITANISM as a political discourse has a long and distinguished history of asking questions about how humans should pursue their humanity. In the twentieth century the search has been for a binding universal morality above and beyond the nation-state. Philosophers look to analyze the merits of such ideas, but there is also room to consider the expression of these ideas as a matter of history, to identify and explain their historical continuities and discontinuities, and to examine the lives of cosmopolitan thinkers in terms of their social experience.

A specific aim of this article is to explore some of the historical specificities of cosmopolitanism during the Cold War. As Glenda Sluga argues in this volume, the language of cosmopolitanism as a discourse about world citizenship and “one world” ceased in the early 1950s, largely a consequence of the ideological standoff between the USSR and the United States and the national interests of the new nations that had emerged from the battlefields of former empires. There was little patience for cosmopolitan ideals in this brave new world. But did cosmopolitanism vanish altogether? And if not, if these cosmopolitan undercurrents existed, what did they “look” like: What was it to be a cosmopolitan thinker during the Cold War?

I want to explore the question historically, to examine the meaning of gender, ethnicity, and secular statehood in relation to cosmopolitan-

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ism at the particular historical juncture of the Cold War. Empires were collapsing, new national borders were materializing, and the concepts of “citizen” and “citizenship” were under ever greater scrutiny and given new importance on the world stage. During this period, the nature of states in relation to their citizens became ever more vexed and complicated not only by the experience of formerly colonially oppressed peoples, but also by the interwar cosmopolitan dialogue on basic human rights culminating in the Declaration of Human Rights in 1945, and, on top of that, a nation’s claim to state sovereignty. They were interesting times for a cosmopolitan thinker to experience and observe.

I am especially interested in how gender, race, ethnicity, and questions of secular statehood cut across our preconceptions of cosmopolitanism. Traditionally, within the discourse of cosmopolitanism and in the scholarly analysis of this discourse, implicitly—and sometimes explicitly—there is a quintessential stereotype of the cosmopolitan thinker: a European man, a “continental” of the Jewish diaspora who knew through family experience the true meaning of statelessness and brought this to bear on his conceptual thinking. But as Marilyn Lake demonstrates elsewhere in this issue, cosmopolitan discourse within the British Empire was not the province of any one race or ethnic identity. And as Amartya Sen argues in *The Argumentative Indian*, there is a long-standing Indian tradition of discussion across cultural difference, “the need for inter-cultural *communication* while recognising the difficulties of such discourse.”¹

Nonetheless, as hazy as this stereotype is, it is remarkably durable. Biography, then, becomes a way to undercut this preconception while also allowing for the exploration of cosmopolitan undercurrents in times of dominant nationalist discourses. To do this, I will examine the early intellectual life of a Chinese woman born in the British outpost of Singapore in 1934, who came of age in the Cold War during the lead-up to Singapore’s national independence. The cosmopolitan life of Alice Erh-Soon Tay, a jurisprudential lawyer and academic who became the president of Australia’s Human Rights and Equal Opportunity Commission, I argue, provides insights into how we might approach a cosmopolitan history. Tay’s sex, ethnicity, and secularism help to challenge our preconceptions of cosmopolitan thinkers. Also, her own personal history of transgressing ethnic, imperial, colonial, and postcolonial borders allows us to reflect on cosmopolitanism as a

¹ Amartya Sen, *The Argumentative Indian: Writings on Indian Culture, History and Identity* (London: Penguin, 2006), p. 121 (quotation), pp. 3–33, 74–86, 121–138.

spatial concept, in which “place” and travel were critical to cosmopolitan modes of inquiry.

COSMOPOLITAN UNDERCURRENTS

In *Cosmopolitanism: Ethics in a World of Strangers*, Kwame Anthony Appiah uses the philosophy of cosmopolitanism as a tool to understand modern society. As humanity wrestles with such fundamental questions as the clash of morals and manners, Appiah asks whether culture can be “owned,” and what we might “owe strangers by virtue of our shared humanity.” By using the concept of cosmopolitanism to examine these and other moral questions of everyday life he concludes that a cosmopolitan way of life recognizes that we have obligations to all other humans based on an interest in the practices and beliefs of other human lives—and their differences—along with a “universal concern and respect for legitimate difference.” Appiah’s discourse on the manners of cosmopolitanism for living in a “world of strangers” is a debate for modern times, one in which the language of cosmopolitanism is at the forefront, a key moment in cosmopolitan thought and a legacy of eighteenth-century Kantian political philosophy.²

But in this upsurge of interest in cosmopolitanism as a philosophical manifesto for living in the modern world, we must acknowledge—as many authors on this “new cosmopolitanism” themselves recognize—that this is only the most recent public expression of cosmopolitan philosophy in several centuries of Western liberal thought. The historical dilemma, then, is to determine whether cosmopolitanism existed in the long periods between these “moments.” If we define a “cosmopolitan moment” as a period when the language of cosmopolitan theory is in public circulation to promote cosmopolitanism as a political project—as it is at present, expressed through the writings of Appiah, Martha Nussbaum, Peng Cheah, Anthony Pagden, and others—then how do we track cosmopolitanism in those periods when it is not?

My answer to the question of how to track a concept without its language is, in part, informed by the recent work of sociologist Robert Fine on the political legacy of cosmopolitan social theory. Fine argues that Hegel’s early nineteenth-century political project to understand the machinations of the modern state helped to transform Kant’s

² Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W. W. Norton and Company, 2006), pp. xiv–xxi.

Enlightenment cosmopolitanism into a modern concept. Kant's cosmopolitanism was founded upon the ideal of perpetual peace, which Kant believed would follow once state sovereignty was of the people and not the monarch. Hegel had a much darker understanding of sovereignty and the modern state, in which "perpetual peace" could never be guaranteed simply on the basis of the people's sovereignty. My interest, however, lies in Fine's proposal that Hegel's critique of the modern state enabled the transformation of the political theory of cosmopolitanism from the Kantian ideal of peace as an effect of a people's sovereignty (because "the people" would never vote to send themselves to war) to a skeptical view of the modern state (courtesy of Hegel), in which cosmopolitanism is possible through vigilance to ethical judgments by individuals as well as by the state in relation to its citizens and those of other states.³

An examination of discourses on the ethical relationship between modern states and humanity, I argue, becomes a means to identify those who continued a cosmopolitan dialogue when the political language of cosmopolitanism disappeared from public discussion. In these times, terms such as "world citizen," "one world," and the different truncations of the word "cosmopolitanism" are rarely seen, and so the idea of cosmopolitan undercurrents helps us to discover the continuities between one cosmopolitan moment and the next. I will also rely on Appiah's discussion of cosmopolitanism as a form of ethical practice to identify these continuities, such as his account of a universalism that is genuinely cosmopolitan through its commitment to pluralism, and the belief that "all cultures have enough overlap in their vocabulary to begin a conversation," as well as his notions of "cosmopolitan curiosity" and "cosmopolitan engagement" as a means to begin "cross-cultural conversations."⁴ In this sense, my article takes up the challenge of the calls by Dipesh Chakrabarty and others to learn of past "cosmopolitan practices,"⁵ though my focus is on the life of only one biographical subject as a means of exploring these questions in detail.

³ Robert Fine, *Cosmopolitanism* (London: Routledge, 2007), pp. 30–36. For examples of the modern form of cosmopolitanism as political philosophy, see Anthony Pagden, "Stoicism, Cosmopolitanism, and the Legacy of European Imperialism," *Constellations* 7, no. 1 (2000): 3–21; Peng Cheah, "Cosmopolitanism," *Theory, Culture and Society* 23, nos. 2–3 (2006): 486–496; Martha Nussbaum, *For Love of Country: Debating the Limits of Patriotism* (Boston: Beacon Press, 1996).

⁴ Appiah, *Cosmopolitanism*, pp. 46, 57, 97, 144.

⁵ Carol A. Breckenridge et al., eds., "Cosmopolitanism," special issue, *Public Culture* 12, no. 3 (2000): 585–586.

INTRODUCING ALICE ERH-SOON TAY

To explore this idea of cosmopolitan undercurrents I will examine the early life of jurisprudence lawyer and public intellectual Alice Erh-Soon Tay (1934–2004), largely in the 1950s and 1960s. Her scholarly career came to span four decades and comprised more than two hundred publications, government reports, and major public speeches, some written for specialized legal audiences.⁶ Much of her work, however, went beyond detailed discussion of legal concepts, to embrace social and philosophical concepts as a means to understand the development of legal systems in modern states and how these defined the relationships not only between the state and its citizens, but also between the state and those who were not citizens. For Tay, the state had to be guided by the notion of universal moral obligations and responsibilities that extended to all humanity, a principle reminiscent of Immanuel Kant's cosmopolitan "right of hospitality" of strangers in a foreign land. Much of her work dealt with situations in which the state had failed its own citizens, revealing a serious moral flaw and the state's ignorance, willful or otherwise, of its duty to do right by humanity.⁷ She was not an international lawyer in the sense of studying the laws between states. But internationalism was central to her work, informing her perspective in conceptualizing the legal systems of individual states, as well as the underlying morality upon which each state developed its legal system.⁸ In 1975 Tay became Challis Professor of Jurisprudence at the

⁶ For a complete bibliography of her work, see G. Doeker-Mach and K. A. Ziegert *Law, Legal Culture and Politics in the Twenty First Century* (Stuttgart: Franz Steiner Verlag, 2004), pp. 509–523.

⁷ For example, see A. Tay and E. Kamenka, "The Life and Afterlife of a Bolshevik Jurist," *Problems of Communism* 19 (1970): 72–79; A. Tay and E. Kamenka, "Socialism, Liberty and Law," in *Liberty and Politics: Studies in Social Theory*, ed. Owen Harries (Oxford: Pergamon Press, 1976), pp. 81–101; A. Tay and E. Kamenka, eds., *Human Rights* (London: Edward Arnold, 1978); A. Tay and E. Kamenka, "Law, the Citizen and the State," in *Law and Society*, ed. E. Kamenka et al. (London: Edward Arnold, 1977), pp. 1–17. She also used her comparative knowledge of the Russian and Chinese legal systems in a groundbreaking article on law, the citizen, and the state in Communist China: A. Tay, "Law in Communist China—Part I," *Sydney Law Review* 6 (1969): 153–172; A. Tay, "Law in Communist China—Part II," *Sydney Law Review* 6 (1971): 335–371; A. Tay, "Smash All Permanent Rules: China as a Model for the Future," *Sydney Law Review* 7 (1976): 400–423.

⁸ For example, see A. Tay and E. Kamenka, "Beyond the French Revolution: Communist Socialism and the Concept of Law," *University of Toronto Law Journal* 21 (1971): 109–140; A. Tay, "Soviet Ritualism and Soviet Law," in *Australian Society of Legal Philosophy*, Working Paper 36a (1967): 1–11; A. Tay, "The Law of Inheritance in the New Russian Civil Code of 1964," *International and Comparative Law Quarterly* 17 (1968): 472–500.

University of Sydney in Australia, a clear recognition of her standing in the field, and there she established one of the first university courses in human rights in Australia. In 1998, in further public recognition of this work, she was appointed president of the Australian federal government's Human Rights and Equal Opportunity Commission.

Tay's internationalism was formed during the 1950s and 1960s. During these decades nationalist interests predominated as the United States locked into ideological warfare with the Soviet Union, and emergent nations broke out of colonial shackles. These decades are particularly interesting in the history of cosmopolitanism because they followed on from a key cosmopolitan moment in the immediate postwar period. In this short period before the full onset of the Cold War, leaders of the world community were deliberating on the serious questions of achieving world peace and of securing people from basic abuse. The term "world citizen"—which itself had a centuries-old lexicographical history—was used to encompass the international discourse on universal rights. But the concept of world citizenship did not outlast the first generation of UN protagonists. Sociologist Robert Fine argues that the "cosmopolitan precedent established at Nuremberg quickly evaporated with the onset of the cold war—not because crimes against humanity disappeared from the world but because the political sensibility that nurtured their prosecution was no longer present."⁹ With it evaporated much of the language of cosmopolitanism.

The Cold War period, in which such currents of thought were powerful forces within international diplomacy and among an interwar generation of Western intellectuals, helped shape the next generations of intellectuals, those born in the 1920s and 1930s, who reached intellectual maturity during the 1950s and 1960s. Tay, along with others from her generation, worked largely within the Western intellectual tradition of liberal pluralism to pursue the importance of universal moral responsibilities. The cosmopolitan attributes of this intellectual approach were to acknowledge one's own cultural perspective as one among many, though with a bias toward the idea of "great cultures," and continued the underlying fundamental principle of interwar and immediate postwar cosmopolitan intellectuals, identified by Appiah as a "loyalty to all of humanity."¹⁰

⁹ Fine, *Cosmopolitanism*, p. 101. See also the essay by Glenda Sluga in this issue, G. Sluga, "UNESCO and the (One) World of Julian Huxley."

¹⁰ Appiah, *Cosmopolitanism*, p. xvi.

REIMAGINING COSMOPOLITAN THINKERS

Tay, as I have suggested, is an interesting vehicle for exploring larger questions about cosmopolitan undercurrents, challenging some of the preconceptions about the generation of intellectuals who began to think, write, and publish during the Cold War. She was born in Singapore in 1934, and after a short period working as a London-educated barrister in Singapore, she became an academic in the law faculty at the University of Malaya's Singapore campus. She was, of course, a woman, and this fact allows us to consider the masculine specificity of cosmopolitanism in this period.

Also of interest is the ethnic specificity of cosmopolitanism. She was born, as it were, of the "Other." Though her intellectual and educational background was clearly entrenched in the tradition of Western liberalism, her subjectivity provided another layer of complexity: Through her parents she strongly identified with China as her ancestral "home," through her Singapore childhood she acquired a colonial subjectivity as a consequence of growing up under British and Japanese colonial rule, and in the period of Singapore's decolonization with moves toward independence and national sovereignty there emerged the beginnings of a political subjectivity. Though Tay cannot be called a "vernacular cosmopolitan"¹¹—her intellectual language was clearly grounded in Western traditions of thought—her work, however, did embody an interesting "mix" of Western philosophy and jurisprudence, with a non-Western cultural perspective derived from her Otherness. I shy away from the phrase "East meets West" in describing this perspective: rather, she claimed for herself an acute cultural awareness as a consequence of what she conceived as her racial, ethnic, and colonial difference.

She was married to Eugene Kamenka, a notable scholar of Marx (and, interestingly, though not surprising, his body of work includes studies of Hegel) and of nationalism, who founded the History of Ideas Unit in the Research School of Social Sciences at the Australian National University. Kamenka was not only her life partner but also an

¹¹ The term "vernacular cosmopolitanism" has emerged within the last two decades as part of the debate on understanding cosmopolitanism in a world of nation-states. As Pnina Werbner explains, it is a term that allows us to think about cosmopolitan traditions in post-colonial societies as well as across class and ethnic boundaries: Pnina Werbner, "Vernacular Cosmopolitanism," *Theory, Culture and Society* 23, nos. 2–3 (2006): 496–498.

important intellectual collaborator, and so my discussion needs, at least briefly, to acknowledge that relationship, even if work on Kamenka rarely acknowledges Tay. In some ways they were the quintessential cosmopolitan couple because of their transnational journeying and scholarship, as well as for the distinctiveness of their displacement. Kamenka was born in Germany in 1928 to exiled Russian Jews; the family departed to escape Nazism and arrived in Australia in 1937. In Australia he attended high school and then university, after which he crafted himself as an intellectual, sometimes scrounging for a living as a writer and at other times developing the discipline of the “history of ideas” initially through his studies of Marx, then his studies on nationalism. In these early years he also traveled, as a child to Australia, then as a young man to the new state of Israel on a three-year working scholarship as a cable subeditor for the *Jerusalem Post*, and to Singapore, where he met Tay. They escaped Singapore together to London, where he taught her how to write for a living.

Tay was already well traveled before she met Kamenka: By the age of twenty she had lived for a time in China, the United States, and London, and had visited Paris and other parts of Europe. Later, with Kamenka, she was a visiting scholar at Moscow State University and then Columbia University’s Russian Institute on Communist Affairs in New York City. Even their life in Canberra, where Tay and Kamenka settled in the early 1960s, had cosmopolitan overtones. They established a “salon” for world scholars and intellectuals, “a centre of generous hospitality,” according to the Australian philosopher John Passmore, who was known to deliberate over the choice of words to convey his exact meaning. When Passmore chose this phrase to describe the Tay-Kamenka household, he probably intended it to be a reference to Kantian cosmopolitanism, a central tenet of which was the “right of hospitality.” At this “centre of generous hospitality . . . one might meet judges, politicians, lawyers, novelists, and ambassadors as well as academics from anywhere in Australia or abroad.”¹² Dinner at the Tay-Kamenka home was generally part of the itinerary of international visitors to the Research School of Social Sciences, often an opportunity for exploring new theoretical constructs over delicious home-cooked food. As Tay recounted, “I would slave to make a nice dinner, an Asian dinner that is attractive and edible. People would come and we would

¹² John Passmore, “Eugene Kamenka: Citizen of the World Whose Gift Was Liberty,” p. 5 (first published in *The Australian*, 21 January 1994).

sit from half-past seven, eight o'clock until one or two o'clock . . . sitting around a table at dinner, quietly talking and arguing. I was always the youngest person. Everybody was in their fifties, sixties and all so serious, so able and respected."¹³ Tay recounted this memory some forty years later, depicting herself as the intellectual innocent abroad, if an able cook of delectable morsels. Passmore, however, recognized her both as feast maker and Kamenka's intellectual equal: "At one end of the table, Eugene, a benign-looking rotund figure, built up by maximising food and minimising exercise. At the other end, Alice, creator of the feast which lay before us, both of them leading conversations which were wide-ranging, candid and often comic."

When Kamenka died in 1994, John Passmore's obituary, published in the *Australian*, described him as a "citizen of the world" for what Passmore saw as the "internationalism" of Kamenka's intellectual perspective. This theme was further developed in an obituary by the German historian John Moses, who described Kamenka as "The Great Cosmopolitan Australian," citing Kamenka's autobiographical essay as proof of his being both a "champion of cosmopolitan liberalism and an Australian" and a "polyglot cosmopolitan human being in the truest sense of the word" referring to Kamenka's account of his own experience of the Jewish diaspora.¹⁴

There were no such headlines for Tay on her death in 2004, despite the internationalism of her intellectual perspective (a nice contrast to Kamenka's focus on nationalism) and her own polyglot personal history. To ask why exposes the inbuilt chauvinism of epithets such as "world citizen" and "cosmopolitan," which since the nineteenth century has referred almost exclusively to continental Europeans, more specifically to Europeans of the Jewish diaspora, and possibly to intellectuals who were both Jewish and male. The male specificity of the application of these terms, however, is difficult to determine since Hannah Arendt, a prominent interwar Jewish intellectual, now championed as a cosmopolitan, stands obviously both inside and outside that tradition. The example of Arendt, who was herself notable for a political conceptualization of universal moral responsibilities in the immediate postwar

¹³ Alice Erh-Soon Tay interviewed by Julia Home, on 17 and 19 December 2002, 7 and 10 February 2003, and 3 March 2003, University of Sydney Archives, pp. 54–55 [page numbers refer to transcript in author's possession].

¹⁴ John A. Moses, "Eugene Kamenka 1928–1994—The Great Cosmopolitan Australian," *Australian Journal of Politics and History* 40, no. 2 (1994): 295–296.

period, suggests that alongside intellectual contributions to public debate, it was her European Jewish birth, rather than her gender, that was central to her being imagined as a cosmopolitan thinker. Women could be cosmopolitan. But, it seems, for the term to fit comfortably, they must also be European and Jewish.¹⁵

Tay's obituary epithets—which included “Outspoken champion of human rights,” “Huge intellect not afraid to go into battle”—made no reference to cosmopolitanism.¹⁶ Those who wrote her obituary were much younger than either of Kamenka's obituarists, so perhaps not at ease with this postwar language of cosmopolitanism. Yet in both cases, and in Arendt's also, others do the constructing: They take into account an individual's intellectual outlook, certainly, but, it seems, only apply the term “cosmopolitan” when certain immutable facts of birth exist. To examine Tay's life as a young intellectual helps us re-imagine cosmopolitan intellectuals in the twentieth century not simply as European or Jewish (or male, for that matter), but to go beyond these facts of birth and engage with the individual's intellectual outlook to determine the hidden contours of cosmopolitanism.

In 1960s Australia, in Kamenka's and Tay's intellectual world, ideas did not have borders, and the orientation of kindred intellectuals was outward, a preparedness to engage with the world, not simply the nation or the empire. Certainly part of Tay's orientation came from Kamenka's own intellectual history, not so much because he was an (only slightly) older European man imparting knowledge to the younger, Asian woman, but because he had brought her to his intellectual center, to Australia, in order that she may undertake serious study. Subsequently, she developed her own milieu while still continuing collaborative work with Kamenka. But during this earlier period in Canberra she was part of Kamenka's intellectual network.

In Kamenka's autobiographical essay he traced the development of his worldview to two major influences. The first was his wartime Australian schooling. Perhaps surprisingly, he claimed that its “general education” approach, as opposed to adherence to a nationalist cur-

¹⁵ On the cosmopolitanism of Hannah Arendt, see Ned Curthoys, “The Émigré Sensibility of ‘World Literature’: Historicizing Hannah Arendt and Karl Jaspers’ Cosmopolitan Intent,” *Theory and Event* 8, no. 3 (2005).

¹⁶ Paul Sheehan, “Huge Intellect Not Afraid to Go into Battle: Professor Alice Erh-Soon Tay, Scholar, 1934–2004,” Obituary, *Sydney Morning Herald*, 13 May 2004; Graeme Leech, “Outspoken Champion of Human Rights: Alice Tay,” Obituary, *Australian*, 12 May 2004; “A Champion of Human Rights,” Obituary, *University of Sydney News*, 21 May 2004, p. 2.

riculum as occurred in many European countries, ensured that “no-one who had been through that education and made it his or her own could remain morally, intellectually or culturally provincial, whether in space or time.”¹⁷ The second was studying philosophy under the Glasgow University-educated John Anderson (1893–1962), Sydney University’s Challis Professor of Philosophy from 1927 to 1958, and subsequently working with two former Anderson students, P. H. Partridge (1910–1988) and John Passmore (1914–2004), professors of philosophy at the Australian National University. He later wrote, “All three of these Andersonian thinkers who shaped me saw culture and academic enquiry as transcending race and place, as part of a universal human quest and achievement.”¹⁸ Anderson himself did not have much to say on cosmopolitanism as a philosophical discourse. In fact, his students were generally known for their denial of, as Kamenka explained, “the existence of a universally binding morality.” Yet as former Andersonians have explained, Andersonian training emphasized the importance of a cosmopolitan perspective in the rejection of provincialism (including the nationalist framework of Australian provincialism at that time) and the embrace of plurality, which helped one to think beyond one’s own necessarily narrow social, political, and cultural background and locale.¹⁹ Passmore’s judgement of Kamenka as “citizen of the world” was most likely formed within this perspective.

Tay, of course, was not an Anderson student, but through her early work on the philosophy of law and society she became closely aligned to this group of ex-Andersonians. Though she herself acknowledged the strong intellectual influence of Kamenka, she was an intellectual product of her own life and times, not only of Kamenka’s. In the case of Tay historical specificity is significant because this was a period when the postwar language of cosmopolitanism had succumbed to the new striving language of statehood and state sovereignty. The Cold War provides the context for the world in which Tay reached intellectual maturity, which provided her with the wealth of material that she continued to draw upon in her collaborative work with Kamenka.

¹⁷ Eugene Kamenka, “‘Australia Made Me’ . . . But Which Australia Is Mine?” *Quadrant*, October 1993 [First delivered by Kamenka under the same title as the 1993 John Curtin Memorial Lecture], p. 28.

¹⁸ *Ibid.*, p. 31.

¹⁹ *Ibid.*, pp. 28–30; W. M. O’Neil, “John Anderson,” in *Australian Dictionary of Biography*, B. Nairn et al., 7:56–59; Brian Kennedy, *A Passion to Oppose: John Anderson, Philosopher* (Carlton: Melbourne University Press, 1995).

DIASPORA AND COLONIALISM

Like Kamenka, Tay was also, in a way, a diaspora child. Her parents, both born in Guangdong in southern China, had followed the migratory patterns of previous family members, arriving in Singapore independently, probably in the late 1920s and 1930s, where they met and married. Her father, according to Tay, “was considered [by his family to be] puny, intelligent, scholarly and not suitable for either business or farming,” and so was dispatched from China “to look for a fortune where you don’t need muscles.” In Singapore he learned English, which provided career opportunities in the local civil service and empire-run businesses, and he eventually became a clerk for an Australian water pipe company. The reasons for the migration of her mother’s family are less clear, though we know that their destination was initially to be Indonesia. Once married and settled in Singapore, even the birth of the six Tay children did little to loosen their strong ties to China. For much of Alice Tay’s first fifteen years or so, she saw herself as Chinese, although, perhaps more correctly, as having a strong ethnic and familial relationship with Shantou, a city located in north eastern Guangdong province, but culturally closer to the neighboring Fujian province. They visited China, and in 1949 lived there for about six months, presumably departing during the civil disturbance leading to Mao’s unification of the southern provinces with the rest of China. As Tay explained, “we were very proud of the fact that we were not ‘born’ in Singapore,” by which she meant that her physical birth in Singapore did not make her Singaporean, and through her parents and their ancestors she was, in fact, Fujian Chinese. This strong identity with China was largely preserved during World War II despite occupation by Japan, which initiated new forms of colonization to obliterate British loyalties and, in particular, to help subjugate the Chinese.²⁰ Schools were expected to adopt new signs of respect such as have their pupils salute the Japanese flag and learn Japanese, none of which was acceptable to Tay’s father, who presumably, like many Chinese, resented the Japanese for their continued waging of war against China.²¹ “No children of mine will learn the enemy’s language,” Tay reported him as

²⁰ Tay interview; this section (and following paragraph) dealing with her childhood is tape 1 (00 minutes to 55 minutes).

²¹ For an account of Japanese treatment of the Chinese in Singapore, see Eunice Thio, “The Syonan Years, 1942–1945,” in *A History of Singapore*, Ernest C. T. Chew and Edwin Lee (Singapore: Oxford University Press, 1991), pp. 97–98.

saying, even though acquiescence would have ensured food rations. So his children remained home for the duration of the occupation, learning English from a family Bible, Chinese from tutors, and music from a piano teacher. According to her father, English was important for worldly success and Chinese for a continued relationship with their “real” country of origin, but Japanese was a sign of surrender.

Yet, Tay’s ethnic identity was certainly complicated by her life in a British colony. After the war, aged about ten, she attended Raffles Girls’ School, a British colonial school for the “natives” but clearly grounded in meritocratic principles of providing opportunities for bright students. One such opportunity was a consequence of Tay winning an essay competition in the late 1940s on the topic “the world I want,” funded by the United States Information Service, an early Cold War institution that, through its student scholarship and other programs, helped assert US democratic values in a world perceived to be threatened by communism. Her reward was a sponsored three-month trip to the United States to visit a number of top academic schools that subsequently offered her scholarships and the possibility of going to Yale or Harvard. Tempted though she was, her advice from Singapore school authorities was, she says, “to come back and tell us what you have experienced. . . . We will look after your education.”

She duly obeyed, though not without some sense of relief. As she explained: “I didn’t quite want to become an American type. They were very nice. I learnt a lot, it was a real adventure, but it was American and I was a bit British.” The “bit British” referred to her status as a British subject, with the pretensions of “snooty British colonial subjects,” to use her phrase, along with a strong sense of her Chinese cultural identity.²² Though we should not rely too much on such offhand remarks, they are a reminder that exposure to other cultures through travel, a brief foray into the wider world, can result in people identifying more strongly with their own cultural norms and tribal groups. Transnational travel does not necessarily produce cosmopolitan outlooks.²³

²² Of course, her cousins in China thought she wasn’t particularly Chinese: Her words were spoken in a loud and clear voice, just like that of her British teachers, and her Chinese was largely a combination of Chinese and Malay words.

²³ The notion of tourists/travelers as “visitors in their own lives” is a major theme of much anthropological writing about tourism, as well as a theme in the history of travel: for example, Malcolm Crick, “Tourists, Locals and Anthropologists: Quizzical Reflections on ‘Otherness’ in Tourist Encounters and in Tourism Research,” *Australian Cultural History* 10 (1991): 6–18; Julia Horne, *The Pursuit of Wonder: How Australia’s Landscape was Explored, Nature Discovered and Tourism Unleashed* (Carlton, Australia: Miegunyah Press, 2005), pp. 62–97.

Tay continued to see herself as Chinese and a “little bit British.” But by the early 1950s it became increasingly difficult to carry out her plan to live and work in China.²⁴ Britain, then, became a new conduit to her future. With financial support from her parents in the early 1950s she moved to London to study law at the Inns of Court. Her colonial subjectivity, especially through her education at Raffles Girls’ School, meant that she was already familiar with English and European history and culture. Interesting, though, is how her Chinese “self”—her heritage—created a different means of experiencing England and Europe. She explained that when faced with the “great histories and great culture [of other countries] the fact that you are Chinese, and had a great history and culture to fall back on, helped.” China, not colonial Singapore or the Asian world beyond China, was her cultural reference point, and thus fortified she felt she could confidently engage with Western culture in its birthplace on her terms. Though not yet armed with a cosmopolitan outlook, this desire to engage with cultural difference on equal terms, to avoid a sense of cultural inferiority as a colonized Other, approaches Appiah’s interest in developing “habits of coexistence.”²⁵ Tay was equipping herself with the tools of what Appiah applauds as “cross-cultural conversation,” which the African American author Richard Wright observed among the newly decolonized subjects who came together in 1955 at the Bandung Conference to discuss cultural and economic freedom free of US demands.²⁶

A POSTCOLONIAL FUTURE

At this stage of her life, Tay still saw herself as a British subject with a Chinese background, but this perception was soon to change as she struggled with the notion of her Singaporean identity. The new geo-

²⁴ P. J. Bailey’s account of China during this period explains that overseas Chinese were not initially antagonistic or suspicious of Mao given the role of the CCP in defeating Japan in the Japanese-Sino War (1937–1945). During this period the CCP also initiated a policy of “protected private enterprise,” encouraged non-CCP participation in administration, and emphasized national unity, policies that were still evident in some form in the first few years of Mao’s People Republic of China. From 1953, however, with continued persecution of landlords, confiscation of lands, and the introduction of collectivization, overseas Chinese no longer owned property in China, though many continued their support of a united China under Mao; P. J. Bailey, *China in the Twentieth Century* (Oxford: Basil Blackwell, 1988), pp. 50–64.

²⁵ Appiah, *Cosmopolitanism*, p. xix.

²⁶ The African American author Richard Wright, an observer at the Bandung Conference in 1955, was interested, among other things, in the relationship of formerly colonized

political landscape of postcolonialism produced a determination of the institutional state to establish loyalty among its “people.”²⁷ In the early 1950s, when Tay went to study in London, there was still no real concept of Singapore national identity, nor the legal entity of a Singapore citizenship. In 1934 Tay’s birth in Singapore had qualified her for automatic registration as a British subject. But for her Chinese-born parents, becoming British subjects involved an English-language test and sworn allegiance to the British crown, which most Chinese-born residents in Singapore refused to undertake to avoid compromising their Chinese nationality. After World War II, Britain created Singapore as a separate colony from Malaya, intending to retain Singapore’s colonial status because of its strategic location for the defense of British interests. Singapore was not yet a sovereign nation-state. Singapore residents traveled according to different rules of sovereignty: For Chinese-born nationals and their families there were well-traveled pathways between Singapore and China, and for colonial subjects, between Britain and Singapore. From the mid 1950s, in the lead-up to Singapore’s self-government in 1959,²⁸ an important political issue was the question of citizenship. The dilemma over citizenship was initially a problem of how to enfranchise the resident Chinese-born population. A citizenship oath of exclusive allegiance to the British crown—and the implicit denouncement of one’s Chinese nationality—was considered unacceptable by most of the resident Chinese population. Finally, the British negotiated an agreement with the Chinese communist government that enabled long-term Chinese residents in Singapore to become citizens and choose to retain their Chinese citizenship.²⁹ But for Tay, unlike her parents, her birth in Singapore gave her citizenship.

peoples to the west, and provides a number of stories about the complexities of these relationships. Richard Wright, *The Colour Curtain: The Bandung Conference* (London: Dennis Dobson, 1955), in particular p. 39ff.

²⁷ For an interesting discussion of the “nexus between nationalism and internationalism” and the place of the Bandung conference among emergent nations in Asia in the 1950s and 1960s, see Sunil S. Amrith, “Asian Internationalism: Bandung’s Echo in a Colonial Metropolis,” *Inter-Asia Cultural Studies* 6, no. 4 (2005): 557–569.

²⁸ The 1958 constitution granted self-government to Singapore, which came to fruition in 1959 with the first election under the new constitution. Full independence from Britain was achieved in 1963 with the merger of Singapore into the newly created federation of Malaysia. In 1965, Singapore left the federation to become the Republic of Singapore.

²⁹ For the debates in the lead-up to Singapore citizenship, see Yeo Kim Wah and Albert Lau, “From Colonialism to Independence 1945–1965,” in Chew and Lee, *History of Singapore*, pp. 137–139; and Chon Heng Chee, *A Sensation of Independence: A Political Biography of David Marshall* (Singapore: Oxford University Press, 1984), pp. 136–140, 168, 203–204.

When Singapore became self-governing in 1959, loyalty to the state of Singapore was now expected from its newly proclaimed citizens and created in its wake a nationalism that energized much of its population. Tay initially flirted with this new national fervor. With the completion of her legal studies in London she had returned to Singapore in the 1950s to work with David Marshall, the Singapore-born Jewish lawyer of Baghdadi parents who in 1955 became Singapore's chief minister by leading the Labour Front to victory in the legislative assembly elections, the prelude to self-government and Singapore's independence. Subsequently, Tay became one of a handful of Singapore nationals to be appointed to the newly founded law faculty in the University of Malaya, largely staffed by imports from such countries as Britain and Australia.³⁰ Her appointment was a statement of confidence that Singapore's civic institutions would eventually be run by Singaporeans. But her romance with the Australian Kamenka, who had moved to Singapore with his wife and children to take up a lectureship, ended any sense of loyalty to the state. As Tay recounts, "the university was old fashioned—didn't like the thought that one of their virginal young ladies had been led down the garden path." The university's vice chancellor called them to task, and Tay and Kamenka decided to resign from secure jobs at the university and, more significant, depart the recently inaugurated city-state of Singapore. Tay saw her departure as permanent. "I couldn't go back to Singapore because of the people. I am *still* their scarlet woman." A few years later (probably 1964), by then a resident in Australia, she cut the final tie by renouncing her Singapore citizenship. As she tells the story, she went one day to the Singapore High Commission in Canberra to return her passport. She attached a note explaining that she did not want to be a citizen of a country that, in her words, "controlled her mind" and conducted itself politically in ways that she believed curtailed the basic rights of citizens.³¹ When I first heard her tell the story of the renouncement of her Singapore citizenship I thought her actions were those of rebellious youth, rejecting the past to make way for the future. Yet she maintained that the breaking of ties was neither with her family nor with her Chinese or even colonial heritage, but with the state of Singapore itself. Her action, she

³⁰ The Singapore campus of the University of Malaya was established in 1949, and the faculty of Law in 1957. The new dean of Law was Irish, young, open to ideas, and radical to the extent of appointing local nationals as academics rather than solely importing talent from foreign universities.

³¹ Tay interview, transcript, p. 44.

claimed, was a citizen's protest against state intervention in personal matters, a feeling of betrayal by a state that had been created to further the rights of former British subjects and "aliens," most of whom had been the colonized Other under British rule.³² In some ways, this was the ultimate act of a nonnationalist and was parallel to her emerging ideas on the relationship between state sovereignty and universal moral obligations.

Her former world—that defined by the colonial bond to London and ethnic identity with mainland China—should have become her sanctuary. But the end of the British Empire and the triumph of collectivization under Chinese communism put up new barriers that had not been present in the 1940s or early 1950s. China was now closed to her, and Britain—where Kamenka and Tay had fled—offered only a temporary sanctuary, and a slightly Dickensian one at that, where they eked out a precarious living as freelance writers. Though not legally "stateless"—she was a citizen of Singapore, though in 1960 she may still have traveled under a British passport—there is a sense in which she was emotionally stateless. By this stage Tay decided to pursue a PhD, which she had always imagined undertaking at a British university. Ironically, the Singapore government was beginning to support Singapore nationals in postgraduate studies at foreign universities (including Britain). Had she remained in Singapore she probably would have received such assistance. But without this assistance, doctoral studies at a British university were not really feasible. Kamenka, an Australian citizen, persuaded her to return with him to Australia, where he felt sure she would receive a scholarship to study at ANU, his postdoctoral alma mater, and knew that he could rely on his former newspaper networks for work.³³

³² Tay explained: "What is special about Singapore—that Lee Kuan Yew did do—is to make people sit up and say, this million and a half people have got a certain ability . . . [and could set up an] advanced industrial society. . . . Now that is something. But on the other hand, what is the price? Lee Kuan Yew controlled everything." In Tay interview, transcript, p. 66.

³³ Tay believed that the Research Schools at ANU, though no Cambridge in terms of prestige, were nonetheless an intellectually stimulating environment in which to do a PhD. Certainly, ANU's generous scholarship made PhD studies practicable, and Kamenka's experience of the research environment as a PhD student had been positive: "It was such a marvelous opportunity to develop yourself, develop your thinking, so he thought that I should do that. What I was looking for in the university in Singapore wasn't enough, it was too parochial." In Tay interview, transcript, pp. 48, 53–54. Kamenka's reflections on ANU in the early 1960s are similarly praiseworthy: "I soon saw the ANU as an institution that fostered, in its administrative staff as well as in its students and academics, intellectual honesty, seriousness and responsibility, sophistication, the overcoming of provincialism and respect

Australia, her newly adopted country of residence, was the place where she consolidated her cosmopolitan mode of inquiry. Interestingly, at the time of her migration, Australia still had strict immigration laws, which had often been used against Chinese migrants in the first half of the twentieth century. Yet Tay never described her ethnicity or race as a hindrance to her advancement in Australia. In the 1960s, these laws were slowly being relaxed, initially to attract students from Asia as a contribution to national development in the region. Possibly her status as a student and her location in Canberra, the national capital, buffered her from the usual national suspicion toward Asians. Though hardly a cosmopolitan city, and surrounded by dry, dusty sheep runs, Canberra was certainly an unusual city. As many have said it was more like a large country town, where hospitality was generally offered in the dining rooms of people's homes rather than there being a vibrant public culture of "dining out." It had an unusually large proportion of senior public servants, university lecturers, and foreign diplomats, educated and well traveled, and dinner parties in otherwise quiet suburban streets were often rumored to be interesting affairs indeed. She accepted this place as her intellectual home, even if her expectation had always been Oxford, Cambridge, or the University of London. Yet she never wrote about these racial policies at the time, and addressed questions of race in Australia only much later in life.

Tay's identity was shaped by her experience of interrelationships with several states—the British Empire, China, the city-state of Singapore, and eventually the voluntary or forced abandonment of them all, her own diaspora, and relocation to a completely new place. The geopolitical situation of the time created a context of shifting allegiances. Interestingly, Tay and Kamenka wrote about this in 1960 in relationship to the political independence of Malaya (which included Singapore) and what they described as "extraordinary political blindness and ineptitude" of the resident Chinese to agitate for their rights as citizens within the new Malay state, since (as Tay and Kamenka assessed the situation), "most of Malaya's Chinese combined a traditional lack of

for tradition. These were types of paradigmatic ideal or 'ideal types' not aspired to by everyone here but admired by many." Eugene Kamenka, "The ANU and Moscow State University," *Australian Journal of Politics and History* 40, no. 2 (1994): 218–224. Tay also explained that the ANU scholarship was very generous, which helped her make the decision to come to Australia: "[ANU] was offering the best scholarship available in the English-speaking world. You had a grant that was non-taxable. You had no teaching responsibilities. It was livable upon. All you needed to do was convince the selection committee that you have a subject and you are intelligent enough to do that." In Tay interview, transcript, p. 48.

interest in the political conditions of their life with an equally strong attachment to China as their true homeland, in which many of them hoped to die.”³⁴ With the emergence of a postcolonial world in which an individual’s allegiance was expected to be to one nation-state, the example of Tay shows the emotional resonance of believing in the ultimate universality of humankind: No state had the right to demean the lives of peoples within or without of its control.

COSMOPOLITAN MODES OF INQUIRY

Despite this world context of state nationalism in which the notion of “cross-cultural conversation” had disappeared from geopolitics and the UN had given up on the goal of world citizenship as a practical solution to world conflict, in some ways cosmopolitan modes of inquiry continued to live on through people like Tay, intellectuals who examined their chosen topics from internationalist and liberal pluralist perspectives. This intellectual generation adopted a cosmopolitan subjectivity and learned to live within the confines of the nation-state, yet were part of an intellectual world in which ideas would not be subject to the same national borders as people were.

For Tay, this type of cosmopolitan mode of inquiry had, in fact, beginnings rooted in her country of birth. As Tay explained, she first met Kamenka in Singapore, where “he began to ask me a lot of sociological questions about local culture, about local history and so on, and that was the first time I was exposed to questioning one’s own society in a coherent manner.” Tay developed what she called a “cultural awareness” of social complexities, in which the basis of inquiry was to discover the fundamental concepts of social action.³⁵ She first used this mode of inquiry to think about what was happening in Singapore itself, the sovereignty of the new self-governing city-state and its relationship with the people of this “mixed society,” as Tay described Singapore. The term then used in political discourse was “multiracial” to describe Singapore’s ethnic mix of Chinese, Indians, and Malays, those who would become the new citizens of this city-state. The issue, as Tay and Kamenka explained in an article published in 1960, was the fragility of

³⁴ Eugene Kamenka and Alice Tay, “Singapore—City State,” *Current Affairs Bulletin*, no. 26 (1960): 154.

³⁵ Tay interview, pp. 38–40. See also A. Tay, “The Chinese in South-East Asia,” *Race* 4 (1962): 34–48.

newly formed states and the political conceptualization of “the people” they were to serve. In the case of Singapore, the People’s Action Party (PAP), led by a young Lee Kuan Yew, promised to build a “Malayan consciousness”—which in 1965 morphed into a Singapore national identity once Singapore separated from the Malaysian Federation—from the ethnic mix of a city, explained Tay and Kamenka, that the British had regarded as having “no true local language or native claim.”³⁶ The anticolonialism of the PAP appealed to the people because it promised to give them a political voice and ensure harmony in an ethnically diverse community.³⁷ But in an impatient aside, Tay and Kamenka contended that the anticolonialism of Singapore’s governing party was superficial, since the PAP did not support the boycott against South Africa’s apartheid policy because to have done so would have adversely affected Singapore’s dwindling commercial trade.³⁸ They concluded that the creation of a democratic state through self-determination did not intrinsically guarantee the idea of “rights”: “The People’s Action Party, like so many nationalist parties today, holds power neither by its ability to provide higher living standards than colonialism, nor by its readiness to provide greater individual freedom. It governs Singapore with a heavier hand than the colonialists; but it gives the people the feeling that the Government is *theirs*. That is all that ‘freedom’ has come to mean.”³⁹

The next major step in her intellectual development was to undertake her PhD in law at the Research School of Social Sciences at ANU, a controversial study on the concept of possession.⁴⁰ The significance of her topic was to introduce her to the notion of universal concepts and ideas, and, also, through the practice of legal history, to what she described as “the two most important intellectual tools that the scholar can have”: analysis and conceptualization. Furthermore, her experience at the Research School of Social Sciences opened her mind to the possibilities of the social sciences. In her words, “there is absolutely no doubt that the time I was [a PhD student] at the ANU, social sciences had raised questions about how one thinks in the context of society . . .

³⁶ Kamenka and Tay, “Singapore—City State,” p. 155.

³⁷ Sunil Amrith sees this “sense of expectation and entitlement which characterised the hopes of the left” as inspired by the “Bandung spirit”: Amrith, “Asian Internationalism,” p. 561.

³⁸ Kamenka and Tay, “Singapore—City State,” pp. 152–153.

³⁹ *Ibid.*, p. 160.

⁴⁰ Controversial because she was challenging the idea that there were many different concepts of possession. She published many legal articles on this topic.

how ideas and concepts relate to life. . . . That early stage of intellectual thinking in terms of social sciences [was] very creative.”

For Tay, these tools, along with a social inquisitiveness introduced to her by Kamenka in Singapore, helped her cultivate what she saw as her most crucial skill in studying societies: to approach them with a degree of cultural and social empathy by seeking to adopt local cultural practices, gain a certain degree of acceptance despite one’s social or cultural differences, observe one’s surroundings with tolerance, and subsequently use such understanding learned from within, as it were, to do the serious work of conceptualizing the legal foundations of societies. The pluralist idea of cultural difference rather than a concept of race underlie Tay’s work. Yet there is no doubt that she believed her own physical appearance and linguistic skills provided her with a deeper cultural experience of certain situations than might have otherwise been possible. The fact that she was not of European appearance, she believed, meant she was more readily accepted across certain cultural divides, a sort of reverse racial prejudice.

We can see how this worked by examining Tay’s experience of living in Moscow for one year in the mid 1960s. Australian National University had entered into an exchange agreement with Moscow State University in the 1960s, part of the Soviet awakening after the Stalinist terror. The Soviets sent scientists, who basked in the munificence of Australian laboratories; the Australians sent philosophers, lawyers, historians, and social scientists to observe a communist state in transition. Tay and Kamenka were in the group of scholars to be exchanged in 1965–1966. The point of their trip, really, was simply to be in the Soviet Union, to soak up the experience, to buy as many Russian books as possible, and get to know how the Russians live. The trip was also intellectually productive: They used material and knowledge acquired during this year-long residence in numerous publications during the following decades.⁴¹ Tay believed that the success of the trip was largely because they were able from time to time to meld in as Russians. Although his parents were Russian Jews, Kamenka was not a Soviet citizen, and as anti-Bolsheviks (his father had been a Menshevik and his mother an anarchist) his Russian émigré parents probably had strong views about the Soviet destruction of Russian cultural life. Nonetheless, he spoke good Russian and was more familiar with Russian ways than most Aus-

⁴¹ See Julia Horne, “Alice Tay, the Making of an Intellectual,” in Doeker-Mach and Ziegert, *Law, Legal Culture and Politics*, p. 497.

tralian. Tay, who by this stage already spoke four languages, set about learning Russian; once she found a similar linguistic pattern in Russian to that in Mandarin, learning Russian became easier. But being an ethnic Chinese married to an ethnic Russian had another advantage. She explained: "We found that because Eugene was Russian, because I was Asian—there were lots of Mongolians, and so on—they looked at me and said I was one of them. They would do things for me, like bring me food that they knew I would enjoy because it was spicy . . . so we got on very well. I mean, we got on well in the sense that culturally we understood each other, whereas somebody from the Manning Clark sort of family—so Anglo-Saxon, so white—[had much greater cultural barriers to overcome]." ⁴² A concept of race did not so much inform her work as it did her sense of self in negotiating new cultural situations.

In some ways her words trivialized her intellectual approach, because there is no doubt that reading widely and serious theorization informed her work. And the snobbish aside about Manning Clark (1915–1991), a highly respected historian of Australia noted for his grand narrative style of history, suggested a belief that some people are bound by their ethnicity and linguistic ability, unable to transcend cultural and social difference to grapple with the universal concepts that underpinned human society. ⁴³ Tay saw herself as able to blend into a society that at the time most people in the West had come to see as alien, with unknown customs, a devil's kitchen from which one might never emerge. Her account of this experience, especially the emphasis she placed on the ability to adapt linguistically, goes to the heart of Appiah's definition of the cosmopolitan belief that "all cultures have enough overlap in their vocabulary to begin a conversation." ⁴⁴

For Tay, her Moscow experience was another example of how exposure to other cultures can open up new possibilities for thinking about

⁴² Tay interview, pp. 81–86. Of course, even if Alice Tay melded in with the Mongolians, who were presumably in the USSR as a result of close ties with Mongolia, it is likely that in the eyes of Soviet citizens more generally she, along with the Mongolians, would have been seen as different.

⁴³ Her aside about Manning Clark may also be a critical reference to Clark's *Meeting Soviet Man* (1960), a collection of essays about the Soviet Union written after a three-week visit in 1958 with other Australian writers as guests of the Soviet Writers Union. The essays were received critically by all sides of the political spectrum, condemned by Australian communists as supporting anti-Soviet clichés, and by conservatives as superficial and having too much "sentimental goodwill" toward the Soviet Union. See, Stephen Holt, *A Short History of Manning Clark* (Sydney: Allen and Unwin, 1999), pp. 116–120; P. Howell, "In Khrushchev's Russia," in *Manning Clark: Essays on His Place in History*, ed. Carl Bridge (Carlton: Melbourne University Press, 1994), chap. 5.

⁴⁴ Appiah, *Cosmopolitanism*, p. 57.

social and legal cultures: she explained that as a “comparativist . . . to assess the legal cultures of different countries . . . you just simply live and absorb.” Of course, there was more. By living and breathing Moscow life and being part of a scholarly exchange program, her Russian language skills went beyond asking for eggs or fish. She learned the intellectual language and ways of communication. She and Eugene acquired a huge collection of Russian books, which they posted back to Australia and which were useful for years. By the time she returned to the Soviet Union in 1973 on an exchange between the Soviet and Australian academies of social sciences, she had published on Soviet law, on succession and tort liability, and she was invited to various academies for serious dialogues on Soviet law.

As a “comparativist,” her aim was to use this absorbed experience as cultural intelligence to inform a deeper conceptual understanding of her studies. In addition to her published work on particular legal questions in Soviet law, she began to develop a notion of “rights” beyond the narrowly focused concept of a “legal right.” In this work, she examined the relationship between modern states and their legal systems, especially the ways in which politics, ideology, and social culture helped or hindered the development of a legal system in its notion of justice and its duty to do right to any person—citizen or “stranger”—trapped in a social, political, bureaucratic, or legal quagmire.⁴⁵

Tay and Kamenka devised a typology of organizational forms and social functions so that societies could be compared to one another, especially the ways in which equalities and freedoms were melded and shaped according to the types of institutions that existed in any given society. The typology was based on three concepts: Ferdinand Tönnies’s *gemeinschaft* and *gesellschaft*, Max Weber’s concept of the bureaucratic-administrative, and Tay and Kamenka’s own theory of domination-submission.

They first developed the typology as a means of thinking comparatively about the People’s Republic of China and the Soviet Union, both socialist states yet with different legal, political, and cultural institutions. Tönnies’s concept of *gemeinschaft* captured organic social

⁴⁵ For example, see A. Tay, “Civil Liberties in the Soviet Union,” *The Bridge* 2 (1971): 37–44; A. Tay, “The Status of Women in the Soviet Union,” *American Journal of Comparative Law* 20 (1972): 662–692; A. Tay, “The Foundation of Tort Liability in a Socialist Legal System: Fault versus Social Insurance in Soviet Law,” *University of Toronto Law Journal* (1969): 1–15; A. Tay, “The Principles of Liability and the ‘Source of Increased Danger’ in the Soviet Law of Tort,” *International and Comparative Law Quarterly* 18 (1969): 424–448.

forms and functions (e.g., the family, small cohesive communities and associations, the agrarian village). His concept of *gesellschaft* captured organizational and social forms (e.g., those arising out of the market place or a factory). Max Weber's conceptualization of bureaucratic-administrative structures helped identify the forms of large-scale management integral to a society's efficiency and profitability.

Tay and Kamenka devised the fourth concept to analyze the social functions that operated outside the law.⁴⁶ As Tay explained,

We needed a fourth paradigm, the domination-submission paradigm, that did not need legal forms, and which could distort or weaken a dominant trait. The domination-submission paradigm is borrowed from the belief: might is right. This paradigm does not require illustration these days—it is found in the wars that are waged by the strong over the weak, by people who have acquired some “authority” within a bureaucracy and administration, who convert a situation of equality and intellectual freedom into a bullying, “I-say-so” posture. Where might is right, no law is needed, and if law existed, it is ignored.⁴⁷

They believed it could also be applied to other societies. Liberal democracies are based on a trust that bureaucracies and administrations will work in favor of the people and what is right. When things go wrong and the “strong” (the authorities) bully the “weak” (the people), it can be more comfortable to see such behavior as an aberration. The Tay-Kamenka paradigm gave a name to those instances when pronouncements from the authorities are clearly unjust and not in the interests of humanity, a lost chance of Kantian hospitality. People had rights, and states (along with their bureaucracies) had responsibilities.

CONCLUSION

The cosmopolitan life of Alice Erh-Soon Tay involved shining spotlights on parts of the world shunned by Western liberal democracies during the Cold War. She was hardly a supporter of the politics or regimes

⁴⁶ I first raised this point in Horne, “Alice Tay,” p. 505.

⁴⁷ Correspondence between J. Horne and A. Tay, 22 October 2003. For an example of the typology's use, see A. Tay, “*Gemeinschaft, Gesellschaft, Mobilisation and Administration: The Future of Law in Communist China*,” *Asia Quarterly* 1 (1971): 257–303. See also A. Tay and E. Kamenka, “Commune and Community in the USSR and China,” in *Community*, ed. Kamenka (London and Melbourne, 1982), pp. 99–122.

of either the Soviet Union or the People's Republic China. But she did present herself as a savior of the people. She saw her intellectual duty to rid the world of "otherness" by reconfiguring common Western perceptions of "us" (the West) and "them" (the East) and fostering a preparedness to engage in cross-cultural conversations. Her work on legal systems increasingly sought to show how humanity could be protected from the excesses of state rule, largely through notions of justice and regard for universal moral obligations and responsibilities. She worked without the lexicon of cosmopolitanism, in that long period between the cosmopolitan moment of the immediate post-World War II period and that beginning at the end of the twentieth century. But both her life and her intellectual work were inspired by the cosmopolitan undercurrents that continued to survive.

An examination of Tay's early intellectual life also allows us to reimagine cosmopolitan thinkers of the 1950s and 1960s, and to reconceptualize cosmopolitanism not so much as a particular type of person determined by gender or ethnicity, but as an intellectual position achieved via many different paths. In the case of Tay, her multilayered experiences as a colonial subject, a child of Chinese parents, a postcolonial subject, and an abject citizen of a new city-state, and then her rejection of her city of birth to become a citizen elsewhere, created a confidence in her ability to begin cross-cultural conversations, which she intended to pursue. Her pluralist approach to intellectual inquiry and her presumption of a universal morality were the central features of this "cosmopolitan curiosity."

Yet, how would she have negotiated more cosmopolitan times? There is an oppositional dynamic to cosmopolitanism in periods such as the Cold War in the sense that to be cosmopolitan at such times is to declare oneself against a world filled with nationalist and provincial perspectives. In this sense, cosmopolitan intellectual positions provided vital alternatives to dominant nationalist discourses. It is interesting that Australia in the 1960s, with its long tradition of nationalist "bush"⁴⁸ ideology, should also be the site for Tay's emer-

⁴⁸ The "bush," a cultural reference to Australia's frontier, had been praised since the 1890s for its character-building qualities, which many saw as integral to the development of Australia as a nation. There is an enormous historiography on the bush and the Australian national character. As good starting points, see Richard White, *Inventing Australia: Images and Identity, 1688–1980* (Sydney: George Allen and Unwin, 1981); Marilyn Lake, "Politics of Respectability: Identifying the Masculinist Context," *Historical Studies* 22, no. 86 (April 1986): 116–131.

gent cosmopolitanism, which provided an alternative means of conceptualizing and critiquing the nation-state, an intellectual space, as it were, free of nationalist frameworks. In this sense, cosmopolitanism is an important historical tool for discovering apparently lone voices in times of national self-obsession, those intellectuals who did not think within a nationalist framework and who worked within internationalist frameworks to consider universal human values beyond and above the “state.”

Some decades later, in the 1980s, Tay and Kamenka wrote an article partly based on their Soviet experience as well as Tay’s knowledge of China in which they argued for the need of tolerance of cultures to understand the big questions that underpinned human society. They wrote, “Cultures and languages, especially great cultures and rich literary languages, like those of Russia and China, have their own special flavour . . . elevating and probing particular aspects of the human condition, of human experience, capacities and aspirations.” Tay’s and Kamenka’s notion of “great cultures” clearly spoke to their earlier intellectual heritage, which came from an educational tradition steeped in the idea of a hierarchy of cultures, cultural greatness judged by literary and artistic outputs. Yet the statement, published in an Australian monthly for an educated audience rather than a specialist scholarly readership, can also be read as a reclamation of Russian and Chinese culture at a time when many people in the West were still suspicious of countries governed by communist regimes.

Tay and Kamenka hoped to place these cultures alongside the cultures conventionally believed to be “great.” They argued, “neither, however, is the Soviet Union or China a mystery wrapped inside an enigma: a society so different from ours, so special, so unique, that we cannot understand nor judge it. Both Russia and China have produced great, universal cultures that are pre-Communist and that we are worthy to rank beside, in some respect even above, the greatest cultures of Europe.” Tay and Kamenka believed in what Appiah later termed “cosmopolitan engagement,” a pluralist outlook that professed “respect for difference with a respect for actual human beings.”⁴⁹ Cultures apart from ours, Tay and Kamenka explained, still express “human characteristics that we can understand, admire and emulate as human beings. They are not wholly other. We live in a world of many cultures, ways of life, virtues and vice, often inextricably intertwined with each other.

⁴⁹ Appiah, *Cosmopolitanism*, pp. 46, 113, 144.

But Karl Marx's favourite motto—'Nothing is alien to me'—is and needs to be seen as true."

And in a final flourish, in a cosmopolitan moment of their own making, Tay and Kamenka rejected nationalist specificities in favor of an internationalist approach that looked into and across cultures at humanity as the basis for a universal morality: "Today we are more conscious of the extent to which nations, races, cultures and civilisations are products of many influences, of the mixing of peoples, cultures and traditions, of international trade and commerce, of the world-wide spread of technologies, religions and ideologies. There is no such thing as a self-contained national genius, national destiny, national outlook. . . . The twists and turns, chasms and blind alleys [of the specificities of time and place], derive from a more universal map."⁵⁰

⁵⁰ Eugene Kamenka and Alice Erh-Soon Tay, "Life Under Communism: The Soviet Union and China," *Quadrant*, December 1986, pp. 66, 68.

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