Governing transnationalisation and transformation of state sovereignty

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Introduction

Transnationalism and sovereignty are in many ways conflicting. The two concepts have evolved in worlds that are apart historically, disciplinarily and in a normative sense. Whereas the roots of the modern concept of sovereignty lay in the Westphalian (and UN) world system of separated (and non-interfering) states, transnational studies lecture methodological post-nationalism and criticize taking state borders as granted – asymmetric interference in territories occur frequently. While the classical idea of sovereignty envisions a population tied to a territory, transnationalism perceives individuals as mobile. And while sovereignty debates are to a great extent shaped by legal scholars, transnationalism remains a ground for anthropologists and sociologists, many of whom have a gist against legal predetermination.

Such juxtaposition manifests itself in transnational studies, where a number of authors see the state power as the source of problems as well as in sovereignty studies that view transnationalisation as a threat to sovereignty of states. Naturally, there is also some middle ground that accommodates also views that see the two as accommodating each other. Take, for instance Stephen Krasner’s concept of interdependence sovereignty (Krasner 1999, 2009, 2012) – the ability of the state to control of the transborder movements. This definition makes the state not only a domestic actor that controls the intra-state issues (monopoly of legitimacy and violence in its own territory) and an international actor that establishes a relationship with other states and supra-state institutions, but also a transnational actor, aiming to establish some kind of control over trans-border processes, resources and affiliations.

This is to an extent enabled by the more dynamic outlook on sovereignty that follows the transformationalist perspective on globalization (see Held & McGrew 2003). According to Heller and Sofaer (2012), sovereignty should not be seen as a set of established rules, but rather a changing list of capacities the state ought to have to manage in the current context.
Sørensen (2004) has envisioned this as the new game of sovereignty, where the rules have become more flexible.

More flexible rules imply that agency becomes the determinant – whether and how do states adapt to the new environment. There are both winners and losers of globalisation (de la Dehesa 2006) as well as transnationalisation. In this paper, we explore different dispositions of states toward transnationalisation and how can those be enacted via particular measures of governance. The states can take a proactive stance and aim to play transnationalisation as a positive sum sovereignty game, enhancing their overall impact in their space of operation. But states can also adopt a more conservative, or even regressive stance toward the issue. The consequences are different for governments, the people and citizens.

This paper draws on our previous studies on micro-level transnationalisation (see e.g. Jakobson et al 2012) and secondary material on the macro-level of transnationalisation, but is a product of work in progress. As the variety of transnationalist perspectives entails vastly different approaches and levels of ambition we will develop our discussion based on transnationalism as practically evident in empirical studies. Thus we will discuss the implications on sovereignty of governing the empirical transnationalism (including blurred borders and agency in multiple locations), but not the theoretical visions of a transnational (or cosmopolitan) world without states or of a single world state.

Developing our previous research (especially Kalev et al 2010; Kalev, Jakobson 2012, 2013) the article proposes a typology of statehood settings in terms of reactions to transnationalisation and outlines the accompanying policy measures focusing on these proactive towards transnationalisation. We give an overview of different governance initiatives that can be understood as the extensions of domestic or internal sovereignty (or actual substance of statehood), discuss managing the asymmetry of the internal sovereignty of affected states, and then inquire the pressure the changes in domestic practices put on the other aspects of sovereignty – external sovereignty and popular sovereignty.

We conclude that transnationalisation is governable by the states given adequate institutional arrangements are developed. Sovereignty is not an absolute, but a resource that can be accumulated by state governments. But there are some logical limits to this if we want to keep a system of governance based on multiple states. The article argues also that the locus of
sovereignty is transforming – popular sovereignty becomes fuzzy as people move around and so does territory as states no longer operate only confined to their borders. Instead, the administrative state becomes the bearer of sovereignty.

**Transnationalism**

In the last decades, the scholarly discussion on transnationalism has been developing with accelerating speed, starting with the basic idea of the two-directional cultural and goods exchange created by migrants (Sutton, Makiesky-Barrow 1975), actually having personal footage in two or more societies (Chaney 1979: 209) and circulating between societies rather than migrating. This has resulted in the view seeing embeddedness in cross-border exchange as a normal part of the contemporary social status of people and in conceptualising transnational social spaces as relatively stable constellations building upon people in (or in between) various national societies (Glick Schiller et al. 1992).

Transnationalisation is normally conceptualised as a structural process of blurring boundaries, coeval with globalisation, yet occurring in smaller and geographically more precise locations, and allowing for a continuing heterogeneity of developments across the world. Smith and Guarnizo (1998) have differentiated transnationalisation ‘from above’ – in the cross-border integration, global media, financial market or governments and IGO-s create – and transnationalisation ‘from below’ – in activities merging from the grass-root level, such as migrating, maintaining border-crossing social networks, creating small-scale finance flows, transmitting cultural practices from one locality to another, etc.

Transnational social space is usually conceptualised as a border-crossing network of relationships: “combinations of ties, positions in networks and organisations and networks of organisations that reach across the borders of multiple states” (Faist 2000: 191). Bauböck (2003) notes that transnational spaces (unlike inter-, multi- and supranational ones) may theoretically constitute even overlapping polities between independent states, where external or dual citizenship is allowed.

From a systems theoretical perspective, transnational space is an autopoietic subsystem that organises itself according to the requirements of the conditions in the environment. Unequal development (as a premise for migration, the flow of remittances etc.), cultural differences
(that impede integration into the “receiving” society, and rather result in an adaptation to its rules), relative under-representation in political and other institutions (that could result in remaining extra-institutional and peripheral or in a demand for equal rights) are some properties that shape the character of transnational political spaces.

Earlier (Kalev et al 2010) we have analysed transnational spaces resulting from three perceptions of transnationalism: modest, multi-level and radical. Modest tunnel-like spaces presume modern (or compatible) statehood, particularist spaces refer to multi-level governance settings and radical overarching spaces could replace states. In practice, the most likely transnational space to develop is a tunnel-like. The opportunities for multi-level type of space depend on the interest of the state institutions and the success in establishing a systemic multi-level setting of governance. The radical version of overarching transnational spaces substituting states is unlikely.

The empirical literature (e.g. Smith & Bakker 2008, Pitkänen et al 2012) usually studies transnationalism as individual life patterns, cross-border networks and agency all compatible with statehood as broadly conceptualised. Transnationalisation does not imply a total transformation, but rather, an extended or self-awareness transformation of regular practices, because while engaging in transnational practices and/or spaces, one can still retain one’s roles in national or local spaces or communities. This is also the basis for our subsequent analysis.

**State and sovereignty in transnationalisation**

In political and governance studies we generally understand the state to be an instrument for people to organize life amongst themselves. The state is constituted by its apparatus (publik governance, i.e. political and administrative institutions) and civil society, forming the organization of power in a territory with unified goals and actions, which is characterized by the functional differentiation of public authority, sovereignty and legitimacy, a unified political space, governability, and citizen agency (Kalev 2011; Kalev, Roosmaa 2012). The state also has certain imaginable parameters: symbols or other features, which are perceived important for state identity (Kalev 2009).
The perspective of transnational studies on statehood is somewhat different. Here we do not approach states and societies as entities taken for granted and the critique of ‘methodological nationalism’ is often exercised (see e.g. Chernilo 2008). Countries are no longer clear-cut containers with clear borders that differentiate organised internal affairs from the external “otherness” (Pugh et al. 2009). We treat them rather as fields, having some kind of coherence which is nonetheless constantly changing.

At the same time there is a broad consensus that the state institutions have a proactive, and indeed, decisive role in governance, also in governing transnationalisation (Bell, Hindmoor 2009; Kalev et al 2010). The state is based on public authorities, which organize society by meaning making (myths, legal norms) and actions (application of legal norms, power practices, use of power). Applying various governing strategies and techniques (see e.g. Hood, Margetts 2007; Howlett 2010) they continue in central position in shaping human opportunities in their territory and beyond.

Thus, for the full understanding of statehood in governing transnationalism we need to differentiate the term state in its broad and narrow meaning (see Kelsen 2006). In a broad sense the state is a political society and power organization on a specific geographical area. In a narrow sense it is the public authority, the state institutions, the state apparatus. While the state in the broad sense could increasingly be nested in cross-border frameworks, this does not necessary reduce the power of state in the narrow sense, e.g. the public governance institutions whose influence could also increase. The administrative state may gain influence while the state in broad sense fragments (see e.g. Taylor 2003 on decomposing containers).

Sovereignty is a long discussed concept (see e.g. Loone et al 2004, Kalmo, Skinner 2010). Very generally it can be understood as the supreme authority in the polity (e.g. Bartelson 2011). Krasner (2012: 6) outlines seven classical elements of sovereignty: territory, population, effective domestic hierarchy of control, de jure constitutional independence, de facto absence of external authority, international recognition and the ability to regulate transborder flows – but this is just an example of numerous elaborations.

Although sovereignty is usually understood as a modern concept it has much deeper historical roots. In political theology and feudal practices of the late Middle Ages, the supreme authority was vested in the person of the prince, who derived his authority both from theological
sources and from his relative ability to protect his subjects from internal and external enemies – and who operated in the context of a (Western) Christian system spiritually lead by the a pope and earthly most clearly asociable with the Holy Roman emperor. The conventional concept of sovereignty developed up to 19th century through the four subsequent steps of territorialisation, depersonalisation, absolutisation and popularisation (Bartelson 1995, 2011). This implies that conventional sovereignty is not the only possible mode of sovereignty.

A well-known distinction is between three aspects of sovereignty: internal, external and popular. Internal sovereignty denotes the ability of state authorities to control the territory and the people. External sovereignty signifies the international recognition of independence and the government’s ability to freely operate in the international arena (see e.g. Kuusik, Berg 2010). Popular sovereignty has a different reference ground – the ability of people (citizens) to define collective priorities and make decisions that is the basis of democratic statehood (see e.g. Chwaszcza 2012). In more ambitious approaches popular sovereignty can be seen as precondition for the external (recognition) and even internal (legitimacy) sovereignty.

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<tr>
<th>Aspect of sovereignty</th>
<th>General characterisation</th>
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<tr>
<td>Internal</td>
<td>The ability of state authorities to control the territory and the people. Systematic organization of public authority, finance and force, clearly defined population, territorial integrity.</td>
</tr>
<tr>
<td>External</td>
<td>International recognition of independence and the government’s ability to freely operate in the international arena, diplomatic contacts with other states, membership in international organizations.</td>
</tr>
<tr>
<td>Popular</td>
<td>The ability of people (citizens) to define collective priorities and make (and change) binding decisions. Constitution founded on the rule of the people, decision making according a set of rules, reasonable expectation that fellow citizens comply to decisions and share outcomes, regular possibility to change decision-makers.</td>
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Table 1. Aspects of sovereignty. Source: authors.

In conventional understanding sovereignty means that a state is the highest locus of power on its territory concerning its residents. State institutions seek to impose themselves on other societal institutions (internal sovereignty) and relating to foreign actors (external sovereignty, including international recognition). This is functional in order to reach binding collective decisions and assure that these are followed by the residents on the territory of the state. State institutions provide an agreed upon mechanism for establishing public priorities, reconciling the goals and programmes, implementing policies and monitoring policy results (Pierre,
This typifies the public sector, which specializes by function and differentiates from the private sector.

The people of the state build up the locus of the body politic, or in other words, the collective agent and arena of politics, a common political space (and people as the sovereign). The scope and intensity of political spaces can vary. The key question is defining who is a citizen, what are the accompanying rights and obligations and how do citizens relate to people with other legal statuses. An important aspect is also political participation in the civil society, or through intermediating democratic institutions or state authorities. Citizens also are the reference group for legitimacy. A state has to have a sufficient foothold in society: a majority of the residents must recognize its authority, be the stance positive or neutral.

The conventional understanding of sovereignty has become challenged by the processes of globalization and transnationalisation, which have led to questioning not only the scope of state authority, but also the usefulness of the traditional conceptualization of sovereignty. As Saskia Sassen (1996) notes, globalisation brings about a new geography of power and leads to the realization that systems of rule need not be territorial. A bulk of literature in the field of international relations (Keohane 2002, Krasner 1999, 2009, 2012, Sassen 1996) has begun to perceive sovereignty more from the positive stance – as highest authority – rather than in its negative aspect – absence of external intervention. This conceptualization accepts the impact of globalization on nation states, but still conveys them as able and dominant actors in making political decisions.

To meet these analytical challenges we proceed by understanding sovereignty as a nested concept consisting of juridical core, regulative rules, and actual substance (Sørensen 2004). Juridical core is the constitutional independence stated and recognized (both domestically and internationally). Regulative rules include the international regime of sovereignty consisting e.g. of non-intervention and reciprocity. Actual substance is the real capacity for state action and control based on political and administrative institutions as well as the characteristics of national economy and community.

In the last decades the juridical core has been largely intact while the number of sovereign states has risen. The actual capacity of governance has evolved adjusting to circumstances as usual. Notable changes have taken place in the regulative rules, i.e. international regime of
rules and practices. This has led to the emergence of a new game of sovereignty based on factual asymmetry of power and influence or even intervention across borders.

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<th>The modern game</th>
<th>The new game</th>
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<tr>
<td>Core of sovereignty</td>
<td>Constitutional independence</td>
<td>Constitutional independence</td>
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<td>Regulative rules</td>
<td>Non-intervention</td>
<td>Regulated intervention</td>
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<tr>
<td>Substance of statehood</td>
<td>Territorially defined polity, economically and culturally</td>
<td>Multilevel governance, economic cross-border networks, supranational elements in ‘national’ community</td>
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Table 2. Modern and new sovereignty game. Source: Sørensen 2004: 115.

The most known areas of the new game of sovereignty have been European Union governance, international humanitarian intervention and conditional foreign aid often requiring accepting external activities in the territory or not using some sovereign rights. But the modus operandi of a regime for governing transnationalism is similar: states making unilateral or mutual concessions in order to foster cross-border activities. This makes governance and international law more complex as there are cross-border rules in certain areas.

Not all of the national governments are eager to enter the new game. There are several reasons for that, such as a lack of governance capacity, a strong sense of nationalism or nation statehood or the acknowledged asymmetries of opportunities in case of larger and/or capable vs. smaller and/or more fragile states. However, also in case of weaker states transnational governance is perceivable not only as a threat to sovereignty but as an opportunity. Smaller states could gain operating space and influence in bigger networks, poorer or dysfunctional states could tap material or administrative resources.

From diaspora politics to governing transnationalism

Next we turn to actual policies – the ways of contemporary states are governing the transnational spaces. Of use here is the inventory of policies for governing diasporas (e.g. Brinkerhoff 2004, Gamlen 2006, Patterson 2006) and transnationalism (e.g. Bauböck 2003, Durand et al 1996, Itzigsohn 2000, Glick Schiller & Fouron 2001, Smith & Bakker 2008, Jakobson et al 2012). Differences between diaspora politics and governing transnationalism occur not much in means, but rather, in their goals and particular situations governed. First of
all, diaspora politics are mostly characteristic to peripheral states, while transnationalism may also be governed by core states.

Secondly, diasporas are groups of nationals abroad that have developed over time, often in generations since the original emigration (Scheffer 2003). Transnationalism depicts a much more dynamic relationship, including shorter term migrants who return, and commuting migrants. Thus, governing transnationalism also includes managing return migration and the short-term outlook of migration.

And thirdly, while diaspora politics solely focuses on individuals and their communities, governing transnationalism also means governing meso-level bodies such as civil society organisations, transnational business, etc.

Nevertheless, diaspora policy analyses provide a valuable basis for assessing the broader transnational strategies when the differences are kept in mind. For instance, Alan Gamlen’s (2006) analysis of diaspora policies in 70 countries in different parts of the world has resulted in a typology proposal – he suggests that there are three kinds of diaspora policies – capacity building, extending rights to the diaspora and extracting obligations from the diaspora.

When putting this into the context of sovereignty, we can reclassify the policies into two categories: (1) extending internal/domestic sovereignty, that is, using transnational spaces to induce state capacity; and (2) extending popular sovereignty, that is, engaging with the population within the transnational space.

Supplementing Gamlen’s list with the policy measures from the empirical literature on transnationalism we can understand extending domestic sovereignty as including foreign direct investments (FDI), remittances, investment programmes for hometowns, knowledge transfer programmes, return and adaptation programmes for return migrants, encouraging transnational business, establishing export routes with the help of migrants, assisting unemployed people with entering the labour market abroad, establish lobby in the host state or in international institutions (e.g. for foreign aid), extending statistics collecting to the transnational level (keeping an eye on the population abroad as well), etc.
Extending popular sovereignty entails recognition of migrants, declaring them national heroes, as happened in Mexico, or in softer forms, depicting the nationals abroad as an extra administrative district (e.g. as in Haiti), giving them political rights, more open citizenship legislation (e.g. allowing dual or external citizenship) and allowing dual nationality; building consultative bodies, expatriate parliaments, representation of expatriates in national parliaments, allowing extraterritorial voting (postal, embassy voting), encouraging participation in migrant associations or in host state politics and apply identity politics through consulates.

Some states, however, isolate themselves from transnationalisation, e.g. by applying selective or insular citizenship legislation (Vink, Bauböck 2013). But there is also the case of Russia demanding NGO-s that receive funding from abroad (including transnational social movements) to register as foreign agents. The states could also aim to secure the internal domestic sovereignty from the extended domestic sovereignty – for instance, in India, where

Table 3. Inventory of diaspora policies. Source: Gamlen 2006: 9.
the non-resident Indians and overseas Indian nationals get some benefits, but at the same time, are barred from some rights, e.g. rights of inheritance, acquiring arable land, etc.

Some states have opted for hybrid forms – for instance, Turkey has signed into multiple guestworker programmes, thus using its labour force as a resource and benefitting from transnational settings and also uses cultural diaspora building strategies (Icduygu & Senay 2012), it has still restricted the popular sovereignty, by allowing voting in elections only on the state’s territory.

However, the practical problem with extending popular sovereignty is, whether the transnationals (who may be engaged in extending domestic sovereignty directly or indirectly), actually are engaged in extended popular sovereignty. This could also be conceptualized as the problem of the possibility of substantial multiple citizenship (in contrast to formal multiple citizenship that often means only holding the passports of convenience). Indeed, precisely the existence of substantial multiple citizenship is the premise to meaningfully discuss the possibilities of micro level political transnationalism, popular engagement and popular sovereignty.

Migrants may have a primordial identification with the original ‘homeland’, but this may not translate into their activities (Jakobson et al 2012). According to the Trans-Net study, transnational participation was rather modest – both nationally as well as transnationally. The participation is often discouraged by lack of awareness (e.g. some Estonian residents in Finland were not aware of their rights to vote in local elections) and/or lack of interest. (This may also indicate low level of informing by the state.) Also, transmigrants are passive when there is little practical incentive – when they do not have much to benefit from their participation (Jakobson 2013).

Being an active citizen in multiple states could be difficult because of a number of reasons, such as lack of time or other resources. Often people are not active even in one community. Transnational lifestyle takes up quite a lot of effort. Migration is in a way still an individualistic (or small group endeavor, and thus, also this group’s interests are put forth. Engaging with the home country politics and being part of its body politic may be low in the migrants’ agenda. (Jakobson et al 2012)
Modest participation may also result from the lack of empowerment. Some Estonian respondents even claimed that they cannot vote in Estonia because of moral reasons, since as they claimed, they don’t have to live under the rules the representatives will make. This was less evident with Finnish migrants who were more embedded in Estonian society, who self-evidently voted in practically all elections they were entitled to, even if they admitted not being very interested nor very well acquainted with politics in either country. This difference may be explained with different empowerment and the different democratic tradition, as Finland is a consolidated democracy with traditions.

Transnational participation is occurring mostly in the form of long-distance nationalism in states which are politically unstable or where the migrants are not satisfied with political developments (or in many cases, non-developments). The extension of popular sovereignty over the borders may result in political transformations or at least demand for such transformation. We can maybe even talk of democratic spill-over (Perez & Armendariz-Crow 2010). But this requires sufficient stability in the host country.

All in all governing transnationalism leads to a possible expansion of internal sovereignty limited by potential decrease in civic agency and popular sovereignty. The increasing domestic sovereignty questions the conventional model of external sovereignty based on clearly defined territorial jurisdictions.

**Four statehood strategies in governing transnationalism**

In order to explain the modes in which states orientate themselves in the era of transnationalisation, we propose a typology. An endeavor to do so is not a precedent itself, in fact, our pursuit for it was greatly stimulated by Georg Sørensen’s (2004) proposition of three statehood strategies (see also Kalev et al 2010). Sørensen proposed three statehood strategies – modern, postmodern and weak (or post-colonial), though this model is very much centered around the modern state, differentiating the ideal typical modern states from more evolved modern states and disabled weak states. Although such a model may provide a scale for analysing state transformations, it may ignore the fact that modern states have even stronger governance capacity over their territory than postmodern states, and that also post-colonial states may generate increasing governance capacity. Most importantly of all, however, this model does not relate to transnationalisation directly.
Our model (see Figure 1) is founded on two axes which play a defining role in choosing the state strategies. First of all, there is the question of states’ governance capacity – to what extent can states employ effective governance strategies in its jurisdiction (and beyond). This dimension is in a way present also in Francis Fukuyama’s (2004) call to analyse not only the level of development of states, but rather, also their scope and strength.

The second dimension our model follows, is the attitude toward transnationalisation – a stance towards migration, economic globalization/transnationalisation, and the like. Here we inquire, whether states see it as an opportunity and tries to adapt proactive strategies to encourage modes of transnationalisation that benefit it, or remain indifferent or even hostile and at best, be reactive toward transnationalisation – simply by condemning it, or aiming to hinder further transnationalisation.

As a result, we come up with four statehood strategies – namely, postmodern statehood strategy, featuring a rather strong governance capacity and proactive stance toward transnationalisation; modern statehood strategy, also featuring strong governance capacity, but being rather reactive toward transnationalisation; fragile statehood strategy that is characteristic to states having weak governance capacity and not much interest in transnational governance; and developmental statehood strategy, featuring states whose governance capacity is (still) rather modest, but who are proactive toward transnationalisation.

All proposed categories are ideal typical scenarios and thus do not need to accommodate all empirical statehood settings found across the globe. We acknowledge that some regimes may fall between the four categories, however, practically any state can perceive these as potential future scenarios.

The modern statehood setting is the classical centralised state where the state institutions co-ordinate or steer various aspects of life. As an ahistoric type of state the modernising setting is characterized by the attempts of state institutions to build up solid, centralised and controlled structures, if necessary, resisting the globalising trends. This is also the statehood setting in which the conventional concept of sovereignty developed and which is still taken as an ideal typical setting when sovereignty is discussed.
Migration is seen as a phenomenon that might perhaps enhance some spheres of life (e.g. economy, skills) and therefore also state-making. At the same time the modern state is conceptualised as a nation-state which makes transnational migration problematic and unwanted. Thus, for the modern statehood setting transnationalism is a negative sum game in terms of sovereignty.

The postmodern statehood setting could be described by diffusion and multilateralism – many of the processes that were seen as conducted by the modern state, are now arranged on supra-state, local or societal arenas. The transnational character of the world is acknowledged as well as the inevitability of migration and the generation of transnational communities. These issues are proactively addressed by the state institutions with a focus on transforming these processes into more manageable forms (and even to expand their influence).

In terms of governance capacity as well as orientation, we can distinguish between proactive and comfort-seeking strategies. The proactive strategy can be undertaken in general by large states with a lot of resources notable global of regional importance. The institutions that have chosen the proactive strategy can even take advantage of the new situation that potentially

Figure 1. Types of state (government) strategies in governing transnationalisation.
Source: authors.
meant a setback for the states, becoming the protagonists of transnationalisation and attempting to govern the transnational networks themselves, “colonising” the transnational space. The comfort-seeking states are usually less ambitious and in no such possession of resources. Rather, they play on the functional differentiation globalisation brings about and “specialise” on particular functions, e.g. accountancy expertise or intermediating the interests of some group or just offering stamps, citizen status and other bonuses of statehood. Although the proactivists are the ones with the largest absolute gain in sovereignty, also comfort-seekers can play a positive sum game of sovereignty to an extent.

Fragile statehood is defined by Brock, Holm, Sørensen and Stohl (2012: 16) as ineffective in planning and executing state-defined policies due to low legitimacy and administrative power, but are often also defective in terms of economic, human and societal development (instead of states, tribal, etc allegiances shape individuals). Thus, fragile states are neither capable nor interested in relation to the society). Thus, fragile states are neither capable nor interested in transnational governance, and bottom-up transnationalisation (usually in the form of migration) weakens the state still, resulting in brain-drain and other problems.

However, in some cases, states that have been (threatened to become) fragile states due to low governing capacity and legitimacy, have reviewed their attitude on transnationalisation and begun to perceive this as a resource for restoring their legitimacy as well as accumulating resource to (re)install (more) administrative power and effective governance over their internal territory. This has been characteristic of developmental states – often authoritarian modernising states that have focused on (economic means of) state capacity building – and also, post-developmental states – states that have begun to focus on nation building and are seeking for alternative development strategies to the West-centric modern state (Escobar 1995; Ong 1999).

While the fragile and modern statehood settings primarily engage with the territorial state – the former aspiring to govern its territory, establishing internal sovereignty, and the latter, effectively governing it and aiming to bar external influence from its territory – the postmodern and developmental statehood also engage with governing a transnational space (Faist 2000) or a transnational field (Levitt & Glick Schiller 2004). In the latter case, sovereignty transforms to the possession of power resources rather than just having the highest authority in a territory.
Discussion and conclusions

The discussion above is but a first step to relate the three layers of governing transnationalisation by states: (starting from the broadest): sovereignty, statehood and governance practices. It proposes a typology of statehood strategies in governing transnationalisation from the perspective of the modern and new sovereignty games. Naturally, a notable amount of work still needs to be done, both in terms of theorisation as well as the empirical analysis of governance practices. One of the longer-term goals could be a systematic overview of transnational governance practices, typified as Bell and Hindmoor (2009) have done (with nation-state-centric governance practices).

In sum, we can conclude that transnationalisation may turn sovereignty into a positive sum game for the states given that adequate institutional arrangements are developed. Of course, the strategies in governing transnationalism vary across states, but this corresponds well to the understanding of transnationalism as a multifaceted phenomenon. However, it results in pressures in the international (legal) system of states.

It can easily be concluded that in case states no longer operate only confined to their borders it is quite possible for governments (state in the narrow sense) to expand their influence (the third layer of sovereignty in Sørensen’s terms) over transnational areas and people (beyond their state in the broad sense). However, the increasing domestic (internal) sovereignty leads to an increasing tension with the other layers and aspects of sovereignty and possible transformations. Sovereignty is not an absolute, but a resource that can be accumulated by state governments. But there are some logical limits to this if we want to keep a system of governance based on multiple states.

If some governments succeed in expanding their influence over transnational settings they create tensions in the regime of sovereignty (second layer in Sørensen’s terms). It leads to a situation that could be metaphorically characterized as patches of external sovereignty in the earlier intact container of another state. While the asymmetry can to an extent be mended in developing more flexible rules (e.g. negotiated intervention) this nevertheless leads practice (and regulation) farther away from the premise of equality of states in international law. Pooling sovereignty (e.g. in the European Union) or creating multi-level arrangements (nested
sovereignty) has similar implications. These developments hollow out the practical content and relevance of the external aspect of sovereignty in its conventional sense.

This could be met by a shift from conceptualizing sovereignty not as exclusive right of final decision making but as possession of power resources (well compatible i.a. with the Foucauldian understanding of power). Such relational understanding of sovereignty as an indeterminate resource can allow us to conceptually meet the increase of asymmetries of governments (and other institutions).

This may lead us to more imperial or more federal settings in a way resembling an earlier phase of sovereignty under feudalism and in the context of high medieval German Holy Roman Empire. Finding new arrangements capable of overcoming the problems made explicit by the then modern criticism of medieval settings is crucial in developing a more viable system of nested sovereignty. Here determining sovereignty has its own challenges such as overlapping, opacity of long decision-making chains, translation and enforcement difficulties – and an ambiguous relation to citizens.

Concerning popular sovereignty, we can differentiate between two logics of political citizenship: the civil and the democratic. According to the civil logic the emancipation of a citizen is primarily enacted through practice of individual rights and is guaranteed by the rule of law. The democratic logic has the key interest in the ways citizen agency can potentially be performed in practice. It cannot be demonstrated that meaningful citizen political agency could be set up on the basis of civil logic (see Kalev et al 2010). As well captured by Erman (2012): democratic agents need not necessarily be agents of democracy. Democratic polities have to be based on the democratic logic of political citizenship. Also in this case, citizenship can be globally sensitive or globally oriented (see Parekh, 2003; Axtmann, 2010).

If sovereignty becomes nested a person may be a part of different communities of sovereignty (in a multi-layered setting). This means more challenges in transparency and capacity to influence but also more fundamentally for conceptualizing the people as integrated collectivity (political community) and for the interdependence of citizens as part of the community establishing and limiting governance, i.e. the very fundamentals of popular sovereignty (see Chwaszcza 2012). However, empirical accounts refer to more national or even bi-national rather than transnational practice (see e.g. Jakobson, Kalev 2013).
The movement towards non-modern setting most likely increases the relevance of public governance institutions as the basis of sovereignty, and not that of citizen bodies (at least their de facto capacity will be limited). This may render popular sovereignty marginal even in case there is a system of democratic governance in case of all sets of public governance institutions in a system. Thus the locus of sovereignty is transforming – while state sovereignty develops, popular sovereignty becomes fuzzy as people move around.

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<th>Aspect</th>
<th>Inactive in governing transnationalism</th>
<th>Proactive in governing transnationalism</th>
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<tr>
<td>Internal</td>
<td>Based on the idea of modern government</td>
<td>Based on governance utilising various techniques (if needed across borders)</td>
</tr>
<tr>
<td>External</td>
<td>Part of the family of states in modern international law</td>
<td>Position in a multi layered arrangement based on capacity</td>
</tr>
<tr>
<td>Popular</td>
<td>Popular sovereignty as a basis of national representative democracy</td>
<td>Marginalizing, tensions in democratic citizen agency and public accountability</td>
</tr>
</tbody>
</table>

**Table 4. Implications of governing of transnationalism to the layers and aspects of sovereignty.** Source: authors.

Based on the previous discussion we can conclude that the most likely practical parameters triggering transformations of conventional sovereignty are territory and population. The most likely developments are the increase of the importance of the administrative state as locus of sovereignty replacing popular sovereignty and the growth of asymmetry in international system pressurising external sovereignty.

All in all, governing transnationalism clearly influences sovereignty. The growth of the relevance of (extended) domestic sovereignty and the increase of asymmetry puts pressure on the other levels. The question is where are its limits or where will the balance be established. Unilateral overexpansion of domestic sovereignty leads to imperial overstretch. A moderate solution implies the evolution and reflexive use of the techniques for governing transnationalisation, self-limitation of stronger governments and balancing domestic sovereignty by intergovernmental stipulation of the adequate regime for transnational people.
References


