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The Transnational State

Governing Migratory Circulations

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Translated by Henriette Korthals Altes

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Introduction

Abstract This introductory chapter discusses the concept of the transnational state, which has emerged as a result of the co-evolution of immigrant transnationalism and the transformation of the state in a globalised world. Current research struggles to fully grasp this relationship precisely because immigrant transnationalism has been thought of as a phenomenon ‘outside the state’. It is seen as an autonomous social dynamic, responsive to public policy, but certainly not a product of it. The book emphasises the need to rethink the traditional conceptualisation of the state as a homogeneous entity confined within its territorial boundaries and instead offers a transnationalist reading of the construction of the state. This chapter presents the two main arguments of the book. Firstly, that migration and diaspora policies have led to the formation of the transnational state, that is to say a range of institutions and policies aimed at managing migration-induced transnational flows within and beyond its borders. And secondly, that state transnationalisation is not taking place randomly: it is premised on an isomorphic relation between the transnational society and the transnational state that develops around it. It highlights a paradox, namely that the transnationalisation of the state is occurring not in spite of the sovereign turn of world politics, but because of it, and is largely driven by the will to select transnational flows in accordance with domestic interests.

Keywords Transnational state • Transnational society • Transnationalism • State theory • Migration state

For long, it was commonly believed that the end of the nation-state was near, that it would be swallowed by the restless and irrepressible rise of global capitalism. And then came 9/11, the US operation in Iraq and the return of interstate wars; the building of walls against immigrants, the tighter controls over the banking system since the 2008 crisis, the election of populist governments with protectionist policies and massive re-industrialisation policies after the pandemics. Some may read these events as the symptom of de-globalisation and of a return of the sovereign state as the basis of the world order.

We are witnessing a sovereign turn in world politics. But this does not mean that the state is returning to its old Westphalian guise. State authorities have to cope with a heightened tension between globalised economic forces and domestic political pressures (Hollifield 2004). The state has had to transform to adapt to the new transnational order. While spreading its own institutions within and beyond its borders, it has itself become ‘transnationalised’. This sovereign turn, it is contended, has gone hand in hand with a transnationalisation of the state. Drawing on the analysis of migration policies, it is this complex relationship between (migratory) transnationalism and the transformation of the state that this book sets out to elucidate.

Current research struggles to fully grasp this relationship precisely because immigrant transnationalism has been thought of as a phenomenon ‘outside the state’. It is seen as an autonomous social dynamic, responsive to public policy, but certainly not a product of it. Migration scholars have never really been comfortable with the question of the state. Migration has long been understood as the joint product of pull factors in destination countries (labour market, wage levels, security) and push factors in sending countries (war, unemployment, poverty, demographic change, etc.). In other words, migration has been seen as a phenomenon of greater interest to societies and their economies than to the states per se. In the early 1990s, the development of transnational studies as a new paradigm for the studies of migration has not altered this perception. The book ‘Nations Unbound’ by Nina Glick Schiller et al. provides an analytical framework for the analysis of migratory transnationalism (Basch et al. 1994). It defines transnationalism as the process by which (trans-)migrants

build and maintain various forms of links with other countries. In this perspective, transnationalism appears as an alternative form of social inclusion, built in reaction to the hegemonic project of assimilation. It is the manifestation of the end of the overlap between the territorialised state and the nation. Even if the authors do not go as far as heralding the end of the state as we know it, they leave aside the question of how the state apparatus transforms. The original sin of transnational studies has been to understand migratory transnationalism independently of the state.

Today, the violence with which migration policies are implemented seems to belie this predicted end. This state violence is now occupying the space of migration research. Proponents of critical border studies, to the contrary, see this reconfiguration of the borders as a way of reasserting state territoriality. So much so that migration specialists tend to relegate the transnational society to the background. Migration studies are characterised by a movement from transnationalist research ‘without’ the state to an analysis of the role of the state ‘without’ transnationalism. Of course, the inverted commas are there to remind us that transnationalism and the state have never been totally absent from researchers’ concerns. But the relation between these two topics has received unequal treatment.

Another impediment seems to hinder the joint analysis of immigrant transnationalism and state policies. While the former addresses migratory phenomena across borders, the latter are marked by a firm distinction between homeland politics dealing with diasporas and their development projects on the one hand and hostland politics targeting immigration flows on the other. Disconnected strands of literature have focused on states of emigration from the ‘South’ on the one hand and of immigration from the ‘North’ on the other. However, because the dynamics of migration have changed (the volume of South-South flows is now greater than that of South-North flows) a growing number of researchers are now questioning this distinction. Controlling immigration is not the prerogative of the countries of the North, any more than channelling diasporic flows is the prerogative of the countries of the South. This blurred distinction opens the new possibilities for reconsidering the linkages between migration states and immigrant transnationalism. What is lacking, however, is a common framework that enabled to fully consider the fundamental structures of the transnational state.

A last important question is how we understand the state itself. There are no two opposing camps between the states who engage with the general movement of globalisation and those who stick to their ideals of a

sovereignty. To address what is at stake, one needs to move away from any construal of the state as a homogeneous totality. The critique of ‘methodological nationalism’ was introduced in the early 2000s as an offshoot of transnational studies (Wimmer and Glick Schiller 2003). It points to the need to think about social relations beyond the state. But the state itself is still seen as a homogenous entity confined within its territorial boundaries. However, in implementing measures to manage transnational flows, public authorities are increasingly relying on (a) actors beyond territorial boundaries (international organisations, control agencies, other state partners, etc.) and (b) local actors, particularly local authorities, who in turn are developing their own policies. The implementation of flow management systems blurs both the scales of public action and its territoriality. Their analysis therefore invites us to rethink the ‘transnational state’, taking into account this assemblage of local and international actors and revisiting the notion of public territoriality. Following Sassen (2006), the transnational State is not the state, but sections of it co-existing with other segments that only focus on domestic issues. In other words, the transnational State and the westphalian state are not mutually exclusive and may co-exist within the same apparatus.

Various dynamics, at once simultaneous and contradictory, are playing out here. I therefore propose to shed light on these institutional dynamics from the perspective of my expertise in migratory transnationalism, i.e. on what happens to the state when it targets, not so much the government of a population in a territory, but rather the management of flows passing through it. Classical theories don’t offer much assistance in that respect. They broach the question of the state from the perspective of the construction of a political monopoly on a specific portion of territory: Weber’s monopoly on legitimate violence, Norbert Elias’ monopoly on the levying of tax, Pierre Bourdieu’s distribution of symbolic capital. This Weberian problematic of the territorialisation of the norm fails to account for what happens within and beyond a geographically defined territory. Hence the need to offer a transnationalist reading of the state construction.

This book develops a two-fold argument. In the first place, migration and diaspora policies have led to the formation of the transnational state, that is to say a range of institutions and policies aimed at managing migration-induced transnational flows within and beyond its borders. While this form of engagement is nothing new, it has been underpinned, in recent years, by a paradox: namely that the transnationalisation of the state is not taking place in spite of the sovereign turn of world politics, but

because of it. This process is largely driven by the will to select transnational flows in accordance with domestic interests.

Secondly, it is argued that this transnationalisation is not taking place randomly: it is premised on an isomorphic relation between the transnational society and the transnational state that develops around it. This concept is elaborated in the first volume of this work, titled ‘The transnational society. A social theory of cross border linkages’ (Lacroix 2023). The reader may also refer to the glossary in this book, which is presenting a concise definition for each of the concept. Following Habermas (1987), a transnational society is construed as an open system of three interdependent sectors: the domain of interpersonal relations maintained across borders; the domain of economics and entrepreneurship; and the domain of civil society engagement in religious, cultural and political activities. The specificity of the transnational society is to host individuals that are socialised in two distinct settings (or ‘Plural Humans’ (Lahire 2011)) and that have to cope with the contradictions that may arise in this situation: they have to meet the (often contradictory) expectations of their different social milieus. Subsequently, I then focus on three key migratory social institutions: transnational families, migrant enterprises and migrant organisations. Each of them is the matrix for actors’ cross-border practices in the above-mentioned domains of the transnational society (e.g. remittances, long distance contacts, economic investments, collective mobilisations, political engagement, etc.). These practices comprise the circulation of people, as well as of goods, of financial and social remittances (also called a migratory circulation) between the host and home countries (Ma Mung et al. 1998; Levitt 1998). These migrant social institutions are also the locus where actors strive collectively to solve the conundrums of their multi-sited lives. Through their activities, they produce and reproduce a shared understanding of the world (a lifeworld) that forms the intersubjective backbone of the transnational society. This transnational lifeworld, it is argued, is marked by a moral geography that opposes the homeland where migrants want to be buried to the hostland, a place of moral ambivalence where a ‘good death’ is not possible. This thanatic morality, in turn, informs and regulates the relationships between migrants and non-migrants in sending countries. Migration is a necessary endeavour for the fulfilment of migrants’ life and for the economic stability of the sending community at origin. But it is also a subversive act leading migrants to a place with foreign and corrupting values. This moral ambivalence of migration informs a moral economy of remittances conceived as a

repayment of commonality (Carling 2008). A last key concept is the one of migratory ecotone. The latter is borrowed from postcolonial studies and can be defined as a zone of contact between populations with diverse origins. The ecotone is here conceived as a space where transnational flows materialise in space. They can take many forms: they are nested in immigrant neighbourhoods of gateway cities, but also in camps, border cities or along migration routes. Migratory ecotones affect the materiality of space through the presence of migrants and their activities, but they are also a place of co-existence, of cultural innovation or of conflicts with other local groups. The concept ecotone is therefore important to understand the multiscale sociospatial processes that play out in the transnational society.

To control these flows, the state embraces the structures of the transnational society that circulate through it: spatial structures (its ecotones), social structures (its migration social institutions) and moral structures (its thanatic morality and moral geography). Public authorities rest on the organisation principles that preside over transnational practices to coerce, orient or encourage flows according to their agenda. Hence, the state changes shape. One can observe how transnationalism and the transformation of the state go hand in hand in a globalised world.

Public action therefore unfolds on several scales beyond borders while targeting non-resident populations on the national territory. In countries of immigration and emigration alike, the relation to migratory transnationalism manifests in very various guises: the toughening of immigration policies in Western countries or the express desire to turn diasporas into tools for developing the country back home. But in all cases, these new policies have radically transformed the institutions as well as the social and spatial border of which they are in charge. This phenomenon is nothing new. The history of the transnational state blends in with the various histories of globalisation. Yet, the techniques of public management that blur the boundaries between public and private spheres and that have gained wider currency reshape the transnational state. In that context, the transnational state can be understood as a combination of public and private actors, that are local, national or international.

In so doing, public action transforms the defining traits of the migratory transnationalism that it targets. Paul Tabar champions the idea that the incentives aiming to stimulate development flows have turned diasporas into communities produced by the policies that are supposed to target them, into instruments tailored for the needs of development agendas (Tabar 2016). But this type of policy is far from describing all the

transformations at play. If public action affects transnational society, it is often by triggering resistance, avoidance or confrontation. Public authorities therefore need to adapt to the reactions coming from transnational actors which they did not anticipate.

The co-evolution between transnationalism and the states takes the form of a headlong rush that we need to elucidate: where is this headlong rush heading? As they seek to expand the limits of their control, the immigration states seem to be launching headlong into a generalised war against migration. Faced with this politics of enmity, a revolt is mustering forces within migratory ecotones, as the latter are zones of contacts where new solidarities are born between migrants and non-migrants.

To address these complex issues, this book is organised in four chapters. Chapters 3 and 4 broach the various forms that the transnational state takes up in countries of emigration and immigration. In Chap. 2, we will draw their theoretical contours, by examining, what it means ‘to manage migratory transnationalism’ from the perspective of the state. The last chapter examines how local actors, including civil society organisations and municipalities, have reacted to the expansion of the transnational state and the local turn taken by migration management policies.

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The State and Transnationalism

Abstract This chapter reviews the current efforts to rethink the state in the context of current migration policies. It throws a bridge between disconnected bodies of works and outlines the main characteristics of the transnational migration state (TMS). It sets out its two iterations, the transnational emigration state (TES) and the transnational immigration state (TIS), that is the institutions and public policies dedicated to the management of immigration and emigration flows. From that perspective, the prime function of the transnational state is to encourage or filter trans-border flows according to its own best interests. The emergence of new forms of governance and regulation, such as neo-management techniques and partnerships between public and private multi-scalar sectors, has redefined the scales for state activity, blurring the boundaries between levels of governance. In order to grasp the dynamics at stake, it outlines a conceptual toolbox meant to shed light on the institutional, spatial and cognitive dimensions of the TMS.

Keywords Migration state • Transnational state • Migration governance • Migratory circulation • Transnational migration state

This chapter partly draws on my article ‘The Transnational State and Migration: Reach, Flows, Policies’, 2022, *Political Geography*. Vol. 94, 10.1016/j.polgeo.2021.102571.

According to migration specialists, the world is divided between the Global North, the countries that have a rich and aging population and which are preoccupied with immigration and integration, and the Global South, the poorer countries, with a younger population, which are grappling with their diasporas and remittances. The recent evolution of the migratory dynamics—South-South migrations now outnumber the flows from South to North—has resulted in theories on migratory policies being re-evaluated. Efforts have indeed been made to take into the equation the countries of immigration of the Global South (Adamson and Tsourapas 2020; Natter 2018; Quirk and Vigneswaran 2015) and to overcome the opposition between receiving versus emitting states. Whereas European and North American countries re-discover forced migration on their own territories, forced migration can no longer be seen as emanating from countries of the ‘Global South’. The illiberal convergence in the treatment of undocumented migrants casts a doubt as to whether there is still a sound analytical distinction between liberal and authoritarian states (Natter 2021). Some researchers have called into question the state as the only relevant level of analysis. Authors have underscored how the interlocking legal and institutional systems form a global regime of human mobility that encompasses both sending and receiving countries (Betts 2011; Spijkerboer 2018). Reversely, research on the local turn of integration policies (Caponio and Borkert 2010) and migration management (Alpes and Spire 2014) defines the local as a new strategic level for their implementation. Neither local, nor global, borders are now attracting the attention of critical border studies (Parker and Vaughan-Williams 2009). Since they are again the very locus of migration control, they have become externalised, internalised or networked. They have lost their linear nature, as instruments that separate sovereign states, and are now best understood as a liminal space with ramifications that reach well into the heart of societies.

As the Westphalian premises that underscored the analyses of migration policies up to now have been called into question, current debate has been contradictory, and no clear picture has emerged. The debate lacks coherence for want of a concept of the migration state that would account for both the convergence of policies beyond the North/South division and the reshuffling of the local and global dimension migration management policies. In that debate, I second H el ene Thiollet who invites us to focus on ‘migration processes rather than the political regimes, on the geographical location or development levels as the independent variable’

(Hélène Thiollet 2019, 1). The conception of a transnational state that I wish to adopt is one of a state that grapples with migratory circulations, be they human or financial, material or immaterial. As they seek to coerce or orientate these circulations, authorities are putting in place policies and institutions that contribute to the making of a new form of state. To use the words of Joel Quirk and Darshan Vigneswaran (2015), transnational flows create transnational states. The institutions and practices of the state become transnationalised as they adapt to transnational circulations.

In this chapter, I propose to outline the main characteristics of the transnational migration state (TMS) by setting out its two iterations, the transnational emigration state (TES) and the transnational immigration state (TIS), that is the institutions and public policies dedicated to the management of ingoing and outgoing migratory circulations. From that perspective, the prime function of the transnational state is to encourage or filter trans-border flows according to its own best interests. I intend to show that the various dynamics that have been broached in the existing literature, whether it be the rise of local authorities or the construction of a world governance of migration, the externalisation or internalisation of border controls, the liberal paradox and illiberal convergence are all symptoms of state transnationalism rather than of the disappearance of globalisation (Curtis 2016, 456).

The first part of this chapter reviews the current efforts to rethink the state in the context of current migration policies. It shows to what extent a transnational approach offers a relevant grid that allows to better understand the contemporary state. The second part throws bridges between those two lines of research and sketches a conceptual framework for the study of transnational migration states. It distinguishes between a ‘transnational emigration state’, which manages cross-border flows resulting from emigration, and a ‘transnational immigration state’, which manages the incoming flows generated by immigration.

THE STATE AND TRANSNATIONALISM: A LITERATURE REVIEW

Theories of the Migration State

States have always had to face social processes that unfold beyond their geographical boundaries and historians have brought to the fore how public policies providing for expatriated nationals are nothing new (Dufoix et al. 2010). State authorities have developed strategies for engaging with