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Towards a political theory of migrant transnationalism

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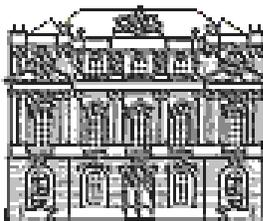
Rainer Bauböck

Towards a political theory of migrant transnationalism[1]

Political transnationalism covers a wide range of phenomena and can be studied by a variety of approaches. In migration research the focus is mostly on migrants' networks and activities that involve them in politics oriented towards their country of origin. I will argue that this agenda should be broadened by examining how migration impacts on conceptions of membership and rights in the sending as well as the receiving polity. Such a focus on transnational citizenship takes us beyond merely descriptive analyses towards questions raised by normative theories of democracy. Traditionally political theories have worked with models of 'closed societies' (e.g. Rawls 1971, 1993) and exclusive loyalties of citizens towards a single state. Migrant political transnationalism challenges both presuppositions. Political theorists who want to develop more adequate conceptions of democracy for globalized societies can learn a lot from comparative research and case studies of the kind presented in this volume. However, normative political theory also has its own agenda and confronts the results of empirical analyses with its own questions. It is not merely interested in describing and explaining how transnationalism impacts on conceptions of citizenship, but also in prescribing how governments ought to respond to this challenge from a democratic perspective.

With many authors in this volume I share a skeptical attitude towards what Robert Smith calls a "globalist and strong transnationalist perspective". In this view, globalization not only undermines the salience of national sovereignty and citizenship, but creates at the same time deterritoralized and postnational communities as an alternative to territorially bounded national polities (Glick Schiller et al. 1992, 1994; Soysal 1994). Instead of constructing such a contrast between national and transnational politics, we ought to be aware how the latter depend on the former. Political activities of migrants are strongly oriented towards sending and receiving states. Conversely, these states are also actively involved in shaping the emergent "transnational social fields" (Faist 2000, chapter 7) through attempts to exercise political control or as providers of entitlements.

If we theorize migrant transnationalism as a challenge to the nation-state system itself, we are likely to exaggerate its scope and to misunderstand its real significance (Portes et al. 1999, Portes 2001). However, it is still important to ask not only how we can best describe and explain transnational political activities, but also to consider how they transcend politics as usual. In my comments I want to discuss some analytic tools and concepts for interpreting transnational relations, practices and projects. I will also consider from a normative perspective whether political transnationalism contributes to a more inclusive form of democracy or whether it undermines democratic standards of representation and accountability.

What is special about political transnationalism?

The term "transnational" applies to human activities and social institutions that extend across national borders. The very definition of transnationalism refers therefore to states as bounded

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political entities whose borders are crossed by flows or people, money or information and are spanned by social networks, organizations or fields. Transnational political practices, according to Eva Østergaard's definition in this volume, include "various forms of direct cross border participation in the politics of their country of origin by both migrants and refugees, as well as their indirect participation via the political institutions of the host country."

It seems to me that this standard conception of political transnationalism is still too narrow and ought to be broadened in two ways. First, it should not only refer to *politics* across borders but ought to consider also how migration changes the institutions of the *polity* and its conception of membership. Second, migrant transnationalism affects both the institutions of the country of origin and of the receiving state. It is thus not only about direct or indirect participation in sending states from outside their borders, but also about the impact of migrants' external political ties on the political institutions of the host country.

Most studies of economic, social and cultural transnationalism equate state and nation and regard the state only as a politically defined territory. Transnational practices and structures in these social fields need not involve the state as an agent or the nation as an imagined political community. Thus, migrants who set up enterprises specializing in trade between their sending and receiving countries (Landolt 2001) or religious congregations whose members belong simultaneously to communities in both locations (Levitt 2001a, chapter 6) engage in transnational activities across political borders without questioning them directly. This is different with *political* transnationalism that ultimately affects the very definition of the entity whose borders are crossed. A candidate who carries his or her electoral campaign abroad challenges the traditional assumption that domestic politics is exclusively decided within the internal arenas of the nation-state. The same is true for migrants who lobby the government of their host country to adopt a certain stance towards their country of origin. Both act as if the political community extended beyond the state territory.

In a broad sense it is, of course, true that all international migration has this effect of creating a mismatch between territorial and personal boundaries of polities. Before they naturalize migrants remain citizens of their country of origin but are subject to the territorial jurisdiction of their country of residence. Under norms of international law, their external affiliation to the sending state entails a right to return and to diplomatic protection in the host country. Most states allow their emigrants to pass on their nationality to at least the first generation born abroad and many permit them to retain it even when they naturalize in their state of residence. Emigrant citizens can usually vote at home if they return on the day of the election. A few countries grant their expatriates also electoral participation from abroad through absentee ballots. These various forms of extending the sending polity into the territory of the receiving state are mirrored by a parallel development in democratic receiving countries that includes foreign citizens into a wider definition of the political community. Permanent resident foreigners nowadays usually enjoy extensive civil liberties, including the right to political association and activity, and they have often a right to return to their host country after staying some time abroad. In a number of European states they enjoy voting rights in local elections[2] and there is a general tendency

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[2] The Maastricht Treaty of the European Union, which came into force in 1993, has introduced the local franchise for Union citizens residing in other member states. Sweden, Norway, Denmark, Finland, Ireland and the Netherlands grant a residence-based local franchise to all foreign nationals. In Britain, Portugal and Spain privileged groups of foreign nationals can vote in either local or national elections. In New Zealand, all permanent residents have enjoyed voting rights in national elections since 1975 but not the right to be elected. In the Swiss cantons Neuchâtel and Jura

towards broader toleration of dual nationality[3] not only when it is acquired at birth but also in case of naturalization.[4]

I suggest then that political transnationalism is more than political activity across territorial borders and refers also to these changing and increasingly overlapping boundaries of membership in political communities. This interpretation enables us to answer critics who maintain that transnationalism is neither so new nor so significant that we need to invent a new term for these phenomena.[5] What is new is not so much the political orientation of first-generation migrants towards their home countries but their increasing opportunities to combine external and internal status and affiliations.

International, multinational, and transnational relations

This proposition differs somewhat from a classification of cross-border activities recently suggested by Alejandro Portes (2001) who distinguishes them according to the type of actors involved. For Portes *international* activities are conducted by states or nationally-based institutions; *multinational* activities are carried out by formal institutions whose purpose and interests transcend a single nation-state; whereas *transnational* activities are initiated and sustained by non-institutional actors across national borders. As Portes points out, there is nothing sacrosanct about such definitions. Any attempt of turning concepts that are often loosely used as synonyms into analytically distinct categories will violate some common understanding of these terms. For example, in his typology, the United Nation and international NGOs are characterized as multinational and transnational organizations respectively rather than, as usual, international ones.

In this categorization, as in most of the sociological literature, political transnationalism is understood as a "site for political engagement" (Vertovec 1999), a public space in which political action extends across state borders. Political theorists are likely to point out that such spaces of transnational civil society cannot emerge independently of state-based systems of citizenship, which attribute to individuals a status of membership in particular political communities and endow them with liberties and rights guaranteed by political institutions (Benhabib 2001). The new challenge for political theory is to go beyond a narrow state-centered approach by considering political communities and systems of rights that emerge at levels of governance *above* or *below* those of independent state or that cut *across* international borders.

My alternative interpretation of the terms international, multinational and transnational takes as a starting point the dual meaning of the term 'national' that is an attribute of a territorially bounded state as well as of communities that aspire for, or exercise, comprehensive self-government. We

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foreign residents can vote in local elections but again cannot be elected. In recent years, France and Italy passed legislation to introduce the local franchise for third country nationals but constitutional and political obstacles have blocked these moves.

[3] Among European immigration countries only Austria and Luxemburg have still relatively strict requirements of renunciation of a prior citizenship before naturalization. In Germany, retaining a second nationality is now tolerated in nearly half of all new naturalizations (Stahl 2002). The most recent policy change in this area is the new Swedish nationality law of 2001 that has abolished a previous renunciation requirement.

[4] See Aleinikoff and Klusmeyer (2002) for a comparative overview and political evaluation of citizenship policies in democratic receiving states.

[5] For a thorough discussion of what is old and what is new about migrant transnationalism see Portes et al. (1999).

can distinguish four basic types of relations. State and polity may coincide, several political communities can be nested within a larger state, several states can be nested within a larger political community, or such communities can overlap between separate states. The label *international* is the proper one for the first of these relations. It is commonly used for external relations between independent states and for organizations in which these states are represented by their governments. The second type characterizes *multinational* states, such as Canada, Spain, Belgium or the UK, and the internal relations between their historic communities (MacIver 1999, Gagnon and Tully 2001, Keating 2001). The third type are *supranational* relations between independent states that have pooled their sovereignty by forming a larger federal polity. Finally, political institutions and practices that transcend the borders of independent states are *transnational* if they involve simultaneous overlapping affiliations of persons to geographically separate polities.

In contrast with Portes' typology, mine is narrowly construed to cover *political* relations only. It cannot account for other uses such as in the expression 'multinational corporation', which refers to multiple states where these corporations are active rather than to nations as distinct political communities within a state.[6] It is also important to emphasize that the distinctions I suggest are analytical rather than empirical. A certain phenomenon may be subsumed under different labels depending on how we describe it. Thus, Romania could be characterized as a multinational state, but its Hungarian minority in Transsylvania is also involved in transnational relations with its "external homeland" (Brubaker 1996, chapter 3). In contrast with this example, contemporary immigration normally does not transform the receiving state into a multinational polity whose minorities pursue separate nation-building projects within the same territory (Kymlicka 1995, chapter 2). Migration is basically an international phenomenon insofar as it involves a movement of persons between the territorial jurisdictions of independent states; it becomes transnational only when it creates overlapping memberships, rights and practices that reflect a simultaneous belonging of migrants to two different political communities.

In a strongly assimilationist perspective there is no place for transnationalism – migration itself is regarded as international, whereas the process of settlement and integration of immigrants is exclusively determined by the receiving country. The final transformation of immigrants into full members of the receiving nation resolves the merely temporary discrepancy between formal citizenship and territorial jurisdiction. The opposite approach is a segregationist perspective that is just as strongly opposed to transnationalism. It is illustrated by the situation in Arab Gulf states, where migrants remain not only tied to their nationality origin but are also excluded from access to citizenship rights in their country of residence. In this constellation the boundaries of national membership are rigidly maintained against any possible transcendence through migration. The phenomenon of transnationalism is then properly related to a third perspective that involves transformations of political institutions at both the origins and the destinations of migration.

As Portes et al. (1999: 219) have pointed out, transnationalism becomes a rather meaningless idea when it is used as a catch-all term for any migration-related matter. A focus on overlapping and changing relations of membership in political communities allows to avoid this danger by

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[6] In my scheme 'transnational corporations' is the more adequate description because these companies are involved in simultaneous activities in the jurisdictions of several independent states (although they can't be properly called 'members' of political communities).

demonstrating not only the salience but also the limited scope of transnationalism. Transnational political *practices* are in most cases a concern of the first generation only and they are quite exceptional even among these populations. Transnational political *membership* and *rights* are much more widespread and may still persist among their children, if they acquire dual nationality at birth, but they will eventually fade away over subsequent generations of immigrant descent. However, even if transnationalism remains a *transient* phenomenon for each migration cohort, the emergence of new legal and political conceptions of membership signifies an important *structural* change for the polities involved.

Multilevel transnational politics

The framework of four basic relations between state and political community that I have sketched can be further extended and refined. Multinational and supranational polities are nested communities with two levels of self-government. It may be useful to extend the analysis to more complex multilevel systems and to consider the relevance of levels below the sovereign state for migrant political transnationalism. Instead of focusing exclusively on the relation to sending states and their central governments, studies should also consider transborder activities at local and regional levels of government. A number of projects have explored local-to-local relations. Immigrants from specific rural or urban areas with high concentrations in certain US cities have set up hometown associations that promote cultural ties and economic development back home (Levitt 2001b: 208-9). Often these long distance local relations are regarded as paradigmatic examples of transnational civil society or grassroots transnationalism that bypasses the government of the sending state. However, municipalities and provinces of federal states are also institutions of government and migrants are not only members of national polities, but also of local and regional ones. We may then consider how these substate political communities become involved in transnational relations.

In this volume, Robert Smith compares migrants from the Mexican provinces of Zacateca and Oaxaca, mainly in order to highlight different degrees and modes of transnational involvement. Implicitly his analysis also illustrates a significance of regional politics that has so far been rarely noticed. First, regional politicians compete alongside national ones for money, political support and sometimes also for the votes of emigrant populations. Second, disparities in development and political incorporation between regions in the sending country are frequently reflected within the emigrant community as distinct identities of regional origin. Third, the shared experience of democratic incorporation in the receiving state may feed back into transnational activities that aim at democratizing regional politics at home.

In these three types of transnational relations regions or municipalities appear to be like national polities writ small with the same mechanisms at work at both levels. However, substate polities are also in important ways different from, and constrained by, national governments. They have generally no control over immigration and formal citizenship and their transnational activities are not necessarily driven by the same ideologies of extra-territorial nation-building.[7] It could then often be the case that local and regional levels of government and politics are more responsive to

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[7] This is different with provincial governments that represent minority nations within the larger state. Quebec, for example, has quite extensive powers in immigration policy and uses these also to promote its own project of maintaining a Francophone community in Northern America. The Catalan government has recently sought similar powers to set up immigration offices abroad, but these demands were rejected by the Spanish central government as unconstitutional (El Mundo, Catalunya, January 31, 2002).

migrants' transnational interests and identities than institutions and actors at the independent state level.

This conjecture is even more plausible for receiving countries than for sending ones. Most migrants' real destinations are cities rather than nation-states, but it is states that control migrants' movements and access to legal status. This discrepancy fuels conflicts of interest between local and national levels of government in receiving countries. Instead of subordinating municipal and regional government to national monopolies in immigration and foreign policy, it might be a good idea to emancipate them to some degree from these constraints (Ford 2001). Where immigrants from a certain local origin concentrate in sufficient numbers, they could, for example not only set up their own hometown associations in cooperation with local governments back home, but might also lobby their municipality of residence to invest in development projects there. Transnational activities of local governments can also involve forms of political protest. City administrations in the receiving state may, for example, become engaged in political campaigns against authoritarian regimes from where their immigrant communities originate. Conversely, municipal governments in sending countries might protest against policies of forced return migration that burden their capacities for housing, health and other reintegration services. In such ways transnational politics proliferate across multiple levels and involve not only individuals and political organizations but also government agencies.

Extra-territorial nation-building – the explanatory task

While it is important to broaden the study of migrant political transnationalism by focusing on changing conceptions of citizenship in the receiving country and on substate actors and institutions, the attitude of sending country governments is still a crucial factor for explaining transnational identities and activities among migrant communities. While there is a growing empirical literature on the involvement of sending countries with their emigrant groups, there have so far been few theoretical efforts to explain sending country behavior or to discuss it normatively in terms of political legitimacy. This gap becomes all the more obvious if we compare the paucity of political theories focusing on emigration with the huge literature on immigrant integration in the receiving societies.

The theoretical challenge to explain sending country attitudes is in certain respects even greater because the possible and observed variation is also greater. Countries of destination may welcome immigration or fight against it, they can attempt to return immigrants to their country of origin, to keep them segregated from the native population, or to promote their integration into the larger society. But they cannot choose to simply ignore large-scale immigration. By contrast, sending states exhibit a broader repertoire of attitudes. They may try to prevent their nationals from leaving, encourage them or even force them to go; they can attempt to retain the loyalty of those who have settled abroad, attempt to lure them back home, denounce them as traitors and prevent them from returning, or regard them more neutrally as lost populations who have cut the ties to their origins.

Sending country transnationalism implies that states take an active interest in their emigrant communities, which need not always be the case. In the present world, we should probably assume disinterest as the default position both for practical and normative reasons. Before the industrial and democratic revolutions states were primarily interested in controlling outmigration because they considered their subjects as their essential economic resource and as bound to their

rulers by perpetual allegiance. Today the focus has clearly shifted towards controlling entry and theories of democracy agree that the freedom of citizens to leave is an essential requirement for government based on popular consent.

Why do so many sending country governments or political elites then still regard their citizens abroad as a population which they need to control and stay connected with? There seem to be three instrumental reasons: human capital upgrading, remittances, and the political lobbying of receiving country governments. I would like to suggest that these three motivations partly conflict with each other and are linked to broader ideological orientations towards emigration.

Human capital upgrading is a development strategy of sending countries that supports not only emigration as a safety valve against poverty and social protest but must also sponsor return migration that imports useful skills and accumulated savings.[8] The second interest sending countries have in emigration is in remittances sent to family members back home. Remittances will cease to flow under two opposite circumstances: with permanent return migration and with family reunification and full integration in the receiving country. Remittances will then be maximized if emigrants move back and forth or if they stay for good but retain a strong 'myth of return'. Finally, sending states may consider emigrants as a domestic political force within the receiving country that can advance the former states' economic and foreign policy interests.[9] On the one hand, this third type of interest implies not only the acceptance of permanent emigration but also the promotion of political integration in the host society. The ethnic vote can only be instrumentalized for sending country interests if emigrants are encouraged to naturalize. On the other hand, this strategy will only work as long as an ethnic minority retains a diasporic identity and broadly accepts the political authority of that country's government.

When discussing these strategic interests we must bear in mind that today sending countries tend to have much less control over migration patterns than receiving states. Some authoritarian regimes still try to control the exit of their citizens, but once migrants have left the country, the admission control and the integration policies of receiving states become the strongest structural determinants for the process of settlement, for upward social mobility, for family reunification, for naturalization or for return migration. Rather than designing emigration policies that maximize a given interest, sending states will tend to adapt their own perceived interests to the migration and identity patterns that have evolved over time. Instead of creating transnationalism for strategic reasons sending states will then more often modify their strategies in response to changes in the migrants' orientations.[10] The new responsiveness of Mexican and Turkish governments towards their largest emigrant groups in the US and in Germany is also a reaction to patterns of ethnic community formation in both countries that combine political integration in the host state with persistent transnational outlooks.

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[8] In this volume, Smith describes how in the early 1900s "Italy's answer to the southern question was to actively promote both the emigration of Italians, especially from the south, to other parts of the world, and their return and repatriation to Italy."

[9] Portes concludes from policy reforms in a number of Latin American countries "that sending governments do not want their immigrants to return, but rather to achieve a secure status in the wealthy nations to which they have moved and from which they can make sustained economic and political contributions in the name of patriotism and home town loyalty" (Portes 1999: 467).

[10] This conjecture is strengthened by Portes' observation that "grass-roots transnationalism is seldom initiated by governments from the sending countries, but that governments enter the picture as the importance of the phenomenon becomes evident" (Portes 1999: 466-7).

At this point we should, however, remember that political transnationalism is not only about the activities of governments and organized interests in society, but involves the idea of a political community that stretches across territorial boundaries. Even if sending country governments can rarely initiate the formation of such communities, the nature and historic stages of domestic nation-building projects in countries of origin may be causally relevant for explaining different attitudes towards expatriates as well as the persistence of transnational political practices among certain immigrant populations.

In newly formed or non-consolidated nation-states radical nationalist ideologies are a strong political currency. These can shape two attitudes towards emigrants. They may either be regarded as traitors who have abandoned their homeland, or as missionaries in the service of their nation. Instead of canceling each other out, these opposite views tend to polarize public attitudes towards emigrants. The prevalence of such extreme attitudes will prevent a more relaxed and detached stance that regards emigrants as retaining a largely passive affiliation to their home country, which will be articulated through 'symbolic ethnicity' rather than through transnational political activism.

Nation-building processes in the homeland also go a long way towards accounting for variations in transnational political activities between migrant groups of different origins that otherwise show similar patterns of immigration and settlement. While transnational political practices will in most cases be limited to the first generation of immigrants, diasporic identities can persist over generations among descendants of nations fighting for independence and international recognition. They can sometimes even be reactivated among groups that originally emigrated as labor migrants. In 1998-99 political mobilizations among Kosovo Albanians who had left their country during the 1960s and early 1970s as Yugoslav guestworkers provided a striking illustration.

Extra-territorial nation-building – the normative challenge

A political theory of migrant transnationalism need not limit itself to explaining the phenomenon but should also consider its normative evaluation from a democratic perspective. There are two reasons for this. First, in receiving states there are widespread fears that homeland-oriented political activities will import violent ethno-national and religious conflicts or that migrants may be manipulated by a foreign government to act against the national interest. Second, from the perspective of sending countries, migrants who demand a voice in the political process at home can be accused of imposing their interests from the outside without sharing any responsibility for the outcome.

The first of these objections has been addressed by a number of political and legal theorists. There is now a rather broad consensus among writers in these fields that democratic states are obliged to grant foreign residents the same civil, political and cultural liberties as are enjoyed by native citizens; that after some time of legal residence immigrants acquire a right to naturalization that should not depend on renouncing their previous citizenship; and that most immigrants, once they are offered integration on fair terms, are more likely to export democracy to their countries of origin rather than to import authoritarian political ideologies from there (Walzer 1983, chapter 2, Carens 1989, Bauböck 1994, Spiro 1997, Aleinikoff and Klusmeyer 2002). However, surprisingly little attention has been devoted to the second objection. In this regard normative

political theory has almost exclusively focused on the receiving polity[11] and still needs to catch up with sociological and anthropological research on transnational practices. I will not attempt to fill this gap but will merely sketch a few initial questions and arguments for a broader theoretical agenda.

What kind of rights and obligations should be included in external citizenship? For immigrants the rights of native citizens provide a relevant benchmark against which the rights of foreign residents ought to be measured. Deviations from this standard that are not justified by some compelling interest can then be regarded as discriminatory. For emigrants it is much more difficult to define such a normative guideline. As I have mentioned above, the right to return and to diplomatic protection abroad are the two core elements of external citizenship. These rights respond to the specific situation of emigrants. Beyond this, there are both practical and normative limits for providing them with the same rights as resident citizens. Outside their territory even wealthy democracies cannot guarantee the freedom of speech and association, access to public education or social welfare benefits in areas such as health, housing and unemployment. They will generally also not be able to tax their citizens' income[12] or to draft them for military service, although some countries try to enforce such obligations by threatening to denationalize those who do not comply.

Normative concerns about unfairness arise in the case of cumulative rights and obligations assigned by the sending and the receiving state. I will focus here only on those two elements of external citizenship that are most immediately relevant for transnational political practices and membership. These are external voting rights and the right to retain and to pass on one's nationality of origin.

External voting rights

In September 1999 Italy introduced the right to vote from abroad and reserved 24 seats in parliament for the representation of emigrants. Columbia has similar entitlements for its citizens abroad. The Mexican and Dominican governments have committed themselves to introduce absentee ballots (Levitt 2001b: 206). Austrian citizens can cast their votes at consular offices in other countries, but have no special representation. Most other states require that their emigrant citizens travel home in order to participate in elections.

From the perspective of theories of democracy two basic objections can be raised against all such rights of external political participation. Those who take part in collectively binding decisions and in the election of representatives should have, first, some ongoing involvement and, second, some future stake in the polity. Recent theories of deliberative democracy have emphasized that democratic decision-making is not about the aggregation of isolated individual preferences but requires a willingness to argue, to listen, and to accept the force of better reasons (Bohmann 1996, Benhabib 1996, Gutmann and Thompson 1996, Dryzek 2000). These may be somewhat idealistic assumptions, but they provide a powerful argument against including voters whose extra-territorial position puts them squarely outside a national public sphere. Instead of being exposed to the candidates and the issues at stake, these voters would have to make special efforts to acquire the relevant information. The second objection is about future involvement in the

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[11] My own work is no exception.

[12] The US is quite exceptional in taxing income from foreign sources of its citizens living abroad.

polity. Citizens will only vote responsibly with a view towards the implications of their choices for the common good if they know that they will have to bear the consequences of the outcome. This argument is certainly not strong enough to justify restrictions on emigration. Liberal democracies combine the rights of voice and exit (Hirschman 1976). However, it is not obvious that those who have already exited should still retain a voice in deciding a future that will no longer be theirs.

These are prima facie reasons for a residential qualification of the right to vote.[13] I think that these principled objections can be sometimes overcome by contextual arguments. Technologies of information and cheap travel that have boosted the emergence of transnational social fields facilitate also the involvement of emigrants in electoral campaigns. With satellite TV and the internet, access to first-hand information about politics in the homeland has become much less costly and time-consuming. Furthermore, the few emigrants who bother to cast their votes (especially if they have to take an effort to travel to a consulate or to recruit witnesses) are more likely to have acquired the relevant information. Such a mechanism of self-selection means that emigrant voters may be no less well informed than average citizens at home.

This argument holds for isolated groups of emigrants whose vote will anyway make little difference. Somewhat different considerations apply to large concentrations of migrants from a particular sending country in a single receiving state such as Mexicans, Haitians and Dominicans in the US or Turks in Germany. In such contexts, where the emigrant vote can decide particular outcomes, electoral campaigns can be carried abroad and absentee voters will then be no less exposed to candidates and issues than the electorate at home.

Transnational networks are also relevant for overcoming the second objection about emigrants' lack of stakes in the political future of the homeland. Migrants who move back and forth between countries of origin and immigration, who send remittances or invest their earnings in their hometowns and who are committed to returning have obviously strong interests in the future of the community and assume a fair amount of responsibility for the outcome of the collective decisions in which they participate. The objection stands, however, with regard to second or later generations. While the children of immigrants ought to be able to acquire their parents' citizenship alongside that of their country of birth, there is no reason to grant them voting rights in their parents' country of origin. As a general rule, extra-territorial voting rights should expire with the first generation, and the transmission of formal membership itself should be stopped in the third generation.

Apart from these responses to the two basic objections one could also consider a positive reason for emigrant voting rights. Because most receiving countries do not grant voting rights to foreign residents, these populations will be deprived of any opportunity for democratic participation unless they can vote in their home countries. Such an unspecified human right of adults to a democratic vote provides, however, not a convincing argument why it is the sending state rather than the receiving one that should be the primary addressee of the corresponding obligation to enfranchise migrants. Moreover, if the sending state does grant its emigrants external voting

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[13] The same reasons count in favor of voting rights for immigrants either through extending the franchise to non-citizens or through a right to naturalization (Aleinikoff and Klusmeyer 2002: 45-54).

rights this can hardly exempt the receiving country from its special obligation to give immigrants access to its own citizenship.[14]

I believe that these arguments can overcome most objections against external voting rights from the perspective of the integrity of the democratic process in the sending country. Electoral participation from abroad should therefore be seen as permissible. I do not think, however, that these rights must be granted to emigrants as a basic requirement of democratic inclusion. The main reference point for such inclusion must be the resident population that lives permanently in a territorial jurisdiction. For a normative theory of democracy the extension of voting rights to emigrants is therefore not mandatory, whereas diplomatic protection, re-admission from abroad and the right to voluntary renunciation of citizenship should be seen as basic elements of external citizenship that all countries of emigration ought to provide for.

Dual citizenship

Dual citizenship appears to be a formal recognition of transnational membership. One of the most important long-term changes in state attitudes towards political transnationalism is the growing toleration for multiple nationality. An increasing number of receiving and sending states no longer insist on singular membership. Multiple citizenship can be acquired at birth (from mixed-nationality parents or through a combination of ius soli and ius sanguinis) or through naturalization (if the state of origin does not expatriate those who naturalize and the receiving state does not require renunciation of a previously held citizenship). No matter how it is acquired, dual nationality is an enabling device for transnational practices. The most important benefit for migrants is that it gives them an unconditional right of entry in both their state of origin and in the country of immigration. Usually this is combined with a right to bring in family members, which removes legal constraints for free movement within transnational kinship networks.

However, apart from the right to return, many of the other external citizenship rights of dual nationals can be deactivated.[15] This helps to explain why so many receiving states are now willing to tolerate dual nationality. Far from recognizing it as a legal expression of transnational membership, they simply choose to ignore the fact that many immigrants hold on to their second passports. For the purpose of domestic jurisdiction, dual citizens are not different from other native citizens. For example, under private international law, court decisions about divorce or child custody involving foreign nationals must take into account legal norms of countries of origin, whereas they may ignore these for dual nationals. In receiving states dual nationality is often interpreted as the legal expression of hyphenated identities, such as Mexican-American, in which the first part signifies an ethnic and the second part a political membership. The tolerant attitude of receiving countries towards dual nationality recognizes a symbolic value of the

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[14] This illustrates the general point that transnational rights cannot be fully derived from universal rights of personhood (Soysal 1994) but should rather be understood as extensions of state-based citizenship.

[15] One important external citizenship right that is generally deactivated for dual citizens is diplomatic protection. A person who is a national of the state where he or she resides cannot be protected by another state that also recognizes him or her as a national. This can turn dual nationality into a severe disadvantage for political refugees when they visit their home countries. Often refugees are dual nationals not because they have chosen to retain their previous nationality, but because their country of origin does not permit renunciation. The disabling of diplomatic protection is, however, not an inevitable consequence of dual nationality. It has been avoided in some cases through international treaties, while in others the country of primary residence has successfully asserted a right to provide diplomatic protection against another state whose citizenship the protected person holds (Aleinikoff and Klusmeyer 2002: 33-4).

membership of origin as an expression of ethnic belonging but largely ignores its instrumental value as a bundle of rights and generally denies its political value for the sending state as a link to its citizens abroad.

It is interesting that many sending states, too, have considerable reservations about dual citizenship. The present Mexican law allows emigrants who naturalize abroad to retain their nationality, but not their active citizenship. Mexican nationals living in the US have the right to return to Mexico and can hold land property in areas where there are restrictions for foreign nationals. However, unless they travel home, they cannot vote in Mexican elections (Ramírez 2000).

Studying transnational political practices and membership should prompt us to question such restrictions. Certain migrant groups are involved in homeland and receiving country politics at the same time. Transnational political elites activate their citizenship of origin in the country of immigration. This conflicts with the dominant view that regards the external citizenship of dual nationals as dormant. If dual citizenship is the legal expression of overlapping memberships between independent polities, then legal and political theorists ought to consider the possibility that in certain respects both memberships may be simultaneously active.

Dual voting rights in the country of origin and of present residence provide a test case. A democratic receiving country has no power to prevent dual nationals from voting in foreign elections. However, as the current debate about American-Mexican dual nationality shows, the mere possibility that they may do so in large numbers could trigger a backlash against tolerating multiple citizenship. Once we lay aside irrational fears about the impact on national security and foreign policy interests, isn't there also a democratic objection that dual voting violates a principle of one person/one vote? I think that this argument is mistaken. One person/one vote is a standard of equal weights for aggregating individual votes in determining the outcome of an election. A migrant who casts separate votes in elections held in two independent states is counted only once in each of these decisions. As long as these votes are not aggregated at a higher level, the principle of one person/one vote has not been infringed. Different considerations apply, however, to eligibility. The possibility that a dual national may hold an elective or other high public office in two states simultaneously cannot be easily reconciled with the idea of democratic representation and accountability (Aleinikoff and Klusmeyer 2002: 41).

The legitimacy of extra-territorial nation-building

A final transnational topic that I would like to put on the agenda of normative political theory is the general legitimacy of external nation-building efforts by sending states. Several scholars have argued that nation-building projects that respect some essential liberal constraints may be compatible with, or even necessary for, democracy and social justice (Tamir 1993, Miller 1995, Kymlicka 2001). Most of these theories apply only to territorial nation-building. Their primary challenge is to explain how a general right of self-determination can be reconciled with the fact that territorial nation-building projects necessarily conflict with each other. In response to this dilemma some authors advocate a stronger right to secede while others defend territorial devolution and multinational federalism. These theories tend to regard immigrants only as prospective members of the receiving nation rather than as external members of the sending

one.[16] Therefore, they pay little attention to ideas such as the building of a 'global Mexican nation'.

Such claims are indeed suspicious. Nation-building is always an intergenerational project, but transnationalism generally is not. As I have pointed out above, the claim that second and third generations born abroad should still regard themselves as participating in a nation-building project of their parents' and grandparents' homeland makes only sense for diasporic groups engaged in an ongoing struggle for national self-determination. Calls for enlarging a well-established nation beyond a sending state's territory through mobilizing its emigrants are in most cases empty nationalist rhetoric. The danger is that they provide fuel for nativist propaganda in the receiving state that portrays immigrant communities as a fifth column manipulated from abroad. Against these anxieties one should emphasize that external citizenship for emigrants does not amount to deterritorialized, let alone global, nationhood. A 'nation-building project' across borders in the context of Mexican migration to the US is very different from territorial claims of states to regions in neighboring countries that are inhabited by an ethnic kin group. Nazi Germany's annexation of the Sudetenland or the claims of Hungarian nationalists to Transsylvania illustrate the very real danger that some transnational minorities may be mobilized in irredentist movements in order to expand the territory of their national homeland. When defending immigrants' political transnationalism it is important to point out that their claims are *extra-territorial* with regard to their homeland, but strictly *non-territorial* with regard to the receiving country.

This does not mean that sending states have no obligations towards their emigrants. Just as it is imperative for receiving countries to develop a positive national identity as societies of immigration, it is also important for sending states to develop an identity as countries of emigration. The reason for turning a critical spotlight on sending countries' attitudes towards those who have left is specifically related to migrant transnationalism. If all emigration were voluntary, unidirectional and permanent then nobody would be hurt when the sending country regards those who leave as lost populations. In a transnational context, however, the exclusion of emigrants from membership status and rights at home humiliates them and diminishes their liberties and opportunities in social arenas in which they participate actively. Transnational migrants may then have a moral right to be regarded and treated as citizens abroad rather than as "pochos" (Smith, in this volume).

Conclusions

Political theory is a latecomer to the field of migrant transnationalism. Yet it may still be able to introduce some new perspectives that broaden the research agenda. I have discussed two main ideas that applied political theory might contribute.

The first is a wider conception of political transnationalism. All transnational studies refer to states as the basic entities that distinguish transnational flows or activities from those occurring in domestic arenas. What is specific about the study of political transnationalism is that it regards the boundaries of polities not merely as a demarcation of territorial jurisdictions but also as

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[16] Chaim Gans (2000) is an exception. He defends a sub- and inter-statist right of national self-determination that would also apply to diaspora groups who have an individual right to return to their national homeland and to participate in those political decisions that concern matters of national identity.

contested sites for determining political identities. I have suggested that the basic characteristic of transnational political relations, which distinguishes them from international and multinational ones, is that the former create overlapping memberships between territorially separated and independent polities. In this understanding, political transnationalism is not only about a narrowly conceived set of activities through which migrants become involved in the domestic politics of their home countries; it also affects collective identities and conceptions of citizenship among the native populations in both receiving and sending societies. Studies of political transnationalism in migration contexts need, however, not be confined to relations between independent states and should be extended to regional and local levels of government. City polities are in many ways more open for transnational affiliations than nation-states.

The second contribution, which has so far hardly been developed in the applied political theory literature, is an attempt to explain the variation of sending country attitudes towards their emigrants and to evaluate these policies of external citizenship within a normative theory of democratic legitimacy. I have argued that sending countries have different instrumental reasons for regarding their emigrants as a resource, such as an interest in upgrading human capital, in attracting remittances, or in using immigrant communities to promote economic and foreign policy goals. These various interests produce divergent and shifting attitudes towards emigrant populations. Yet external communities cannot be easily controlled and manipulated to maximize some preconceived interest of the sending state. A transnational perspective that focuses on overlapping memberships can help to explain how patterns of integration into the receiving polity and unfinished projects of nation-building in the homeland shape migrants' attitudes towards countries of origin.

From a normative perspective, an ongoing involvement of expatriates in the democratic representation and decision-making of sending states poses some problems of legitimacy. I have suggested that transnational connections can weaken the objection against political participation of outsiders who are not exposed to public debates and to the consequences of political decisions. External voting rights and dual citizenship should be considered legitimate means for involving those migrants who have strong social and political stakes in their political community of origin. These considerations do not, however, justify a rhetoric of extra-territorial nation-building that arouses nativist fears in the receiving country. Overlapping transnational memberships create different kinds of claims towards both countries involved. Migrants' rights in the receiving country are derived from residence and thus territorially-based; their affiliation to the society of origin gives them a right to be readmitted to this country's territory, but does not give the sending state any claim to the territory of the receiving country. This is what separates transnational migration from colonialism and irredentist nationalism. A political theory of transnational migration must therefore carefully distinguish two different phenomena: an increasing *permeability* of international borders for geographic mobility, which does not challenge territorial jurisdictions, and an increasing *overlap* of political identities and legal statuses between the sending and the receiving polity.

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