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The transnational and the international: from critique of statism to transversal lines

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Abstract *What can we learn about the 'international' through the 'transnational'? This article investigates transnational spaces and practices in the context of international law and their transformative influence on our understanding of the international. I argue that the relationship between the transnational and the international is not dichotomous, but an expression of the shifting location of power and authority in social relations across scales. The article contributes to this Special Section by tracing dynamics of actualisation and reification of the international in various literatures. Reviewing uses of the 'transnational' in law and International Relations, I first show how the concept was used to unsettle the reason of state that defines both disciplines. The second part explores the relationship of the transnational and international through Bourdieusian studies of international law, in which the transnational is used as a strategic space for action generative of new legal practices and a social space in which actors who hold various capitals participate in shaping international law. Finally, I analyse how international political sociology has unsettled both the transnational and the international through the image of transversal lines cutting across these spaces.*

Introduction

In 1971, the 'transnational' entered the discipline of International Relations (IR), introducing a set of novel questions, issue areas and concepts to tackle contemporary problems and phenomena in IR. In a special issue in *International Organization*, edited by Joseph Nye and Robert Keohane, scholars such as Robert Cox and Robert Gilpin authored articles on topics covering transnational relations, transnational organisations, and specific issue areas. Nye and Keohane circumscribed transnational relations as 'contacts, coalitions, and interactions across state boundaries that are not controlled by the central foreign policy organs of government' (Nye and Keohane 1971, 331). This, they argue, has a profound effect on the theoretical understanding of world politics as solely described through interstate relations. They also stress the normative commitment to develop this understanding to 'increase the general welfare by controlling the forces that shape our lives' (Nye and Keohane

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1971, 349). The transnational, broadly speaking, promises to make visible what remained occluded in IR conceived of as interstate relations.

How has the transnational changed our understanding of the international? What describes this relationship? Is the transnational accurately captured as a social space of encounters and interactions between actors, practices and issues outside the control of their state governments? In following this special issue's commitment to explore the international 'in its actual uses, their presuppositions, and their implications' I will approach the international through its relationship to the transnational in the context of law and legal professionals situated in various strategic spaces (Çapan and Grzybowski, 2022). I contribute to investigations of the 'international' by highlighting dynamics of reification—analysing 'its web of associated and opposed concepts'—and actualisation, as it is employed and theorised in situated empirical contexts. Reviewing its diverse uses in IR, transnational law and international political sociology (IPS) scholarship, the relationship between the international and the transnational, and its conceptual meanings are by no means straightforward. Their employment depends as much on disciplinary developments as on the empirical material that is mobilised. Overall, this term seeks to capture the shifting locations of power and authority across jurisdictional and social spaces, generating new strategic spaces for action and a politics of connectedness that facilitates opportunities for new relations.

In developing this analysis, I build on Bigo and Walker (2007) who framed the international both as a political sociological and political theoretical problem that should be engaged from a transdisciplinary perspective, rather than claimed solely by IR theorists as a separate level. Scholars committed to an IPS-inspired approach are guided by in-depth empirical analyses to trace the emergence and strategic importance of social spaces such as the transnational and the international. Uniquely, they propose a transversal perspective which cuts across these bounded spaces, communities and disciplinary framings instead of taking them for granted or considering them as a natural point of departure for further research. What is at stake in these debates is the very logic of the nation-state to structure our understanding of the conditions of possibility for political action, either as contained by it or always taking place with reference to it.

Building on this openness towards a politics of connectedness and transdisciplinary inquiries, I will proceed as follows: First, I analyse how the transnational came to be employed as a theoretical concept. Before it was introduced and popularised in IR across various issue areas, the concept was elaborated by American jurist Philip Jessup in the context of multinational companies and their transnational legal disputes in the 1950s. In contrasting the uses of the transnational in law and IR, I highlight the theoretical stakes of this concept for two disciplines that have traditionally been bounded by the reason of state. Second, I investigate how the transnational is employed in sociological studies of international law. These studies focus on the internationalisation of legal practices and cut across national, international and transnational contexts. The transnational here is employed to capture the emergence of a distinct social and strategic space for action. Last, I analyse the transnational through an IPS perspective, which employs a transversal lens to the study of social phenomena which traverse international and transnational localities. Such approaches retrace social connections and power relations in a

way which does not presuppose the existence of any bounded social spaces and pushes beyond the transnational as a social and spatial imaginary. In sum, this article aims to provide an evolving understanding of the international in relation to transdisciplinary developments, seeking to capture and study diverse social forces that leave a mark on international relations.

The transnational: unsettling the reason of state in law and international relations

As noted above, one of the first uses of the transnational in the context of law is ascribed to American jurist Philip Jessup who elaborated the concept in a series of lectures in the 1950s. By his definition, transnational law includes 'all law which regulates actions or events that transcend national frontiers' (1956, 2). This encompasses public and private international law as well as 'other rules which do not wholly fit into such standard categories' (Jessup 1956). This takes place in what he terms 'transnational situations' between various kinds of actors such as 'individuals, corporations, states, organisations of states, or other groups' (Jessup 1956). He uses the example of commercial arbitrations in the context of extracting and refining oil in Iran which, by necessity, involves Iranian law, English law and public international law, in addition to 'diplomatic negotiations, proceedings in the International Court of Justice and in the Security Council, business negotiations with and among oil companies, and action in the Iranian Majlis' (Jessup 1956, 6). In this analysis, transnational law is used as a legal imaginary which visualises entanglements of national and international legal processes, multiplying the actors, sites and frameworks that come to be used in legal negotiations across borders. From the perspective of law, the transnational acts as a strategic place, which legitimises and codifies a new set of legal rules, allowing lawyers to act on behalf of multinational companies and businesses (see Dezalay and Garth 1996).

The transnational confronts legal scholarship with questions around new sources of law, in particular its locations and bases of authority (Cotterrell 2012, 502). Who can oblige states to comply with such transnational rules? To Roger Cotterrell, transnational law should be analysed through 'empirical sociolegal studies in different cross-border contexts' which helps render visible connections between social phenomena which might otherwise be separated (Cotterrell 2012, 503). This requires means to visualise links which were previously neglected due to limitations of theoretical concepts or methodological tools, or indeed as the result of disciplinary divides. For Cotterrell, transnational law can become a mapping tool that cuts across dichotomous divides like 'private and public, bottom up and top down, substance and procedure, primary and secondary rules, *ratio* (principle and reason) and *voluntas* (coercive authority), and doctrine and its institutionalisation' (Cotterrell 2012, 514). Specifically, with regards to separations along national boundaries, conceptualisations of 'the social' or 'social relations' need to be reimaged. Thus, empirical analyses can help de-essentialise notions of 'the social' as opposed to 'the political' or 'the legal' and place it in particular socio-historical and political contexts, advancing an understanding of socio-legal studies as pushing the boundaries of both scholarship of law and sociology.

Beyond the business context, transnational law provides a useful lens to visualise dynamics of 'domestication' of international human rights law in the

venue of supreme courts. In international legal scholarship, such a perspective is mobilised by lawyers who have affinities with liberal internationalism. Koh (2006), who served as Assistant Secretary of State for Democracy in the Human Rights and Labor Division under the Bill Clinton administration, demonstrates this reasoning in the context of the US Supreme Court. To him, transnational law is not only a grey zone of rules and law which apply in different cases or a description of how international legal norms become 'domesticated'. Rather, it forms a line of disagreement between Supreme Court Judges, whom he divides into a transnationalist faction and a nationalist faction. The former would consider the US as part of an interdependent world and international system while the latter privileges US state law over international law in order to preserve its autonomy (Koh 2006, 749). This account was written during the 'increasingly contentious war on terror' which showed the urgency of approaching global problems through a transnational lens (Koh 2006). Thus, the prefix 'trans' serves different purposes here that are dependent on both context and thinker allowing it to be used as an imaginary, a form of mapping or an ideological orientation.

To Peer Zumbansen, transnational law helps make visible relationships between state and nonstate actors across state boundaries which are not regulated or inscribed in official legal acts (2006, 743). For example, domestic human rights law cases in supreme courts can have international ramifications, with profound effects 'in shaping transnational legal consciousness in many other jurisdictions' (Zumbansen, 2006, 747). A central and much-quoted example is the *Filártiga v. Peña-Irala* case, in which a US district court ruled that it had jurisdiction over the subject despite the nationality of the parties being Paraguayan (*Filartiga v. Pena-Irala*, 1980). Members of the Filártiga family filed a court case against Américo Norberto Peña-Irala, alleging torture and killing of a family member due to his political actions and beliefs. The initial decision that the district court had no jurisdiction was appealed and the court ruled that torture violated universal international legal norms of human rights, regardless of nationality. The existing prohibition of torture applied no distinction between aliens and citizens with regards to jurisdiction. Therefore, the Alien Tort Claims Act from 1789 was applied in a human rights context, giving foreign nationals the right to sue where international law has been violated.

Thus, in the context of law, the transnational invites us to think about the force of law and social forces connected to legal practices outside the reason of state. This argument is not centred on the inherent complexity of legal judgments and practices, but rather on the social relations between different actors, institutional settings and practices which seem to emerge against disciplinary expectations. From the perspective of law, Cotterrell argues that this sociological mode of analysis helps 'reveal and explain the characteristics and limitations of law's power as a means of defining and guaranteeing justice and order' (1995, 6). As the law is concerned with profound questions such as (social) justice, we need tools to contemplate and identify its possibilities and limits. These efforts must be undertaken and seen as legitimate both in the eyes of legal professionals and through the effects of law in society more broadly, hence admitting a broader array of sites and actors that have a stake in legal reasoning and practice (Cotterrell 1995). In sum, the transnational in the study of law is a strategic space that is generative of new legal rules and

actors who claim monopoly over their interpretation and application beyond the state. How was the transnational employed in IR since its introduction in the 1970s?

Robert Cox, chief critical theorist of International Relations, offers useful reflections on this concept, derived from his role both as an academic and practitioner working for the International Labour Organisation until 1972, which gave him a unique insight into international relations, organisations and social forces. In his contribution to the special issue on transnational relations published in *International Organization* he reflected on national trade unions and their increasing involvement in the internal political affairs of other countries. To him, these examples 'raise questions concerning the intermingling of labor, diplomacy, intelligence and business activities in foreign policy' (Cox 1971, 555). This transnationally coordinated trade union action might lead 'to the creation of new transnational industrial structures' with new forms of decision-making authority (Cox 1971, 556). In this account of the transnational as a strategic space for action, new alliances can emerge which pose a threat to existing international cooperation between nation-state and multinational corporations. This has profound effects on the theorising of international relations and where to locate power 'between state and nonstate entities' as transnational relations can be loosely or more formally structured (Cox 1971).

What are the implications for theorising in IR? Some transnational activity can affect what Cox describes as the international system more significantly than others, depending on the degree to which they serve statecraft (Cox 1971, 576). To have an effect on the international system, transnational relations and processes must create 'new structures and new centres of power outside the scope of interstate relations' (Cox 1971). Thus, while the transnational might connote external practices or alliances by organisations, groups or companies, it is not necessarily purely outside the scope of inter-state relations. This reflection is an important addition to Nye and Keohane's description of transnationalism as 'contracts, coalitions and interactions across state boundaries' not directly controlled by the policy organs of government. Through the lens of power relations, a slightly less dichotomous image of the transnational and international emerges, leading us to ask questions about not only new actors and links, but also the conditions of possibility for new authority structures and centres.

Between the 1950s and 1970s, multinational corporations, labour relations and the international political economy more broadly were central objects of study. In line with Nye and Keohane, Susan Strange describes transnationalism as relations 'taking place across state limits' (1976, 334). In her empirical focus, she is more closely aligned with Cox by tracing a shift of emphasis from interstate relations to authority-market relations. Highlighting the emergence of new relations allows one to identify changing power structures animating the international system. To Strange, a shift of emphasis from international security to international economics redefines both analytical and normative problems. She describes this as 'the substitution of a North-South conflict of interests and ideas over the functioning of the world economic system—instead of an East-West conflict over strategy and security' (Strange 1976). A transnational lens also changes our geopolitical imaginaries of the international.

Finally, human rights, advocacy networks and NGOs became the central sites of study from the 1990s onwards in IR. Accompanied by the introduction

of norms and ideas in constructivist IR scholarship, the transnational was more conventionally described as a space for connections and relations outside inter-state relations. Grappling with the rise and impact of human rights politics in the late 20th century, Kathryn Sikkink suggested a theoretical programme centred on the political power of norms and ideas, with a view of 'the increasingly transnational way in which those ideas are carried and diffused', challenging national sovereignty (1998, 517). The power of ideas can reshape national interests on the basis of argument and facts, and forging networks and coalitions with powerful state actors. This research agenda conceives of the international system as 'made up not only of states, but also of non-state actors that may have transnational identities and overlapping loyalties' (Sikkink 1998, 520).

This strong emphasis on ideas and norms, as opposed to power politics, was not simply a response to changes in world politics and the rise of human rights advocacy networks. This reopening of international relations beyond inter-state relations, which had already been imagined in the 1970s, was conceived of as a direct challenge to the hegemony of the neorealist paradigm at that time with Kenneth Waltz's publication of *Theory of International Politics* (see also Finnemore and Sikkink 1998). Constructivists thus employed the transnational in direct contradistinction to the international which has become equated once again with inter-state relations, taking place in a separate level of analysis where states operate as like units. As Nicolas Guilhot notes, this generated a shift from international relations as practiced by states' material interests to transnational relations based on ideas and communicative processes, or what they saw as the 'the power of ideas' (2005, 168). Earlier, constructivists like Kratochwil (1989) and Onuf (1989) dissected statism and sovereign imaginaries through research on the power of norms, rule and international law.

Both in law and IR scholarship, the transnational unsettles the reason of state and its grip on both disciplines and its theoretical possibilities. I follow Cox in not necessarily positing the international and transnational as dichotomous separate spaces. As strategic spaces, they indicate the changing location of power and authority, not only the existence of various actors and issue areas beyond the nation-state. In the following section I will push beyond this core of IR and engage sociological literature on the study of law and the internationalisation of legal practices. This will then, I hope, open up fruitful lines of inquiry to further unpack transnational dynamics as they evolve over time.

A sociological lens on legal practices: the transnational as a strategic and social space

As seen above, the transnational promises to replace an imaginary of containment, both in scholarship and practice, with social connections and trajectories. Thinking in terms of trajectories, rather than circular reproduction gives a deeper understanding of the logics of transformation in a given field. Where do we locate and capture such social forces? In IR theory, these are usually located as part of a (national) political community, unproblematically presumed to exist as coinciding with state boundaries. In his monograph *Inside/Outside*, R. B. J. Walker (1992) dissects theories of international relations and modern political thought as particular discourses and 'expressions of an historically

specific understanding of the character and location of political life in general' (Walker 1992, 5). Sovereignty is reformulated as a problem, rather than a precondition, of IR. Jef Huysmans rethinks the relationship between sovereignty and politics through the transnational which fragments the unity of governance embodied by the state as it multiplies actors that can be seen as politically significant (2003, 218). To Oliver Kessler (2009), international law shows a social international sphere between states while it challenges their role as sovereign units through its processes of autonomisation.

With regards to the legal field, this poses an array of theoretical and empirical problems and opportunities. We can indeed begin the inquiry from within a specific national context, especially when concerned with the force of a national legal context, national supreme courts and the ratification and enforcement of human rights treaties on the national level. Nonetheless, there is a danger of essentialising the notion of community when it is assumed to mirror a natural, harmonious political order. As Cotterrell states, "'community" has to be drained of any residual romanticism' by instead highlighting the relations that constitute it 'as much more varied, flexible, fluid, and changeable' (2012, 515). This becomes evident when various 'regimes of transnational regulation collide', revealing 'a plurality of authority' rather than relations of clear hierarchies (2008, 6–7). Elspeth Guild's work on EU law, for example in the context of citizenship and migration law (2004) or asylum policy and protection responsibilities (2006), offers an incisive socio-legal analysis of such concrete processes of de-territorialisation of sovereignty.

These processes open up important questions on who is authorised to make legal acts and by whom this authorisation is enacted in the first place. Moreover, it sets in motion a process of internationalisation of legal practices which further unsettles nationally bounded legal reasoning. To capture these processes sociologically and in their specificity, scholars working on international law from a sociological perspective have employed the transnational as a social space and a field. The introduction of Bourdieusian concepts, such as legal fields, was spearheaded by academic collaborations among French and North American scholars in the early 1990s (e.g. Trubek et al. 1994). Trubek et al. centre the role of what they term 'international forces' which are described as a set of 'concrete practices of multiple agents, including lawyers, in a multitude of national systems' (Trubek et al. 1994, 408). They operate in a legal field which encompasses 'the ensemble of institutions and practices through which law is produced, interpreted, and incorporated into social decision-making' (Trubek et al. 1994, 411). A multitude of practices, actors and sites emerge in such a social space, with their own logics of connection and alliances, rather than as a pre-constituted political or indeed legal community. Studies of disinterested human rights norms become questions of power, struggle, and authority, situated in a transnational perspective. The transnational in this context is not used to avoid references to the international or national, but as a social space can work comfortably with and against these conceptual referents in the development of strategic practices. IPS approaches have their roots in these collaborative dialogues across disciplines and academic spaces, which I will explore in more depth in the final section.

Sociological tools such as fields help construct a transnational object of study with a keen awareness of existing power structures, political economies

and hierarchies. It does not separate the economy, the law and human rights into separate issue areas defined by a transnational or international character, but thinks these spaces and dynamics relationally. In addition to Bourdieu's field, an autonomous social universe structured around actors' social positions and the stakes of the game that attract these actors to participate, the notion of capital is employed. Actors can accumulate different types of capital, such as economic, social, cultural or symbolic—such as authority, knowledge, academic degrees and so on. A field exerts a gravitational force on particular actors who enter into it, participating in this struggle over shared stakes, and thus disrupting notions of a pre-constituted harmonious community (Bigo 2011, 239). Thus, for each field, in-depth empirical research needs to be conducted to understand the dynamics of struggle, stakes of the game and the capitals over which actors compete. This form of inquiry allows us to reflexively construct objects of study which are not predetermined in its meaning or scope.

Socio-legal scholar Mikael Madsen for instance constructs human rights as such an object of study, which is both a form of symbolic capital with different values and a field (2011, 263). The aim is not to impose an "international superfield" of human rights', but rather uncover and analyse the array of 'international and national practices of human rights [...] beyond the legal dichotomies of national-international or law-politics which traditionally, and often implicitly, have greatly shaped analyses of modern human rights' (Madsen 2011, 264). Questions around legal expertise, its legitimacy and relationship to the politics of human rights can be addressed through a sociological focus centred on the practices of human rights experts or lawyers themselves. Thus, the social relations within a social field of human rights and its relations with other fields become visible by providing 'a reflexive matrix for exploring them empirically' (Madsen 2011, 271). In following human rights lawyers and experts, we can empirically investigate abstract political theoretical questions centred on concepts such as the aspirational force of universality, symbolic power and how it is put to use in concrete political struggles. This challenges the force of law or language of legality as a unique point of reference for legal investigations and instead theorises human rights as an expression of universal symbolic systems.

In four collaborative monographs and several articles, socio-legal scholars Yves Dezalay and Bryant Garth have conducted a sociogenesis of transnational legal orders, international human rights, and regional and global transformations of international legal orthodoxy. They centre three generations of human rights NGOs, their professionalisation and legalisation in their analysis of the autonomisation of international human rights from their national contexts: the International Commission of Jurists, Amnesty International and Human Rights Watch. This form of analysis helps unveil a social universe which gives rise to the conditions of possibility of human rights practices to take place in a field of power, rather than in pre-existing 'international communities', animated by universal 'norms' emergent from the field of law: As they state, their 'general narrative traces the movement of actors and an emerging expertise in international human rights from one major organisation to the next, showing both the origins and the transformation of the field' (2006, 232). Actors and their

biographies play a central role in this narrative, highlighting their positions in the social universe and ability to affect the process.

For example, in Chile of the 1970s, an alliance between the Christian Democrats and the Roman Catholic Church formed the Peace Committee and later the Vicariate of Solidarity which included a group of lawyers advancing the human rights cause (Dezalay and Garth 2006, 238). As they note, these lawyers had a leftist political orientation but quickly moved from political tactics to professional strategies, in effect turning politics into law' (Dezalay and Garth 2006, 239). The UN setting, providing an international stage, was invoked more systematically due to the increasing universal appeal of human rights (Dezalay and Garth 2006). In continuing their analysis of the development and transformation of a field of human rights, they discovered how the growing 'autonomisation in the field of international human rights has allowed the field to serve the interests of the United States better than in the days of the Cold War' (Dezalay and Garth 2006, 253). This is a result of a veritable human rights industry and institutions which are based in and supported by the United States, creating a thriving political economy and market of human rights expertise.

How does this kind of transformation of the legal field, and human rights in particular, transpire globally with regards to the field of power? In a separate study, Dezalay and Garth analyse globalisation as a form of internationalisation and export of (legal) expertise as it plays out between the United States and Latin American countries. They place the legal field 'at the core of the processes that structure, produce, and reproduce the field of power' (Dezalay and Garth 2002, 5). Law faculties in universities are particularly central in producing sought-after legal knowledge and elites, hence entrenching hierarchies between elites and different forms of expertise which come to be valued (Dezalay and Garth 2006). Thus, when focusing on legal exports as their central object of analysis and its transformative effects, they open up a sociological inquiry into 'how law is constructed, the power equilibrium it embodies, and the position of law in the reproduction of power' (Dezalay and Garth 2002). Therefore, in analysing the relationship between various symbolic fields such as law, knowledge, institutions and the state, they offer a relational account of power which complexifies theories of hegemony that were dominant at the time, in particular world systems theory. This is important, as they show how in the 1980s two different international markets of expertise co-existed in the United States, centred on economic knowledge and human rights. As Dezalay and Garth state, 'lawyers active in the human rights movements became key players in the new regimes' (Dezalay and Garth 2002, 54). Human rights, thus, became a form of symbolic power which could thrive in 'the more established and dominant symbolic banks where they can be better valued, guaranteed, and exchanged' for symbolic capital that was previously valued (Dezalay and Garth 2002, 55).

Scholars of European integration, another ongoing transnational social and political process, have drawn on similar sociological tools to uncover social forces behind the emergence of a transnational legal space. For example, Cohen (2007) and Vauchez (2008) follow the trajectories of legal elites in the making of EU law, producing a transnational political order through authorised spokespersons of the force of law. A collective biographical analysis of these legal elites highlights their power in terms of highly valued symbolic and cultural capitals through which they contributed to European constitution

making in a competitive, yet still loose social space (Cohen 2007, 111). The most successful among those elites simultaneously mobilise positions of authority they inhabited nationally and internationally. The imagery of social spaces is enriched by a conception of international relations based on 'a lengthening of the chains of social interdependencies on which these *relations* are based' (Cohen 2007, 131). Vauchez contends that the variety of roles played by lawyers in the EU, such as consultants and experts, academics, involvement in NGOs and as legal practitioners, gives an insight into how the EU itself works as a polity, thus challenging scholarship on Europeanisation that separates legal, political and social processes (2008, 129). Elsewhere Vauchez (2015) dissects the role of EU actors inside blackboxed courts, treaties, the commission and other institutional bodies which seek to produce a unitary understanding of the European Union as a transnational polity. He dismantles the notion of 'objective traits' of treaties by following the trajectories of 'advocates who seek to establish or consolidate a certain vision of Europe, in line with their personal trajectories and their social and professional positions' (Vauchez 2015, 15).

All of these empirically grounded studies do not only employ Bourdieusian concepts of fields of struggles or symbolic capital, but also explicitly point to the political economy of expertise and knowledge production that is sought after in a transnational demand and supply relationship. This is grounded in 'the modes of production of law' which, according to Bourdieu has led 'towards unifying the world legal field and the world market of expertise in law' (1995). The logics of fields provide these authors a means to understand and map transnational logics and practice without succumbing to pre-existing notions of 'the global' or globalisation as accomplished facts. Instead, Bourdieu's sociological tools allow these authors to uncover 'the more concrete strategies of agents, themselves defined by their dispositions' (Bourdieu 1995). This helps identify central spokespersons and their positions, both as part of their respective national fields and embedded internationally if their symbolic capital is powerful and valued enough at several levels. International law, fora and organisations such as the UN are employed to strategically position themselves to leverage their own position nationally.

Taking seriously the strategies, social positions and dispositions of spokespersons counteracts explanations which would see these as either arbitrary and randomly scattered or a homogenous epistemic community (Bourdieu 1995). Therefore, these accounts of the internationalisation of legal expertise and human rights as part of, but distinct from, globalisation discourses have identified an international arena of legal expertise. In sum, these authors describe the emergence of a social group, focused on international legal expertise, symbolic capital and powerful positions both nationally and in organisations, that creates a social space with internal solidarities that is distinct from national professional spaces and inter-state politics. In forming such connections and alliances, they seek to universalise their own particular positions. This is possible for actors who can position themselves strategically in this transnational space and wield with economic, social and cultural capitals to produce this form of symbolic power.

Such sociological studies offer a different understanding of the transnational and the international. The transnational, as a strategic space to influence both international and national law-making, gives rise to specific

practices and dispositions that create a certain coherence around social actors. The transnational is not simply a separate space from the international which allows cross-border solidarities, but generative of practices which have lasting effects. Following these socio-legal studies of legal elites, the transnational circumscribes a previously unseen social space which can only be frequented by elite actors whose capitals are valued and allow them to enter this space and exert influence on international relations. Through the spatial imagery of chains of interdependence, these authors enact a different social imaginary outside the power struggles of experts and elites. Growing out of this scholarship, IPS has introduced approaches that retrace *transversal* lines across social spaces.

International political sociology: transversal cuts across the international and transnational

Thus far, the transnational has unsettled the reason of state in law and IR. Transnational law has analysed the dynamics of exchange between national and international contexts and highlighted the importance of social dynamics in the production of law. Bourdieusian-inspired scholarship of the internationalisation of legal practices has provided various in-depth studies of the making of international law in which the transnational appears as a strategic space for action, generative of new legal practices, and a social space for social forces to wield their power. IPS approaches, I argue, go further in its creative espousal of political sociological and anthropological tools to make visible links which cut across social spaces *transversally*. Embracing a transversal approach with rich empirical material helps imagine social relations differently by following lines and trajectories as they are drawn and connect unexpected spaces without invoking familiar categories such as the national, the international or even transnational which can conjure up diffuse and disciplined meanings.

Bigo's and Walker's (2007) collaborative agenda for IPS emerged out of decades of research on specific political theoretical and empirical problems which inspired both the formulation of the problem in IPS and the spatial imagery of transversal lines. Bigo (2012) reflects on his own research trajectory which began with questions on Europeanisation of terrorism and gradually became transformed as more actors emerged as connected in an increasingly transnational social space where threats were reformulated in a competitive struggle between various professional voices. Transversal lines are concrete social relations manifested in 'professional lines of solidarity' expressed by heterogeneous voices, not just one class of elite actor (Bigo 2012, 122). Elsewhere, he analyses transnational groups which emerge from the core of state bureaucracies in order to assess their autonomy in political decision making. This is maintained by this professional solidarity which 'often transcend differences in terms of national cultures' (2017, 398). This solidarity at a distance' disrupts a unified image of states' political decision-making and boundary-making processes. Bigo suggests the terminology of transversal rather than transnational, which is often opposed to national, to capture these transversal practices across sites. These can be enacted for example through visits, or digital exchanges of information, permitting these actors to share a unified vision of the social world. Thus, the state itself can become transnational and fragmented,

‘projected outside its territorial boundaries without extra-territorial privileges’ (Bigo 2012, 399). This challenges IR literature that reserves the condition of transnationality to non-state actors and keeps an open mind towards the many forms the interplay of the national and international can take.

What is more, I argue that these insights open up important theoretical questions concerning the relationship between the transversal and the transnational, which is not necessarily straight-forward. As seen earlier, transnational law has been fruitful in not reproducing the narrative of distinction between the state and non-state actors by pointing out how the state projects power or creates effects across borders. IPS and its uncovering of transversal lines goes further in its de-disciplinising move to unsettle categories which reproduce a ‘nostalgic view of social and political orders’ (Basaran et al. 2016). In such scholarship ‘the social’, ‘the political’ and ‘the international’ are often assumed to be unitary categories, each to be divided between and examined by specific disciplines. However, as Walker argues, in order to analyse contemporary international politics, we need to capture and understand the ‘relations across apparently diverse fields of phenomena’ as they appear in various forms through transversal relations in dispersed spatiotemporal sites (Walker 2016, 19). Such an inquiry does not require the accumulation of disciplines, concepts and theories from various fields, but a reflexive awareness of the transformation of the research object as it traverses social worlds and connects previously neglected sites or practices. A transversal mode of inquiry into human rights claims and practices, rather than one driven by understandings of transnational social spaces, exemplifies this productive tension between transversal lines and transnational spaces.

Socio-legal European integration scholars, as we saw earlier, analyse a specific social phenomenon that is already defined and uncover who has the capacity to participate in the making of this transnational political order. Dezalay and Garth study ‘a small group who built itself, strategically, at the crossroads between social inheritance, the field of state power, the fields or spaces of international power, the academic world, and so on’ (Dezalay in Bigo and Cohen 2020, 115). They focus on powerful elites who have a significant, measurable impact on the making of for example human rights or new transnational legal orders. More broadly this has opened up inquiries into the trajectories of transnational power elites participating in global governance through transnational social groupings (see Kauppi and Madsen 2014). A transversal mode of inquiry allows us to go beyond a research agenda centred on uncovering the members, practices and boundaries of these social clubs.

Paying attention to what might seem marginal actors at the edges of an institution, like UN special rapporteurs, can deepen our understanding of international human rights. We can initially map their relationships which would unveil a loosely shared social space of this human rights elite. But a transversal approach goes beyond this core as it reveals UN special rapporteurs’ understanding of human rights that does not reproduce the UN’s institutionalised human rights frameworks or a strictly legal definition. Following their journeys into local struggles across the world, they have the capacity to interlock human rights struggles through their detailed reports, communications and travels. Following such transversal practices out of immediate club-like social spaces retraces the force and limits of international human rights dynamics in marginalised spaces.

This condition of transversality goes beyond the imaginaries of the transnational which itself can be 'fractured' to resist homogenous accounts of this space. As Huysmans and Nogueira (2016) argue, in doing so, IPS follows a lineage of critique of limits and poststructuralism which tries to uncover conditions of possibility of practices and relations (Huysmans and Nogueira 2016, 315). The imagery of transversal cuts, rather than transnational spaces, foregrounds shifting interplays of practices and spaces which emphasises heterogeneity, rather than a distinct, static and predetermined perspective. The limits of the international and the possibilities of the transnational are constantly remade as power relations shift through social struggles.

Conclusion

This article theorised the relationship between the international and transnational as an expression of the shifting location of power and authority in social relations across scales and disciplinary divides, by reviewing scholarship in international relations, various strands of sociological studies of international law and IPS. It contributed to this Special Section by studying the international both through its dynamics of actualisation and reification. The emphasis on power relations and its location is important, as it unsettles understandings of the transnational as yet another separate sphere or an alternative to the international to avoid using a term that is loaded with disciplinary meanings, often-times rooted in the neorealist paradigm. In the 1950s in law, and in the 1970s in international relations, the transnational has been introduced to shed light on dynamics outside inter-state relations and hence beyond reason of state. This period of openness in IR towards dynamics outside the state was interrupted after neorealism's advent and subsequently challenged once again in the 1990s by constructivist scholars studying the power of ideas, legal rules and transnational human rights advocacy. Their understanding of the transnational and power was delinked from the international and inter-state relations as motivated by material interest. In this paper, I have reviewed sociological scholarship on international law and showed how a Bourdieusian-inspired approach has once again reintroduced notions of struggles and power relations to the study of transnational dynamics in human rights and international law. These scholars employed the transnational as a social space, which serves as a strategic space for action for actors to influence both international and national law-making. Emerging from and in conversation with this literature, IPS has further advanced these empirical investigations and theoretical stakes. It captures the shifting power relations of key actors in international relations by retaining a sense of openness and following a transversal approach which cuts across the boundaries of social (and often club-like) elite spaces and the transnational itself. Studying dynamics of international human rights by following elite human rights experts such as UN special rapporteurs as they confront local struggles can open up investigations into how such transversal connections unfold beyond a core of global governance elites. Ultimately, the aim is to unsettle the limits of a spatial politics of boundedness, evoked through conceptual references to the international and transnational, with a politics of connectedness.

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