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Locating the post-national activist: migration rights, civil society and the practice of post-nationalism

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ABSTRACT

Theorists of post-nationalism examine the (re)configuration of national identity, membership and rights. Yet while normative scholarship has conceptualized post-nationalism as an ongoing practice of discursive contestation over the role of national group membership in liberal democratic societies, more empirical studies have tended to overlook these features to predominantly focus instead on top-down legal and political institution-building as evidence of post-nationalism. In this article I argue in favour of an empirical conceptualization of post-nationalism which more effectively captures micro-level practices of discursive contestation. Specifically I posit that post-national activists, or actors engaging in post-national practices of contestation from within the state, are a key focus of analysis for scholars of post-nationalism. I develop this claim through the analysis of data collected with individuals working on civil society campaigns for migration rights in Europe, Australia and the USA who – I demonstrate – embody many of the characteristics of the post-national activist.

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Introduction

In this article I argue that post-national activism is a key characteristic of the practice of post-nationalism. Post-nationalism as a concept captures the transformation of political community, rights and membership beyond their traditional basis in nationalism¹ (Abji 2013; Benhabib 2004; Habermas 1995; Müller 2007). I break with disciplinary orthodoxies in the field which have tended to focus predominantly on the top-down imposition of macro-level post-national legal and political frameworks to suggest that practices of micro-level contestation over rights and membership should themselves be a focus of analysis for scholars of post-nationalism.

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In constructing this claim I draw on research undertaken with migration rights activists in Europe, Australia and the USA. I show that these actors operationalize a post-national framework when they contest the allocation of rights and membership according to nationality, and also that through this work they spear-head the disruption of national identity as an organizing principle, attempting to ground the post-national project within existing political communities. As a result I argue that these micro-level practices of contestation should be explored alongside macro-level transformations in order to better conceptualize post-nationalism and to better understand how it is shaping contemporary social and political life.

In the following section I define the literature within which the article is situated and identify disconnect within this literature concerning the role of discursive contestation. I show that while contestation and bottom-up activism have long been central features of normative theories of post-nationalism, they are often overlooked in empirical studies on the subject. I then set out details of the qualitative research undertaken with migration rights activists, before engaging substantively with this research both to elaborate on my theory of the post-national activist and to demonstrate the relevance of studying such transformative micro-level practices in order to better understand the place of post-nationalism in contemporary societies.

Post-nationalism(s)

The organization of the contemporary international system of states is predominantly one rooted in national group membership. While some states, such as Canada and the United Kingdom, are multi-national, some nationalities lack a state of their own, and there are some examples of supra-national integration such as in the European Union, the social and political world is predominantly organized into nation-states. This means that nationalism is the key organizing principle shaping access to the bundle of rights associated with citizenship, and it is the imagined bond of national group membership which forms the basis of political community. The social sciences have themselves also been deeply shaped by the assumption of nationalism, with the “methodological nationalism” critique drawing attention to the ways in which nation-states have been treated uncritically as a pre-supposed social form (Sager 2014; Wimmer and Glick Schiller 2003).

Yet this hegemony of nationalism is in question amongst scholars concerned by the exclusions from membership, rights and belonging that it permits. These exclusions, they suggest, are premised on arbitrary grounds. They argue that nationalism is simply a form of imagined group membership (Tonkiss 2013; Walby 2003), and that the promotion of nationalism in the organization of the international system of states as a result produces these arbitrary exclusions which are indefensible from the perspective of core liberal commitments to

individual moral equality. For example, it is argued that nationalism, national citizenship and the structure of the nation-state suppress other forms of group membership such as those of indigenous populations which do not have access to the rights and protections associated with citizenship unless they are to take on the nationality of the dominant group (Bloom 2017). Similarly, too, for migrant populations whose rights to move are curtailed by the unilateral right of individual self-determining nation-states to decide on who they are willing to admit (Abizadeh 2008; Carens 2013; Cole 2000) and for stateless populations where the lack of a recognized nationality often means a lack of recognition of their personhood (Belton 2011).

Against this backdrop, scholars of post-nationalism have sought to examine alternative ways of organizing political community without recourse to the exclusionary logics of nationalism. Post-nationalism is itself rooted in the observation that the nation-state compound, while gaining virtually hegemonic status, is a non-permanent and relatively recent development (Habermas 1995; Viroli 1997). Political community and citizenship, so post-national scholars posit, have existed historically in the absence of nationalism, and they have drawn on this observation both to demonstrate the temporariness of the current nation-state hybrid and to deconstruct the accepted national framing of the political community and its membership regime. However, in operationalizing this project, a division in the literature has become apparent between those scholars proposing normative theories of post-nationalism and those studying the emergence of post-nationalism empirically in the real world. As I will now discuss, this has given rise to inconsistencies in the conceptualization of post-nationalism overall.

Normative theorists, working from the observation that the nation-state hybrid is a temporary occurrence in the international organization of political community, propose alternative ways of structuring society which are not reliant on the binding sentiment of nationalism but rather are based on a common commitment to core human rights principles (Abizadeh 2004; Benhabib 2004, 2007; Habermas 1998, 2001; Müller 2007; Tonkiss 2013). These theorists have often tended to root their work in, or at least have been significantly inspired by, Habermasian notions of discursive political practice where members of the community engage in ongoing practices of micro-level contestation over how best to live together in accordance with core human rights commitments (Habermas 1998, 1985). For example, in “constitutional patriotism”, which is perhaps the most widely theorized approach to post-nationalism, theorists propose a constitution, containing core commitments to human rights, as the basis for solidarity in post-national society, and envisage a “living” constitution (Habermas 1998; McCarthy 1998) with rich, ongoing democratic practice over how best to interpret and realize human rights commitments within the particular political community (Cronin 2003; Lacroix 2009; Markell 2000; Müller 2007). The emphasis here is on

replacing the binding sentiment of nationalism with a commitment to shared principles, offering the potential for a community to be shaped not by nationalism but by an intrinsic commitment to liberal democracy and fairness.

As such the theory is grounded in the practice of democracy at the micro-level, and transformations in the political community emerge from this ongoing practice. This means that, despite being a post-national theory, it is nonetheless reliant on “already existing political units”, but it proposes, through rich democratic practice over how best to realize human rights, the transformation of those units through a “normative surplus” which occurs as a result of “civic empowerment, dissent and ... civil disobedience” (Müller 2007, 48–49; see also Lacroix 2009). Similarly, too, Seyla Benhabib theorizes “democratic iterations” as micro-level discursive practices which are understood as “linguistic, legal, cultural, and political repetitions-in-transformation” (2004, 180) which facilitate collective will-formation around universalist rights claims through “argument, contestation, revision and rejection” (180) without recourse to “illusions” of national homogeneity (171). All of these normative accounts of post-nationalism focus centrally on the role of actors within the existing nation-state system who engage in transformative acts of discursive contestation to disrupt nationalist framings and to explore alternative conceptualizations of the community with a specific orientation to realizing human rights commitments within particular societies.

Alongside these normative considerations, sociologists have sought to conceptualize and empirically study post-nationalism. Here, post-nationalism operates as a lens through which to examine the changing role of national identity in social and political spaces, and scholars examine shifts towards post-nationalism within particular states and in the international sphere such as in the emergence of international human rights norms, the continuing momentum of globalization, and the development of trans-state legal and political institutions such as those of the European Union (Acosta Arcarazo 2015; Besson 2006; Kostakopoulou 2001; Nanz 2006; Soysal 1994; Tambini 2001). These developments, they suggest, show some evidence of the declining relevance of nationalism and the emergence of alternative solidarities in which to root a liberal democratic society. For example, in Yasemin Soysal’s seminal account, post-nationalism is conceptualized from the observation of an increasing fluidity in the boundaries of membership in Europe and a growth in the multiplicity of memberships, the universalization of human rights beyond the nation-state model, and the emergence transnational sources of membership. She notes that “... individual rights, historically defined on the basis of nationality, are increasingly codified into a different scheme that emphasizes universal personhood” and that “[t]he postwar era is characterized by a reconfiguration of citizenship from a more particularistic one based on nationhood to a more universalistic one based on personhood” (Soysal 1994, 136–137).

It is perhaps unsurprising to note that such empirical accounts of post-nationalism have been the source of some controversy, particularly given the apparent faltering of European integration which reached its peak during the Eurozone currency crises associated with the 2008 global financial crisis and again in the near dissolution of the Schengen Agreement as a result of political disagreements over a large scale influx of Syrian refugees to Europe in 2015 and 2016. At the time of writing, recent developments associated with the UK referendum result in favour of leaving the European Union suggest further reasons to call the European project into question. Many have argued that the struggles of the European Union to weather such storms, combined with the failure of human rights courts to protect minorities and the continued relevance of national citizenship around the world, suggest that post-nationalism simply doesn't hold the promise that many had assumed it would (Auer 2010; Bloch 2010; Edmunds 2012; Koopmans 2012; Nash 2009; Pinelli 2013; Tekin 2014).

There are reasons to question the extent to which these counter-arguments are problematic for accounts of post-nationalism, particularly given that Soysal herself conceives of post-nationalism as part of a dialectical relationship between universalism and particularism in contexts of globalization, where "apparent paradoxes" emerge from "the institutionalized duality between the two principles of the global system: national sovereignty and human rights" (Soysal 1994, 157). Furthermore, with specific respect to the European Union there are reasons to question the extent to which European integration is genuinely a model of post-nationalism. For example, it might be better understood as an example of *demoicracy* – a collection of individual nation-states choosing to cooperate in certain fields of policy but retaining individual autonomy (Lacroix and Nicolaidis 2010; Nicolaidis 2004). Or it might be understood as a kind of supra nation-building project, constructing a bounded European collective identity (Habermas 2008; Maas 2007; for critique see Tonkiss 2013, ch. 2). The reality is probably somewhere in between (Balibar 2003; McGarry 2011), but neither of these sets of accounts would necessarily reflect the reconfiguration of membership, rights and solidarity away from national identity and towards core commitments to human rights which are central to post-nationalism.

Leaving aside a full critical appraisal of this debate for now, it is apparent that the empirical literature on post-nationalism – including those who critique its explanatory value – is concerned with the development of legal and political institutions and rights regimes imposed from the top-down and at the macro-level. The debate is dominated by questions over the extent to which institutional change is observable, and how far legal and political architectures have been transformed. While these dynamics are no doubt critical to exploring the position of post-nationalism in contemporary societies, I contend that this focus has left bottom-up, micro-level practices

of contestation over the place of nationalism and its alternatives relatively absent from empirical studies of post-nationalism.

Further, I posit that the features of such a bottom-up conceptualization of post-nationalism, relatively absent from empirical study, are evident in the ways in which post-nationalism has been theorized by normative scholars described earlier in the paper. As such this is as much a gap in empirical knowledge as a disconnect between two sets of related literatures. The Habermasian discursive contestation which strongly shapes the normative development of post-nationalism places actors within existing systems at the centre of the development of post-nationalism. These individual actors are critically reflexive about their own national group membership and national identity, and are participants in processes of democratic contestation concerning the interpretation of human rights commitments in the political communities in which they live. In this sense normative post-nationalism is “actor-oriented” (see also Nyamu-Musembi 2005), rooting the development of commitments to human rights in discursive struggle from the bottom-up. In normative post-nationalism, such bottom-up practices are part of an incremental, transformative account of how change happens within political communities. The practices of contestation are not intended to reach a prescribed ideal or set of institutional arrangements, but rather to be an ongoing, never realized project of finding the best interpretation of human rights within the existing political community, and transforming that community as a result of this practice. As such post-nationalism is “open” and “incomplete” (Müller 2007, 61), where the only ideal is one of fair democratic practice. To this end the struggle for change itself constitutes post-nationalism, and post-nationally oriented actors within these struggles lead change from within the existing system.

Owing to this disconnect in the literature, this figure of the “post-national activist” is largely absent from the empirical study of post-nationalism. Yet in what follows, I build on emergent approaches in the wider cosmopolitan literature which seek to bridge normative and empirical accounts (cf. Skrbis, Kendall, and Woodward 2004; Skrbis and Woodward 2007) to show how such activists are relevant objects of analysis and that such practices of contestation within the state should as such be viewed as a critical characteristic of post-nationalism from a sociological perspective as well as from the perspective of normative theory.

Researching post-nationalism as practice

My initial theorization has posited the figure of the post-national activist as a relevant focus of analysis in the empirical study of actor-oriented post-nationalism at the micro-level. The post-national activist is one who contests the parameters of nationally defined membership and rights regimes from within the existing state system and proposes alternative solidarities rooted in

commitments to human rights rather than national group membership, taking a leadership role in the practice of post-nationalism. The remainder of this article is focused on examining the utility of this theorization, applying it to the analysis of research with migration rights activists in Europe, Australia and the USA.

Migration rights activism offers a useful place to begin locating the post-national activist. For the purposes of this article I am focusing on pro-migrant activism undertaken by existing members of the nation-state, rather than migrant-led activism, because my interest is in the post-national orientation of the existing membership of the political community. While in some instances this kind of pro-migrant activism has been shown, in its focus on citizenship acquisition above all else, to reproduce the exclusionary logics of citizenship regimes (Tyler 2010; Tyler and Marciniak 2013), individuals and organizations working to promote the rights of migrants and to contest the basis of the exclusions they face are working within spaces of contestation over what it means to be a member of a given political community (Abji 2013; Basok 2009; Nyers 2003). To what extent could they be understood as embodying the qualities of the post-national activist?

To answer this question I applied a post-national lens of analysis to a series of twenty-nine in-depth interviews with migration rights activists. Given the sample size the aim of the analysis is not to develop a generalizable model, but rather the dataset provides an opportunity to test the relevance of an actor-oriented post-nationalism to empirical study, and the depth of data collected from each interview allows for a robust examination of what it means to be a post-national activist in practice. The data were collected over a period of twelve months, and the participants were all employed in a campaigning role for a civil society organization working in the field of migration rights.² This field was conceptualized broadly, including both general migration rights groups as well as those working in niche areas such as refugee and asylum rights, detention and deportation, and on the rights of specific groups of migrants such as women, children and gay people.³ Twelve interviews were conducted in the UK and ten were conducted in Australia, with a further four in the USA and three with activists engaging with EU institutions and based in Brussels.

Civil society is a key space of contestation over membership and rights, existing as it does beyond the formal structures of the state. The growth of an international or even global civil society is a topic of interest to many post-national and cosmopolitan scholars, and the activists featured in this research – in challenging national regimes of rights and membership – can be seen as part of the emergence of this trans-state civil society (Kaldor 2003). Yet these activists are working within the nation-state, seeking to engage with the structures of the state as they exist now and to press for change from within, rather than seeking explicitly to build alliances across

borders. Many have a degree of “insider” status (McGhee, Claire, and Walker 2016), meaning that they are able to develop formal and informal avenues for engaging with and influencing political and policy actors. In this sense, the participants in the research “root” the cosmopolitan orientation of global civil society in engagement with the existing institutions of individual states (see also Ypi 2012).

Each interview lasted for an average of one hour and was semi-structured to enable participants to explore as openly as possible how they understand and frame their work. The interviews were transcribed and anonymized, and a post-national analytical framework was then applied to the fine-grained thematic coding of this data. This framework was designed to identify evidence or otherwise of the presence of three key characteristics of the post-national activist drawn from the theorization undertaken in the preceding section. These were (1) evidence of contestation over the parameters of nationally defined membership and rights regimes; (2) proposals for alternative solidarities rooted in commitments to human rights rather than national group membership and (3) evidence of taking a leadership role in the practice of post-national contestation over rights and membership within the state.

Locating the post-national activist

In this section I draw on the findings of this research to demonstrate the relevance of an actor-oriented conceptualization of post-nationalism as micro-level practice to the empirical project of locating post-nationalism in contemporary societies, and to further refine my theorization of the figure of the post-national activist.

Contesting national membership

All of the participants in the research actively contested the relevance of nationality in the allocation of rights and membership, highlighting the importance of human rights over and above national group membership. This language of shared humanity was evident throughout the interviews, as one participant noted, “We’re about fairness and justice really. People should be treated with dignity and respect as a human being” (author interview, London, June 2015), and another described their concern with “the dignity of the human person” (author interview, Sydney, September 2015). Evident here is a framing of social justice as universal personhood, applying in virtue of humanity and not just as a result of membership of any particular group, as another participant similarly commented: “... for us, this is to really ensure that the legislation debates all consider those basic human rights of all, regardless of their residence status” (author interview, Brussels, July 2016). A further participant commented on their work with undocumented child

migrants, “[w]e always try to bring it back, because they’re children. We’re talking about children. And again humanising them” (author interview, New York, April 2016). Here the participant directly challenges the allocation of rights according to nationally defined membership status.

While many drew on this language of human rights, some framed their work in relation to civil rights which are more commonly thought of as applying only to those who hold a relevant citizenship status. Here, however, the participants were arguing for an expansion of civil rights to noncitizens, as in the following example:

Civil liberties is one that we’ve push[ed] more because that goes more this distinction between the far and near citizens, this awkwardness in the notion of civil liberties about whether it’s only us that get them or whether anyone here. (author interview, London, July 2015)

In this quote, the participant describes a decentring of national group membership in considerations of justice, and suggests rather an alternative of presence in a particular geographic location. This once again suggests a post-national orientation, where the relevance of nationality in organizing membership is contested.

The participants also often suggested that liberal values were in tension with rights and justice defined in national terms, a key theme from the normative literature on post-nationalism. This was particularly the case in discussions of refugee rights, where nationally defined membership and rights regimes were seen as “a flagrant abuse of values that we all in some way adhere to as binding us together by providing a platform on which our freedoms [are] founded” (author interview, London, July 2015), and also in respect of the denial of social rights for noncitizens which was seen to generate “... vulnerabilities and it exposes greater risks, it prevents people from being able to plan their personal futures in a predictable and ordered fashion” (author interview, London, July 2015). In all of these cases, the participants subvert the centrality of nationality to the allocation of membership and rights in favour of their allocation simply in virtue of shared humanity.

The participants also expressed a desire to look beyond the national model of membership and to explore alternative ways of constructing borders without recourse to nationality. For example, one interviewee noted how they’d “been increasingly prepared to admit... that open borders is a perfectly rational ideal in the modern world” (author interview, London, July 2015). Another described the desire to “reclaim” the debate about immigration because “in a way, everybody is an immigrant” (author interview, London, June 2015), and a further participant noted “people just move; we try and make it a normal thing, a human thing, it’s just what people do” (author interview, London, June 2015), again subverting assumptions related to nationally defined borders and seeking the reconfiguration of

borders according to the rights of the individual rather than the co-national. While this is not a contestation of the existence of the state as a political unit, as would be the case in cosmopolitanism, it is a contestation of the role of nationality in allocating membership of that state.

Alternative solidarities

The participants in the research drew on these framings in common humanity to ground alternative, non-national conceptions of solidarity, which is the second key characteristic of actor-oriented post-nationalism to be identified. For example, one participant described their work as “actually trying to get people to see beyond citizenship and nationality and tribalism and actually look for that common humanity” (author interview, Brisbane, September 2015), and another noted that “ultimately we’re a collection of humans” (author interview, London, July 2015), explicitly articulating the rejection of nationality as a defining characteristic of the political community. Here the language of “we” is deployed in a more inclusive manner than its typically more exclusionary use in relation to the national group.

This narrative of an alternative solidarity rooted in common humanity became particularly apparent in discussions of the ways in which noncitizens are dehumanized by popular discourses, with the participants keen to “normalise and humanise migration” (author interview, London, June 2015). Participants often discussed the problematic use of the term “illegal” with reference to noncitizens and described how they had sought to subvert this language. For example as one participant put it, “[w]hen the government is saying that these people are illegal and we are saying no they’re not illegal, they’re not illegal” (author interview, Melbourne, September 2015). Similarly another participant reflected on the topic of immigration detention, “I think a lot of people believe that if someone’s in immigration detention, it’s because they’re a criminal. That’s just not true” (author interview, New York, April 2016). In taking on the language of illegality, these participants articulate an alternative, non-national way of framing how we understand the collective “we” and how borders are consequently imagined.

Participants in the research also made these claims for shared humanity as an alternative source of solidarity by placing noncitizens in direct comparison to other campaigns for rights and recognition. For example, in a particularly illustrative quote, one participant seeks to subvert the use of the term “asylum seeker” with reference to campaigns for rights and recognition for disabled people:

... trying not to use the term “asylum seekers” on the basis that it’s like saying “the people are disabled”. That becomes all that they’re defined by and all they are. They no longer become people, you’ve immediately started to

depersonalise them. So we're always trying to talk about people seeking asylum or people in need of safety. (author interview, Melbourne, September 2015)

The comparison here between individuals seeking asylum who are noncitizens, and disabled people who are citizens often experiencing vulnerability and often subject to exclusion, disrupts common ideas about who should matter in discussions of civil and human rights.

This was similarly the case where participants described the rights of undocumented child migrants, framing these rights in relation to child protection discourses typically extended only to fellow citizens. For example, as one participant noted:

... it is a child protection issue, first and foremost. These are children first and foremost. These are children first and foremost. And that's what we try to ... Because that's what it is. There are thousands of these children coming without a parent or a legal guardian across hundreds of thousands of miles; that indicates something very wrong, right there. There is something very wrong in that child's life; that should not be happening, no matter what, no matter where you're from ... And so just by that fact, these children are vulnerable and therefore they need to be protected, and that should be our first response. (author interview, New York, April 2016)

The research participants also explored other ways of configuring solidarity in the absence of shared nationality. Post-nationalism is based on the notion that the national group is only one of many imagined social groups, and in articulating these alternatives the participants mobilized this idea in a number of ways. For example, a number of the participants focused explicitly on gender equality as a common cause regardless of nationality. One participant described how, for them, it was

... that basic in terms of showing the women that we have to value our womanhood or gender ... and there's still so much gender inequality that we have to fight for ... Yes, we're all women, we've got so many similar values and qualities (author interview, Melbourne, September 2015),

and another reflected:

I think for us, the fact that a migrant woman is a woman – that's a starting point. So obviously we can speak about migration or problems of discrimination issues faced by migrants in general. It's possible. It's one analytical framework we can take, but we want to be very clear that on top of all of this, women will experience additional barriers and additional types of discrimination. (author interview, Brussels, July 2016)

In this quote, the participant challenges social divisions according to groups of citizens and noncitizens, and rather focuses their work on social groups defined by gender and regardless of membership of any specific national group. Some of the participants drew on this framing to build an alternative solidarity, with for example one participant " ... just writing ... just scripting a

thing today, actually, saying you know, this is what's happening, and women of Australia demand that this not be continued" (author interview, Melbourne, September 2015). In these instances the participants sought to mobilize support for noncitizens on the basis of shared gender.

Participants also drew on local community membership as an alternative solidarity to national group membership in order to ground post-national solidarity. For example, they referred to the need to include noncitizens in local democratic processes, to ensure "that migrants are being heard and valued, and that they feel a part of the community they live in" (author interview, London, June 2015). Many UK-based participants referred numerous times to an example of a local authority setting up an inquiry into healthcare at an immigration detention centre within their locality, viewing this detention centre and its detainees as members of the community simply by their presence. As one participant reflected, "... it's just quite an interesting development I think in terms of kind of localism and other people or bodies that you wouldn't automatically see as campaigners but actually who are getting involved in the wider conversation" (author interview, London, July 2015). In this instance, the primacy of national group membership is subverted in favour of a solidarity based on local community, and this reinforces an earlier theme in the analysis where participants focused on geographical presence as an alternative way of imagining the collective "we".

Leadership

The ways in which the research participants framed their work has been shown in the above discussion to demonstrate a post-national orientation, primarily in the rejection of national group membership in favour of a common humanity as the basis for membership, rights and solidarity within particular states. Yet crucially, it is also evident from the data that the research participants see their role as one of leading practices of contestation over nationally defined membership and rights regimes, and as such they embody the final characteristic of the post-national activist.

All of the participants in the research saw their role as shifting the conversation about membership, rights and belonging away from traditional nationalist assumptions. They saw themselves as leading a shift in public discourse away from hegemonic nationalism. As one participant described, "[w]hat we need to do is kind of shift the way the community thinks about it because if we can shift the way the community thinks about the issue, that's going to start to shift the polls" (author interview, Melbourne, September 2015), and another commented "[t]his is how we feel we can influence policy, by talking to the public and getting through to the media" (author interview, London, June 2015). A further participant reflected, "we see a lot of how a certain narrative also impacts decision-making and sometimes leads to

negative impact and consequences” (author interview, Brussels, July 2016). In all of these cases, the participants are describing how they see their role as one of leading a discursive transformation to foreground the realization of post-nationally oriented goals.

The participants perceived value in this work of transforming the political community from within, and in encouraging their fellow citizens to be critical of the status quo, working locally to “educate and agitate” (author interview, London, July 2015). For example, one participant described how they “... do a lot of community awareness raising” (author interview, Sydney, September 2015), and such work also involves taking a lead in making a case for a different way of doing things. The participants saw their role as one of leadership, to encourage fellow citizens to look beyond the dominance of national group membership as an organizing logic and to explore these other interpretations.

The participants viewed this project as overtly discursive in character, contesting dominant assumptions and facilitating space for voices silenced by the structures of the nation-state. Indeed, many of the participants saw their role as one of facilitating noncitizen voices in public and political debate, for example as one participant described “[w]hat we want to do is create space for refugees to tell their own stories” (author interview, Sydney, September 2015), and another described their role as “... to promote the voices of migrants to ensure that migrants are part of this debate about them” (author interview, London, June 2015). The participants were all quite explicitly aware of the problem that as citizens with the privilege to be heard they risked speaking *for* less privileged others (see also Bassel and Emejulu 2015), and this focus on promoting noncitizen voices seemed an attempt to address this tension while still recognizing the instrumental value to their cause in being able to draw on noncitizen voices as a political resource which enabled them to “offer some quite powerful stories, in a sense, of what it’s really like” (author interview, Melbourne, September 2015).

This theme of challenging established accounts of who should matter in considerations of justice was widely reflected in the accounts of the participants, and evidences a strategy to contest these established accounts and to construct alternatives. This idea is particularly apparent in an excerpt from a US-based participant:

... it’s trying to shift the conversation to the stories about the actual immigrants themselves, to the individuals that are affected by a lot of these laws ... So when we tell stories it is to give voice to the individual, but it is also to help them shift the conversation a little bit so that people understand more about like, why is detention wrong. Because a lot of people think well, yeah, they’re a criminal and when you tell them no, this individual committed no crime, they were a passenger in a car, the police pulled them over, they think like that’s not right ... it really helps people to understand a little bit more. (author interview, New York, April 2016)

In this sub-section we have seen how, in operationalizing a post-national framework in their work, the participants contest the nationalistic parameters of public debate and are seek to construct alternative, post-national visions for the organization of membership and rights in order to press for change in the system. This activity is aimed at disrupting the hegemony of nationally defined membership and rights, and at building a post-national society from the bottom-up – a process of change rooted in these practices of contestation. This process of change is also located in the existing political system within which the participants are located, and many of the participants reflected on the need to work for incremental change within the existing system. For example:

I suppose my top-line would be that we should be getting stuck in on every level and that's working with individuals, campaigning in communities doing public meetings, working with parliamentarians across the political spectrum, and meeting with and collaborating with the Home Office. As long as they're our enemy, then we are going to lose because they are the ones who do it. You're either cooperating with them as allies or you're radical on the fringes. (author interview, London, July 2015).

The participants as such sought to contest the political project of nationalism while continuing to work within the structures of the nation-state, which is suggestive of an actor-oriented, transformative post-nationalism in practice.

Theorizing the post-national activist

In my engagement with the normative literature in the first substantive section of this article, I highlighted so-called post-national activists as a key feature of normative post-nationalism largely missing from empirical treatments of the concept. I theorized these activists as critically reflexive actors engaging in discursive contestation over national group membership and national identity from within the nation-state, rooting the discursive struggle for human rights in pre-existing social and political structures. The analysis presented in this section demonstrates the utility of this conceptualization to the empirical task of locating post-nationalism beyond top-down institution-building, and provides a further refinement of my theorization of the post-national activist.

Specifically, the findings suggest that post-national activists are best defined as actors engaged in discursive practices at a micro-level who disrupt and re-imagine rights regimes beyond the national membership model. The activists subvert structures of exclusionary citizenship from within those structures, drawing on non-national solidarities to construct alternative possibilities. Troubling and unsettling the social construction of the nation-state is central to this work, and this demonstrates how – just as

in the normative literature – these activists engage in the *process* of post-nationalism as an unending iterative process of becoming.

Finally, the findings emphasize the leadership qualities of post-national activists. These actors lead practices of contestation over nationally defined membership and rights from within the state, seeking to shift the conversation and as such lead discursive transformation. They seek to build momentum for the transformation of nationalist structures, and to facilitate spaces for voices which have been marginalized and silenced by those structures. As such, leadership and innovation are critical characteristics of the post-national activist, and these qualities also help to better define what is meant by an “actor-oriented” theory: that post-national activists are conduits of post-national discursive contestation at a micro-level.

Conclusion

In this paper I have sought to theorize and demonstrate the relevance of post-national activism to the analysis of the role and place of post-nationalism in contemporary societies. Working from an apparent disconnect between the normative and empirical literatures on post-nationalism concerning the role of micro-level discursive practices, I have shown – with reference to migration rights activism – how post-nationalism can be seen to inform practices of contestation over membership and rights within the state.

The participants in the research worked to re-imagine regimes of membership and rights from within the state, subverting structures of exclusionary citizenship. The analysis revealed how they disrupt the hegemonic nationalist performance of citizenship within the existing structures of the international system of states, and how they press for change through this troubling of dominant nationalist assumptions about the intersection of rights and membership and about the parameters of who is to be included in public debate.

These findings have underpinned my theorization of the figure of the post-national activist as a primary example of micro-level post-nationalism in practice. The post-national activist is one who leads the bottom-up discursive contestation of nationally defined social and political structures, drawing on alternative solidarities to drive forward the process of post-national transformation.

In theorizing the post-national activist I have exposed tensions around privilege and power, in particular concerning the parameters of who is heard and who is silenced in public debate. As post-national activists work for change from within the existing structures of the particular nation-state, they hold a more privileged position than those excluded and thereby silenced by the citizenship regime in question. To delve too much further into such tensions is beyond the scope of this article; however, I would posit that this is a

tension implicit in theories of post-nationalism more broadly. As a theory of transformation of pre-existing structures, post-nationalism faces a “bounded demos”⁴ problem whereby the exclusionary logics of those pre-existing systems continue to limit the marginalized voices of those they exclude in the process of transformation. This is perhaps why post-nationalism is often treated as an exercise in non-ideal theory (Lacroix 2009), and as a continual process of becoming.

In conclusion, this article has demonstrated the relevance of the kind of actor-oriented post-nationalism found in the normative literature to the empirical task of locating post-national practices in the real world. The intention of the article is not to suggest that observable changes in legal and political institutions are not critical to understanding how post-nationalism is shaping societies. However, I argue that if we are to accurately locate and capture the impact of post-nationalism then our conceptualization must also include bottom-up practices of contestation and change within the existing state structure. This also means treating post-nationalism as a living process of transformation, because the purpose of bottom-up contestation is to open up spaces for ongoing re-consideration and re-interpretation. While legal and political institution-building demonstrate the impact of the “normative surplus” described by the normative literature, a micro-level focus is needed to capture the processes of post-nationalism in practice.

Notes

1. I favour the terminology of post-nationalism to cosmopolitanism, on the basis that my concern is for the changing role of nationalism and emergence of alternative forms of solidarity as a basis for political community. Though beyond the scope of this particular article, the research findings also speak more broadly to research agendas in critical cosmopolitanism (cf. Delanty 2006; Fine 2007; Morris 2009).
2. See De Graauw (2016) for discussion of civil society organisations as advocates for migration rights.
3. I was interested in activists working on the rights of all kinds of noncitizens, which is why I did not try to separate out migrant rights from refugee rights in the data collection. This would also not have been practical, particularly given that the timing of the data collection coincided with the so-called Syrian “refugee crisis” which meant that activists focusing on different areas of migration rights had turned their attention to the plight of refugees, and also because different statuses related to human mobility often intersect in practice in ways that are difficult to pull apart (see also Betts 2013; Gibney 2004).
4. See also Cabrera (2014).

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