

# RETHINKING TRANSNATIONAL INFLUENCE: A NEW FRAMEWORK FOR UNDERSTANDING STATE DYNAMICS

Roozbeh B. BAKER

*Austin Peay State University,  
Institute for National Security & Military Studies, USA*

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**Abstract:** The last several decades has seen a notable rise in the involvement of transnational actors in the international system, sparking ongoing discussions in international relations about their effects on state conduct. This emergence has given rise to the field of 'transnational studies' within international relations, pitting proponents of a state-centric approach against those who view the growing influence of transnational actors as indicative of a declining role of states in the international arena. Fresh scholarly perspectives aimed to move beyond these entrenched debates by correctly pointing out that what both camps had failed to grasp was that because both looked to how transnational actors impact domestic state behavior, they actually shared a common research question (albeit with different approaches). Whilst this fresh perspective was welcome, there has still been limited exploration into the significance of transnational actors and the inherent challenges in measuring their influence, due mainly to overly broad conceptualizations. This article introduces a new theoretical framework to evaluate the ability of transnational actors to shape state behavior that seeks to overcome these limitations.

**Keywords:** transnational actors, historical institutionalism, socio-legal, legal recursivity, inter-disciplinary.

## Introduction

The past forty years has seen a marked increase in the proliferation of transnational actors<sup>1</sup> in the international system. The rise of these actors has sparked a continuing debate within the field of international relations on

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<sup>1</sup> The most widely accepted definition of what constitutes a transnational actor is the one first offered by Robert O. Keohane and Joseph S. Nye in 1972. Keohane

how they influence state action. This emergent literature on 'transnational studies' within international relations has pitted advocates of an approach that views states as the dominant force in world politics versus those who see the rise of transnational actors as empirical proof that the primacy of states as actors in the international system is being replaced. The state-centered approach sees transnational actors merely as intervening forces that can assist states in cooperating with one another, implementing policy goals, or alternatively constraining behavior and action. The society-centered approach, on the other hand, views the proliferation of transnational actors as evidence that, in a wide host of international policy realms, the primacy of the state in decision-making is being eroded.

New literature in the mid-1990s tried to move transnational studies beyond the state-centered / society-centered debate, premising that, if viewed objectively, the debate between these two camps was based on a mistaken premise. What both approaches failed to grasp was that, because both looked to *how* transnational actors *could affect* domestic state behavior, they basically shared the same research question (it was only their approach to the question that differed). These original insights identified a promising new framework to explore the effect of transnational actors on state behavior. This framework highlighted the potential significance of transnational actors in bridging the gulf between international and domestic politics, and identified two general factors that could shape their influence: 'international institutionalization' and 'domestic state structure'. International institutionalization was identified as important because such processes could facilitate the access of transnational actors into national level structures. Domestic state (institutional) structure mattered because these structures could control both the ability of transnational actors to access the institutions of the state being targeted and, once in, then form 'winning policy coalitions' with relevant national level actors. This new literature has taken a welcome step in the right direction by moving away from broad discussions of whether the state or international society is the proper unit of analysis, and in identifying factors that should shape transnational actor influence, but it remains underspecified. The result is a thin account of how transnational actors matter and a series of measurement problems due to the underlying concepts being much too general.

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and Nye define transnational actors as forces engaged in 'contacts, coalitions, and interactions across state boundaries...not controlled by the central foreign policy organs of governments' (p. xi).

The running theme of current scholarship has been a duplication of this mid-1990s approach, and while many scholars have favorably cited the initial call to bridge the state-centered / society-centered debate, only a few have taken up the task. Additionally, the minority of scholarship that has attempted to move beyond the debate and look to study how transnational actors can possibly affect domestic state behavior, has not meaningfully engaged literature in other disciplines, specifically socio-legal studies and political science, that have also looked to the same issue. Such a limited view is problematic, as scholarship in socio-legal studies and political science, combined with the current transnational studies literature in an inter-disciplinary framework, could go a long way towards improving both the understanding of the key factors influencing the ability of transnational actors to affect state behavior, as well as the ways in which these effects can be measured.

Socio-legal scholars studying the interactions between norms on the international and national levels, and political scientists studying the specific effects of institutions, have much to contribute to understanding how transnational actors operate and affect domestic state behavior. Socio-legal scholarship, with its emphasis on the mechanisms that drive the interactions between the international and national systems, can offer an analytically sound and methodologically systematic way to study the relationships between the two levels. Similarly, the emphasis within certain strands of political science on the ability of institutions to mediate and shape outcomes, and the importance of time and historical trajectory in institutional endurance and design, offers a powerful way forward towards studying the interactions that are at the heart of transnational studies.

This article introduces a new theoretical framework for testing the ability of transnational actors to influence domestic state behavior. This framework builds on the contributions of the existing literature on 'transnational studies' within international relations, but then turns to literature in socio-legal studies and political science in order to rectify problems of under-specification. This new inter-disciplinary framework: (1) more explicitly identifies the sequence of the variables that affect the ability of transnational actors to influence domestic state politics; and (2) replaces the vague concepts of 'international institutionalization' and 'domestic state structure' with more detailed and concrete concepts centering on the recursive nature of norm formation and the importance of institutional structure in influencing outcomes. An inter-disciplinary approach to the study of transnational relations would present not only a new, more systematic

structure to the exploration of how transnational actors can possibly affect state behavior, but also an understanding that the study of transnational actors is one that specifically lends itself to both multiple disciplines and multiple methods. An inter-disciplinary approach to the study of transnational relations would offer a means towards a rigorous and more systematic measurement of the variables driving the relationships under study, as well as a clear identification of the potential causal mechanisms driving these relationships.

### **Past and Present: The State of Transnational Studies**

The past several decades has seen the state of transnational studies within international relations undergo several shifts, both in its main theoretical underpinnings, and the focus of the research questions scholars within the sub-field have sought to answer. The period immediately following the Second World War saw the sub-field marked by the debate between state-centered and society-centered approaches. This debate would gradually give way to a movement which looked to redefine the direction of transnational studies away from the state-centered versus society-centered debate and instead look to synthesize the two approaches into a realistic understanding of the international system and the place of transnational relations within it. Although some limited progress in this regard has been achieved, there is still much work to be done.

#### ***State-Centered versus Society-Centered Approaches: The Old Debate***

The end of the Second World War and the subsequent birth of the United Nations (UN) gave rise to a new period within the international system which saw the proliferation and growing influence of transnational actors. Given this new reality, social scientists and especially international relations scholars began to pay more attention to the role of these transnational actors on the actions and behaviors of states within the international system. This state-centered approach would dominate the literature for over two decades until a new group of scholars began to look beyond how transnational actors affected state behavior within the international system, and instead look to also study how transnational actors were actually creating a new institutionalized environment, where the primacy of the state in the decision-making process (within the international system) was being eroded.

The state-centered approach took off with the close of the Second World War and the subsequent proliferation of international organizations within the international system. With the growth of these new international institutions, many scholars began to explore whether such organizations could affect domestic state behavior, and if so, how. These early inquiries focused their efforts on trying to unlock how large-scale international organizations could possibly affect the behavior of their member states. Analysis was conducted on such widespread issue areas as the ability of states to shape or sabotage the creation of multilateral treaty regimes (Little 1949), the effect of international organization membership on both the foreign policy of its member states (Cohen 1954; Gorter 1954; Matecki 1956), and on fostering the organic emergence of collective security arrangements between various member states (Johnson & Niemeyer 1954), and the ability of international organizations to target and lobby national legislatures (Mower 1964; Cox & Jacobson (Eds.) 1973). The findings of these various scholars pointed to the sometimes unique abilities of international organizations to affect behavioral change on the domestic level.

The society-centered approach emerged in the 1970s as a reaction to the state-centered approach. Looking beyond the domestic nation-state, a new set of scholars began to study how international institutions were exerting their own autonomous influence over the international system. These scholars directed their attention to how the emerging international system of inter-linked organizations and multilateral treaty regimes was exerting direct influence on the international system without any mediation or filtration through domestic states (Keohane & Nye (Eds.) 1972; Mansbach, Ferguson, & Lampert 1976; Jacobson 1979; Rosenau 1980; Willets (Ed.) 1982). The new 'units of action' in these interactions were no longer states but transnational actors who could either link together different national interest groups within a related issue and assist them in coordinating their actions (Nye & Keohane 1972, pp. xviii-xix; Mansbach, Ferguson, & Lampert 1976, pp. 41-45; Jacobson 1979, pp. 398-414; Rosenau 1980, pp. 1-2), or alternately create an environment where state governments were unable to directly pursue their interests in a given issue area alone and had to instead seek the assistance of the same transnational actors and networks (Nye & Keohane 1972, pp. xix-xx; Jacobson 1979, pp. 416-422; Willets 1982, pp. 21-22).

### *Moving Beyond the Old Debate*

The new theoretical framework for the study of transnational actors was spearheaded with the publication of Thomas Risse-Kappen's 1995 edited

volume, *Bringing Transnational Relations Back In*, which looked to redefine the direction of transnational studies away from the state-centered versus society-centered debate. Transnational scholars should, according to Risse-Kappen, not argue over which view should hold primacy but rather study how to synthesize the two views into a realistic understanding of the international system and the place of transnational relations within it (p. 5). Such a point of view regarding the long standing state-centered / society-centered debate makes sense, for both sides agree on far more than they disagree. Indeed, the findings of the earlier work of the state-centered and society-centered scholars surveyed in Section 1.1 above do not differ radically in their research questions and findings. The earlier state-centered scholars were interested primarily in how international or transnational actors could directly influence domestic state action. Similarly, the later society-centered scholars were also primarily interested in studying the effect of transnational actors within the international system. Indeed, as the survey of the work of earlier state-centered scholars above demonstrates, the state-centered approach did accept that international or transnational actors could independently shape behavior and interests within the international system.

By understanding that the state-centered / society-centered debate is really a difference of semantics, Risse-Kappen (1995) instead proposes that the real research question that transnational scholars should ask is under what international and national circumstances do ‘transnational coalitions and actors who attempt to change policy outcomes in a specific issue-area succeed or fail to achieve their goals?’ (p. 5). Risse-Kappen then sets out to construct a theoretical framework for identifying the conditions in which transnational actors succeed in affecting domestic state policy / behavior. Risse-Kappen conceptualizes<sup>2</sup> a theoretical framework that looks to both national level institutions and networks, as well as the international level norms they operated within, in order to identify the policy impact of transnational actors (p. 6). He identifies two independent variables that can influence domestic policy impact: variation in the amount of international institutionalization in regards to the policy being advocated; and variation in the composition of national level institutional structures of the state being targeted for influence.

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<sup>2</sup> Per Sartori (1970), conceptualization here is defined as the assignment of meaning (pp. 1033-1034).

International institutionalization matters because it can act as a force facilitating the access of transnational actors into national level structures (p. 31). International regimes<sup>3</sup> can act to reduce the power of states to restrict the access points available to transnational actors to penetrate into the system (p. 31). Even the most consolidating or centralized of states, if part of some type of regulating international regime<sup>4</sup> will find its available options restrained when trying to restrict transnational access into its domestic state structures.

Domestic state structures matter because they control both the ability of transnational actors to access the institutions of the state being targeted and, once in, form 'winning policy coalitions' with relevant national level actors (pp. 6-7, 25). Domestic state structures 'mediate, filter, and refract the efforts by transnational actors and alliances to influence policies' (p. 25). The more consolidated the domestic structures of a state are (pp. 23-24), the more difficult it is for transnational actors to penetrate the system (pp. 6, 26-27). States with concentrated power and rigid institutions are much more likely to be able to restrict the entry and operation of transnational actors through legal and / or financial hurdles. This being said, if transnational actors can penetrate into such rigid institutions, they could potentially have massive impacts (pp. 6, 26-27). The same holds true for the reverse scenario: the more diffuse the domestic structures of a state are, the easier it is for transnational actors to penetrate the system (pp. 27-28). Within such environments, however, penetration may come easily but, due to the fragmented institutions inherent to such systems, policy demands are not likely to have a very large impact, as transnational actors will have to build numerous cross-cutting coalitions in an attempt to influence said institutions (pp. 27-28).

The world Thomas Risse-Kappen envisions is one in which international and national level structures stand side to side – with transnational actors trying to penetrate into the domestic state structures. Whilst Risse-Kappen's framework was a welcome step in moving away from broad discussions of whether the state or international society was the proper unit of analysis, and in identifying factors that should shape transnational actor influence, it remains underspecified (see Section 2.2 for discussion). Risse-Kappen's

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<sup>3</sup> Per Krasner (1983), regimes here are defined as 'implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given [issue area]' (p. 2).

<sup>4</sup> E.g. the Kyoto Protocol for regulating carbon emissions, or the Helsinki Charter which sets up a mechanism for monitoring human rights in Europe, etc.

framework behavior fails to systematically operationalize<sup>5</sup> the independent variables he cites. The result is a thin account of how transnational actors matter stemming from a series of measurement problems due to the underlying concepts being much too general. Unfortunately, not only has subsequent scholarship failed to address these problems of measurement in Risse-Kappen's framework, it has also failed, in any meaningful way, to engage in Risse-Kappen's call to move away from state-centered / society-centered debates of the past.

### *Transnational Studies: Present State of the Sub-Field*

Since the mid-1990s, the state of transnational studies has failed to develop this promising new avenue for empirical research in any sustained or systematic manner. Indeed, the running theme of much of this current scholarship is a duplication of earlier research. While many scholars have favorably cited the initial call to bridge the state-centered / society-centered debate, only a few have taken up the task. Additionally, the scholarship that has attempted to move beyond the debate, and look to study how transnational actors can possibly affect domestic state behavior, has not meaningfully engaged literature in other disciplines that have also looked to the same issue. This unintended parochialism is especially unfortunate, as scholarship in other fields that looks to how international and national systems interact, has much to offer the sub-field of transnational studies.

### *Missed Opportunities*

The bulk of current work within the field of transnational studies has, unfortunately, not refined, utilized in any systematic fashion, or indeed moved beyond the promising theoretical framework for the study of transnational actors introduced in the mid-1990s. A survey of major empirical work in the sub-field since 1995 reveals a spate of missed opportunities.

In her work, *National Interests in International Society* published in 1996, shortly after the appearance of *Bringing Transnational Relations Back In*, Martha Finnemore explores how states can become 'socialized' by the

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<sup>5</sup> To engage in empirical work means that there must be some assignment of a value to the phenomena under study, for it is only through doing this that what is being studied can be measured, however imperfectly. In the language of social science, this process is called 'operationalization' (Adcock & Collier 2001; Munck & Verkuilen 2002).

network of actors that made up the international system (p. 2). Rejecting the realist presumption that domestic states have fixed goals of 'power, security, and wealth,' Finnemore develops a social constructivist approach which argues that socialization within the international system can affect the preferences of states (pp. 1-3, 5, 13). Finnemore empirically tests her theory through three case studies on how international institutions (the United Nations Educational, Scientific, and Cultural Organization or UNESCO; International Red Cross; and World Bank) are able to reconstitute the interests of their various domestic nation state members. This reconstitution is achieved through 'teaching,' where the various international organizations reflect (to their various domestic nation state members) new international norms through 'setting agendas, defining tasks, and sharpening interests' (pp. 12-13). While interesting in its conclusions, Finnemore's study is very much in the well-trodden path of earlier scholars surveyed such as Cohn, Johnson and Niemeyer, Keohane and Nye, and Willetts – which all explored the different ways in which international or transnational organizations could affect elite and public attitudes within targeted states.

In their edited volume, *Transnational Social Movements and Global Politics*, published in 1997, Jackie Smith, Charles Chatfield, and Ron Pagnucco look specifically at transnational actors that are advocacy groups (international non-governmental organizations) and exclude from their analysis large-scale international organizations that count domestic states as members (pp. 12-15). Labeling the transnational actors they study as 'transnational social movement organizations' or TSMOs, Smith, Chatfield, Pagnucco, and their contributors look to how various TSMOs are able to push their policy preferences onto states through organizing constituencies, targeting international organizations, and mobilizing resources. While notable for the sheer number of TSMOs they study, the insights generated by Smith, Chatfield, and Pagnucco merely follow in the footsteps of scholars surveyed earlier such as Willetts and his work on 'transnational pressure groups.' Furthermore, Smith, Chatfield, and Pagnucco leave out of their analysis of TSMOs, the methods through which both international forces, and national level domestic institutions, can affect the ability of transnational actors to affect policy change.

The Richard A. Higgott, Geoffrey R. D. Underhill, and Andreas Bieler's edited volume, *Non-State Actors and Authority in the Global System* (2000) echoes the call of Thomas Risse-Kappen in *Bringing Transnational Relations Back In* to move the state of transnational studies beyond the state-centered

/ society-centered debate. Studying the effects of globalization on state power, Higgott, Underhill, and Bieler argue that whilst the state had seen its power in certain areas weaken, globalization had conversely strengthened the powers of the state in other areas (p. 1). Echoing Smith, Chatfield, and Pagnucco's work focusing on the ability of transnational actors to lobby and push for their policy preferences, Higgott, Underhill, and Bieler find that transnational actors (specifically NGOs with a global / transnational reach) can strengthen locally based NGOs through the transfer of policy advice and training (and in this way affect domestic state behavior) (p. 4; *see also* Jakobsen 2000). This finding, although useful and promising, merely duplicates the bulk of the observations made earlier by Smith, Chatfield, and Pagnucco.

### *Limited Progress*

Despite the overall failure of transnational studies scholars to move forward the state of research in the sub-field from the promising strides made in the mid-1990s, there has been some limited progress spearheaded by a few researchers willing to engage with the ideas first presented in Thomas Risse-Kappen's *Bringing Transnational Relations Back In* and begin to build on them. A survey of this literature reveals that, perhaps unwittingly, it has begun to move the study of transnational actors in a more inter-disciplinary direction.

In their work, *Activists Beyond Borders* (1998), Margaret E. Keck and Kathryn Sikkink seek to study not only specific transnational actors and their ability to affect state behavior, but to move beyond and study 'networks' of transnational advocacy groups.<sup>6</sup> 'Transnational advocacy networks' are composed of 'relevant actors working internationally on an issue' who are 'bound together by shared values, a common discourse, and a dense exchange of information and services' (p. 2). Adopting the concept of 'analytic frames'<sup>7</sup> from sociology, Keck and Sikkink argued that

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<sup>6</sup> Note how again, along the same lines of as Smith, Chatfield, and Pagnucco's *Transnational Social Movements and Global Politics*, Keck and Sikkink were here limiting their study to transnational actors that were advocacy groups (international non-governmental organizations), and excluding from their analysis large-scale international organizations that counted domestic states as members.

<sup>7</sup> Analytic frames 'frame, or assign meaning to and interpret relevant events and conditions in ways that are intended to mobilize potential adherents and constituents, to garner bystander support, and to demobilize antagonists' (Snow and Benford 1988, p. 198).

transnational advocacy networks work in part to fashion and present issues in a way that can 'legitimate and motivate collective action' (pp. 2-4, 16-17). Citing favorably *Bringing Transnational Relations Back In*, Keck and Sikkink fashion a model that explains how transnational advocacy networks frame issues and motivate collective action in order to affect specific policy change in targeted states. Labeling their model the 'boomerang pattern,' Keck and Sikkink envision a world where domestic advocacy groups (i.e. in the state being targeted for influence) can activate their transnational advocacy network (made up of advocacy groups around the world with transnational reach) who will then put pressure (through framing the issues at hand and thereby motivating collective action) on other states and relevant international organizations (pp. 12-16).

In their edited volume, *The Power of Human Rights* (1999), Thomas Risse, Stephen C. Ropp, and Kathryn Sikkink attempt to bring together the 'boomerang pattern' model, elaborated by Keck and Sikkink in *Activists Beyond Borders*, and synthesize it within the framework laid out in *Bringing Transnational Relations Back In*. Directly engaging the theoretical framework laid out in *Bringing Transnational Relations Back In* (but limiting their study to transnational advocacy networks in the issue area of human rights), Risse, Ropp, and Sikkink argue that the first independent variable presented in the earlier model, variation in the composition of national level structures of the state being targeted for influence, is not necessarily a fluid concept (pp. 4-5). Accordingly, Risse, Ropp, and Sikkink posit that transnational advocacy networks can, under the correct conditions, effectively change the national level structures themselves (pp. 4-5). Laying out these conditions in a complex model (which they label the 'spiral model'), Risse, Ropp, and Sikkink argue that Keck and Sikkink's original 'boomerang pattern' model can be elaborated (pp. 17-19). The 'spiral model' envisions a world where, much like the 'boomerang pattern' model, domestic advocacy groups (in the domestic state being targeted for influence) could activate their transnational advocacy network,<sup>8</sup> who will then put pressure (through framing the issues at hand and thereby motivating collective action) on other states and relevant international organizations (Risse & Sikkink 1999, p. 20). Where the two models differ is that the 'spiral model' views the process as fluid and occurring in a number of back and forth stages, with the targeted state making first blanket denials (resulting in a new round of targeted pressure); later tactical concessions (again, resulting in a new round of

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<sup>8</sup> I.e. made up of advocacy groups around the world with transnational reach.

targeted pressure); and finally rule consistent behavior. The key in the back and forth is that each stage can result in the targeted state becoming 'socialized' (conforming to preferred behaviors and norms) (p. 20).<sup>9</sup>

In their edited volume, *Restructuring World Politics* (2002), Sanjeev Khagram, James V. Riker, and Kathryn Sikkink, much in the same vein as Smith, Chatfield, and Pagnucco's *Transnational Social Movements and Global Politics*, seek to study the effects of transnational social movement organizations on the international system. Like Smith, Chatfield, and Pagnucco; Khagram, Riker, and Sikkink limit their study to transnational actors that are advocacy groups (international non-governmental organizations) and exclude from their analysis large-scale international organizations that count domestic states as members (pp. 3-4). Looking in part to the social movements literature within sociology, including the concept of analytic frames (pp. 12, 15-16), Khagram, Riker, and Sikkink argue that the main ability of transnational actors to affect change in the international system is either through taking well established 'international norms' (i.e. shared standards of behavior accepted by a majority of actors within the international system) and using them to 'persuade' outlying actors to conform their behavior, or attempting to establish new 'international norms' where none had previously existed (pp. 14-15). Such 'persuasion' is accomplished by transnational actors through 'the use of information, persuasion, and moral pressure to contribute to change in international institutions and government' (p. 11).

While *Activists Beyond Borders*, *The Power of Human Rights*, and *Restructuring World Politics* are notable for their direct engagement with Thomas Risse-Kappen's complex theoretical model (1995), as well as beginning to lay an inter-disciplinary approach to the study of transnational actors, neither of the works goes far enough. Keck and Sikkink (1998) do not fully develop their discussion on the use and application of how the concept of analytic frames from sociology can be fully incorporated to the study of transnational actors. Similarly, Risse, Ropp, and Sikkink (1999) admirably recognize that rule implementation can act as an iterative process, they do not cite to the literature in socio-legal studies that first pointed this out in the 1980s nor do they then continue the observation into how rule making

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<sup>9</sup> This idea of rule implementation as an iterative process has its roots in socio-legal studies, though Risse, Ropp, and Sikkink do not cite to any of the relevant literature in that field.

can also act in such a manner.<sup>10</sup> They also intuitively accept that historical institutionalism has much that could add to their analysis, but beyond a passing citation to some of the relevant literature, they ignore fully utilizing historical institutionalism<sup>11</sup> in their study (Risse & Sikkink 1999, p. 16.). While Khagram, Riker, and Sikkink (2002) do develop a discussion and analysis of how analytic frames act to mobilize transnational coalitions,<sup>12</sup> they do not extend the analysis into detailing the role institutions may play in the process. More recent transnational relations scholarship has continued this unfortunate trend of limited or, indeed, non-existent engagement outside of the sub-field (*see e.g.* Bloodgood 2011; Ohanyan 2012; Widmaier & Park 2012; Kim 2013).

### **Transnational Relations: An Inter-Disciplinary Approach**

The study of how international and national systems interact is not solely the purview of those studying such phenomenon under the umbrella of transnational studies within the field of international relations. Though they may not label themselves as ‘transnational studies scholars,’ socio-legal scholars studying the interactions between norms on the international and national levels, and political scientists studying the specific effects of institutions, have had and have much to contribute to understanding how transnational actors operate and affect domestic state behavior, and the methods by which these effects can be measured. An inter-disciplinary approach to the study of transnational relations would present not only a new, more systematic structure to the exploration of how transnational actors can possibly affect state behavior, but also an understanding that the study of transnational actors is one that specifically lends itself to both multiple disciplines and multiple methods.

Socio-legal scholarship studying norm formation and interaction both within and between the international and national levels, and the historical

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<sup>10</sup> Section 2.1 below shall offer a full explanation and review of the socio-legal literature on norm formation, implementation, and interaction.

<sup>11</sup> Section 2.2 below shall present a full explanation and review of the historical institutionalist literature within political science.

<sup>12</sup> It should be noted that there is an emerging group of sociologists that have begun exploring the question of transnational actor mobilization utilizing, in part, the concept of analytic frames (*see* Smith 2002; Tarrow 2005; Della Porta & Tarrow 2005).

institutionalist movement within political science, have much to contribute to the study of transnational relations. Socio-legal scholarship, with its emphasis on the causal mechanisms that drive the interactions between the international and national systems, offers an analytically sound and methodologically systematic way to study the relationships between these two levels. Similarly, historical institutionalism, with its focus on how institutions mediate and shape interactions, and the importance of time and historical trajectory in institutional endurance and design, offers a powerful way forward towards studying the interactions that are at the heart of transnational studies.

### *Socio-Legal Perspectives*

The study of how international and national systems interact is not solely the purview of those within the field of transnational studies. Socio-legal scholars have also produced useful empirical findings that could contribute to the study of how transnational actors can affect domestic state behavior. As has been discussed, although certain current transnational studies scholarship has grasped at some of the insights of socio-legal scholarship (e.g. rule implementation as an iterative process), this realization has come in a seemingly independent manner, with no citations to, or analysis of, the earlier socio-legal scholarship. The study of how international and national systems interact has long been of interest to socio-legal scholars, with a wide body of empirical findings produced. Socio-legal scholarship has identified, with great precision, the emergence of norms, and the causal mechanisms that accompany their implementation, in several diverse issue areas.

Lauren Edelman, in her 2005 study of civil rights law in the United States, has found that legal norms can be endogenous or ‘generated within the social realm that [they] seek to regulate’ (pp. 337-339). Instead of a traditional view that conceptualizes legal norms and the organizations that they seek to regulate as separated – i.e. law as exogenous to organizations, Edelman views norms and organizations as ‘intertwined and mutually constitutive’ (p. 337). This endogenous relationship is made possible, in the context of American civil rights law, because these laws tend to be broadly and ambiguously worded and thus provide organizations with large degree of freedom in fashioning compliance (Edelman 1992, pp. 1532, 1536-1538; 2005, p. 337). Given this, Edelman has found that organizations will turn to what she dubs their ‘legal environments’ for ideas on how to fashion compliance with ambiguous civil rights laws (2005, p. 339.). ‘Legal environments’ are defined as consisting of more than just specific laws (and

the sanctions built into them), but also of the ‘societal norms’ and perceptions associated with said laws — in other words, the ‘broad set of rules, norms, routines, and practices that shape not only employers’ understandings of the law and compliance but their notions of what is right, fair, and proper’ (1990; 2002, p. 194). As the ‘compliance practices’ of organizations becomes institutionalized, courts will, when consulted, largely defer to the interpretations as fashioned by the organizations themselves, for said institutionalization is seen as an indication (by the courts) of an ‘effective’ model of compliance (2002, pp. 199-210; 2005, pp. 350-351).

Building on the insights generated by Edelman, Terence Halliday and Bruce Carruthers have examined how norms can be exchanged and transferred between, on the one hand, the transnational governmental, quasi-governmental, and non-governmental institutions within the international community as a whole, and, on the other hand, domestic states. According to Halliday and Carruthers, law making and implementation, on both the system and national levels, can act as an iterative and recursive process (Halliday & Carruthers 2007, pp. 1135-1138). International and national level actors can develop legal norms that can then be refracted onto one another through exogenous processes such as economic coercion, persuasion through international institutions, and universal norms (that can then act as models on what constitutes acceptable behavior within the international and / or national system) (pp. 1146-1148). These norms can then undergo recursive cycles, on both the international and national levels, as formal law (‘the law on the books’) goes through cycles of change as it is interpreted and implemented (‘law in practice’),<sup>13</sup> refracting back and forth between the two levels (pp. 1144, 1146-1147). That episodes of these recursive cycles will occur is not a given, nor will these cycles necessarily occur in perpetuity (Halliday 2009, p. 274); rather they are driven by four distinct identifiable mechanisms: (1) the indeterminacy of law (the ambiguities inherent in statutes, regulations, and court opinions that lead to the possible unintended consequences of their application, setting off repeated rounds of redrafting and reapplication) (Halliday & Carruthers 2007, p. 1149; Halliday 2009, pp. 281-282); (2) contradictions (the phenomenon that emerges ideologically when clashing visions amongst actors lead to imperfect legal settlements, or institutionally when legal

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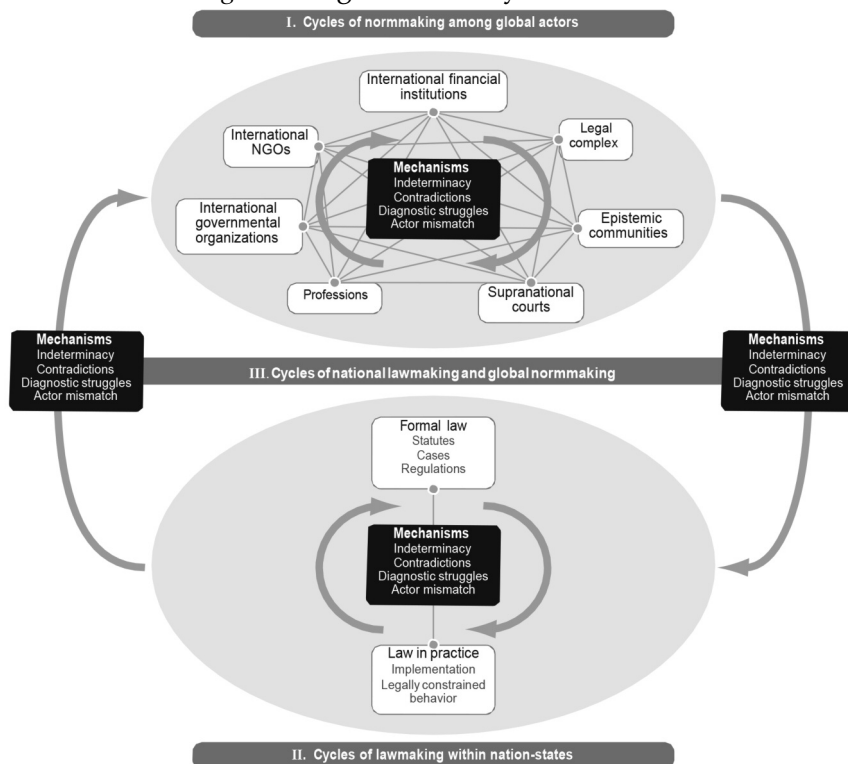
<sup>13</sup> ‘Legal recursivity,’ following classic socio-legal theory, holds that the ‘conditions of lawmaking affect implementation, and the circumstances of practice influence what law gets placed on the books’ (Halliday 2009, p. 269).

implementation is divided out between different institutions) (Halliday & Carruthers 2007, pp. 1149-1150; Halliday 2009, pp. 280-281)<sup>14</sup>; (3) diagnostic struggles (the struggle, between various actors, of diagnosing perceived shortcomings in legal norms and identifying corrective prescriptions) (Halliday & Carruthers 2007, pp. 1150-1151; Halliday 2009, pp. 278-279); and (4) actor mismatch (mismatches that occur when there is a disparity between actors who actually participate in the norm-making process in a particular issue area, and those who the norms actually affect – in other words actors who are directly affected by a new norms implementation are not participants in its creation) (Halliday & Carruthers 2007, pp. 1150-1151; Halliday 2009, pp. 277-278). ‘Legal recursivity’ conceptualizes norm-making as, above all else, an ‘exercise of power’ and a ‘struggle among competing actors in global arenas’ (Halliday 2009, pp. 268-269). Norm-making episodes have a beginning (time 1), when there are competing claims and conflicts and an end (time 2), when behavior and expectations have become ‘routinized, orderly, and predictable’ by accepted, and therefore authoritative, norms (Halliday 2009, p. 274). Recursive cycles are what occurs between time 1 and time 2. Figure 1 below presents a simplified representation of legal recursivity in action:

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<sup>14</sup> There is also vast literature in public law on ideological contradiction, especially as related to the interactions between the U.S. Congress and the Federal Courts (see Melnick 1994; Eskridge 1994).

Figure 1: Legal Recursivity in Action<sup>15</sup>



Through its detailed description of international and national norm formation and implementation, and the mechanisms that drive the process, socio-legal scholarship in general, and the new emerging theory of legal recursivity in particular, is exceptional in offering a true blueprint for examining the methods through which international and national level norms interact. The rigorous framework legal recursivity provides for understanding the process of international / national norm formation has the potential to provide the specification in identifying the factors that should shape transnational actor influence that the current Risse-Kappen inspired framework lacks.

<sup>15</sup> Figure replicates chart provided in Halliday (2009, p. 270).

### *Historical Institutional Approaches*

As has been seen, current transnational studies scholarship seems to intuitively accept that historical institutionalism can contribute to the sub-field, though what form such a contribution should take is left open. Indeed, although Risse-Kappen (1995) cites to the insights generated by historical institutionalism movement generally, as potential tools in studying the relationships between transnational actors and domestic structures (p. 20-21), he fails to either explain what historical institutionalism is in any detail. Furthermore neither he nor his contributors proceed to apply clearly historical institutionalist analysis to any of the empirical chapters of the edited volume.

Historical institutionalism is ‘neither a particular theory nor a specific method,’ (Steinmo 2008, p. 118) though many scholars have confused it as one or the other. Historical institutionalism is instead a process or ‘approach to studying politics and social change’ (with the associated method most often used to study this change being the case study) (p. 118). This process is different from others because in looking to answer empirical questions, it focuses on both the historical orientation and trajectory of institutions, and how they can change and shape behavior (p. 118). History itself then becomes a methodological tool through the engagement of longitudinal cross-period analysis (i.e. time-series analysis) both within and across cases (Lieberman 2001, pp. 1016-1023; Steinmo 2008, pp. 122). Historical institutionalist analysis looks to measure the impact of institutional ‘form and configuration’ on outcomes (Lieberman 2001, pp. 1012-1013). History is important in this analysis because, once established, institutions may endure for extensive lengths of time and thus affect outcomes for significant periods (pp. 1012-1013).

Historical institutionalism, one of the three main branches to emerge out of the ‘new institutionalist’ movement in political science and sociology in the 1980s (apart from sociological institutionalism and rational choice institutionalism), seeks to explain the differences within the preferences generated by different institutions across national and transnational boundaries. Standing in the middle of the traditional definition focused on structure, and the definition offered by the new institutionalism focused on the rules and routines (March & Olsen 1989), historical institutionalism defines institutions as both the formal structure of organizations and the informal ‘rules of conduct’ that ‘structure’ decision-making processes (Lieberman 2001, p. 1013). Historical institutionalists explore how and why similarly situated institutions can function in completely different ways, both

domestically and comparatively across borders (see e.g. Thelen & Steinmo 1992). Accepting the concept of bounded rationality, as elaborated by March and Olsen, and building off of many of their dominant themes, the historical institutionalists see institutions as key in shaping the preference formation (Baker 2011, pp. 346-347). In this way, the structures of institutions have a direct effect upon the terms and realities of political situations, and thus leave 'their own imprint on political outcomes' (Thelen & Steinmo 1992, p. 9). The examination, however, goes beyond simply the institutions themselves under study; the political factors that affect the structure and authority of individual institutions, and set their function in the broader system, also have to be understood as well in order to fully unpack the institutional context of the preferences being created and shaped (Ginsburg & Kagan 2005, p. 2). Institutions then are not classic independent or explanatory variables, but rather act as mediators or filters shaping the effects of other independent variables (Lieberman 2001, pp. 1012-1015). Thus similar independent variables across cases may produce different outcomes if the institutions in question differ in substantial ways (pp. 1012-1015). The stability of institutions (or lack thereof) is important, because the more stable institutional arrangements are, the more constrained the range of possible outcomes (pp. 1012-1015). Utilizing these insights, the past decades have seen much pioneering historical institutionalist scholarship by political scientists (see e.g. Weir 1992; Rothstein 1992; Pierson 2004; Thelen 2004; Steinmo 2010).

As a process towards studying politics and social change, historical institutionalism and its associated method of the case study, can contribute to the study of transnational relations by focusing inquiry specifically on how various institutions, on both at the international and national levels, mediate and shape outcomes. By understanding that history matters in that it sets the context for the variables under study, and engaging in case studies that employ longitudinal cross-period analysis that can help test hypothesized relationships, historical institutionalism offers a powerful way forward towards studying the interactions that are at the heart of transnational studies.

### **3. An Inter-Disciplinary Approach to The Study of Transnational Relations: Advantages**

An inter-disciplinary approach to the study of transnational relations, encompassing both work done in the transnational studies sub-field of international relations, socio-legal scholarship on how international and

national systems interact, and historical institutionalist approaches from political science, would present not only a new, more systematic structure to the exploration of how transnational actors can affect domestic state behavior, but also an understanding that the study of transnational actors specifically lends itself to both multiple disciplines and multiple approaches. As has been seen, the publication of *Bringing Transnational Relations Back In* in 1995 began a process through which, the mainly international relations scholars traditionally engaged in transnational studies, sought to extend the sub-field beyond the state-centered / society-centered debate of the past and engage the sub-field with the common question of *how* transnational actors *could affect* state behavior and *vice versa*. Though the new theoretical framework presented was a promising one, for this new direction to succeed, it must be built upon and refined in order to improve on its very thin account of transnational actor behavior.

Any new model for the study of transnational relations must address the key flaw of under-specification inherent in Risse-Kappen's (1995) framework. This under-specification can be traced to the framework's failure to rigorously identify the key independent variables for the study of how international and national norms interact, and the techniques by which these effects can be measured. This last point is key, for, although innovative, Risse-Kappen's framework suffers from a series of measurement problems centering mainly on a failure to systematically operationalize the independent variables he cites. Recall that in Risse-Kappen presented the following independent variables for the study of *how* transnational actors *could affect* state behavior (1995):

Figure 2: Independent Variables as Identified by Risse-Kappen in *Bringing Transnational Relations Back In* (1995)

INDEPENDENT VARIABLE(S):	DEPENDENT VARIABLE:
<ul style="list-style-type: none"> <li>• Variation in the amount of international institutionalization in regards to the policy being advocated (i.e. the scope and extent of international regulation, treaties, regimes, etc. governing that policy area).</li> <li>• Variation in the composition of the domestic structures of the state being targeted for influence (i.e. the political institutions at the top of the state, the societal structures or civil society at the bottom, and the policy networks linking them).</li> </ul>	<p>Variation in the policy impact of transnational actors on the domestic state being targeted for influence.</p>

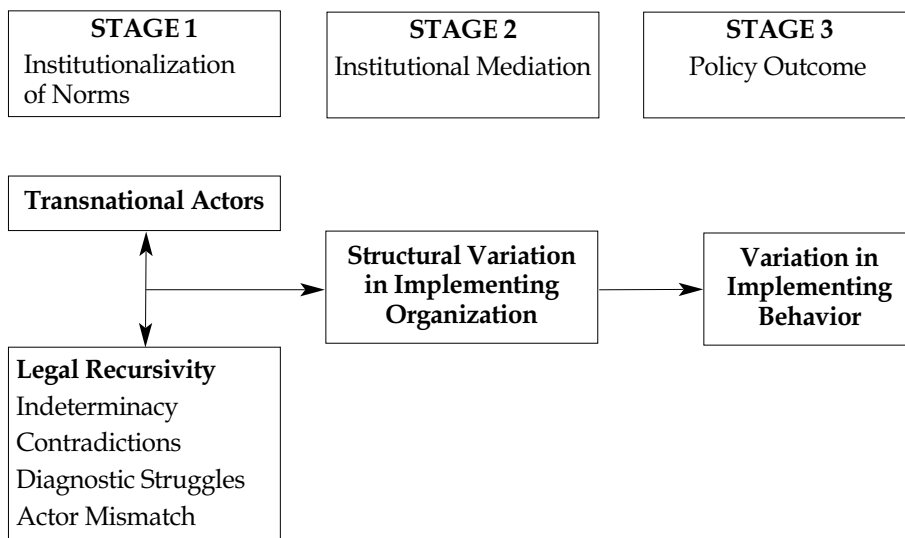
The utilization of the insights generated by the socio-legal literature on international and national norm interaction, especially the empirical work of Halliday and Carruthers highlighting the phenomenon of legal recursivity, offers a path towards operationalizing and therefore systematically testing the phenomenon Risse-Kappen identifies as ‘international institutionalization.’ This first independent variable in Risse-Kappen’s framework (identified as the extent, or lack thereof, of international regulation, treaties, and regimes governing specific issue areas) is analogous to the differences Halliday and Carruthers describe between the beginnings of norm-making episodes (time 1) when there are competing claims and conflicts, and the end (time 2) of such episodes, when behavior and expectations have become ‘routinized, orderly, and predictable’ by accepted, and therefore authoritative, norms. Legal recursivity (driven by the four mechanisms Halliday and Carruthers identify<sup>16</sup>) being what occurs between time 1 and time 2. The advantage of this approach is that it not only allows for the identification (around specific issue areas) of conflicting versus settled norms, but it also allows for an investigation of the actual process itself through which norms may move from being disputed (time 1 of the recursive cycle) to being established (time 2 of the recursive cycle) and the effects such cycles may possibly have on the ability of transnational actors to influence domestic politics.

Fully and clearly utilizing historical institutionalism in the study of transnational relations could achieve a great deal in helping to understand how the second variable Risse-Kappen identifies as ‘variation in the national level structures,’ affects the abilities of transnational actors to affect domestic state behavior. By refocusing study on specific *institutions* and how they mediate transnational politics, rather than a system level snapshot that views ‘domestic structures’ as an integrated whole, the range of observations (the N) for study can be extended, and the specific relationships at play better identified. The importance of institutional structure and time that permeates historical institutionalist work (see Lieberman 2001; Pierson 2004), and the associated case study method’s strength in hypothesis testing, offer new tools for testing the importance of institutions in the ability (or failure) of transnational actors to affect state behavior. Figure 3 below presents a representation the independent and mediating variables in an ‘inter-disciplinary framework for the study of transnational relations’:

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<sup>16</sup> I.e. As discussed earlier, these mechanisms are: (1) the indeterminacy of law; (2) contradictions; (3) diagnostic struggles; and (4) actor mismatch.

Figure 3: An Inter-Disciplinary Framework for the Study of Transnational Relations



An inter-disciplinary framework for the study of transnational relations offers a means towards a rigorous, more systematic, operationalization of the variables driving the relationships under study, as well as an instrument to more explicitly identify the sequence of processes that affect the ability of transnational actors to influence domestic state politics. As has been seen, socio-legal literature has described the nature of norm formation and interaction as iterative and marked by possible recursive cycles driving the transformation of conflicting norms into settled ones – the literature has identified these cycles as being driven by clear mechanisms. Such insight can offer distinct advantages to the study of how norms (whether international or national in origin / nature) can be adopted by transnational actors and then used to target into states (stage 1 of the framework). Similarly, the historical institutionalist approach, with its emphasis on how institutions both mediate outcomes and shape preferences (stage 2 of the framework), offers a clear path towards the study of how specific cases of institutional design can possibly influence the ability of transnational actors to affect state behavior (stage 3 of the framework), as well as the development of these processes over time.

Stage 1 of the framework then analyzes the nature of the norms that are adopted by transnational actors and then used to target into domestic states.

Are these norms subjected to competing claims and conflicts as to their meanings and application, or rather have they gained the status of accepted and / or authoritative status? In other words, are recursive cycles on-going (thereby indicating conflicts as to application and meaning), or rather have such cycles settled and come to an end (indicating acceptance as to application of meaning)? Stage 2 of the framework looks to how these norms are possibly affected by the design of the institutions they are filtered through in their application and how this can possibly either magnify or diffuse transnational actor influence. Stage 3 of the framework tests transnational actor influence by observing their success / failure in implementing their preferred policy outcomes on targeted states through the norms in question.

#### **4. The Inter-Disciplinary Framework: Application**

What would the practical application of the inter-disciplinary framework for the study of transnational relations presented above look like? An applied example would be one way to perhaps gauge whether the claims on the advantages of this framework discussed ring true (*see e.g.* Baker 2016). An even more useful path forward could be to apply the framework to an already existing study in order to see whether it really delivers on its claims better more systematic operationalization of the variables driving the relationships under study, as well as an instrument to more explicitly identify the sequence of processes that affect the ability of transnational actors to influence domestic state politics.

Recall, how earlier in Section 1.3.2, the Risse, Ropp, and Sikkink (1999) edited volume was presented as an example of limited progress in setting the stage to move the study of transnational actors in a more inter-disciplinary direction. This progress manifested itself in the authors' willingness to grapple with the new themes that began to appear in the transnational studies sub-field in the mid-1990s. Their 'spiral model'<sup>17</sup> accepted that the implementation of rules could act as an iterative process, and recognized the role that historical institutionalist approaches could play

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<sup>17</sup> Recall that 'spiral model' envisions a world where domestic advocacy groups (in the domestic state being targeted for influence) can activate their transnational advocacy network (made up of advocacy groups around the world with transnational reach) who will then put pressure (through framing the issues at hand and thereby motivating collective action) on other states and relevant international organizations (Risse & Sikkink 1999, p. 20).

in determining the conditions under which transnational actors succeed or fail to achieve their goals. Risse, Ropp, and Sikkink and their contributors failed however to extend their insights by exploring how rule making itself could act in an iterative process (i.e. *in addition to* rule implementation). Additionally, they did not actually engage in any historical institutionalist approaches in their analysis despite citing to the advantages of doing so.

Of the six case studies presented by Risse, Ropp, and Sikkink's contributors, one of the more interesting comes from Daniel C. Thomas (1999). Using the 1975 Helsinki Accords (also known as the Helsinki Final Act) as his jumping off point, Thomas charts how the Accords and the norms enumerated within them, especially as related to freedom of assembly and expression, contributed to the ability of transnational actors in then communist Poland<sup>18</sup> to mount challenges to the communist authorities. These challenges, per Thomas, helped to then aid in the process that culminated in the transition to multi-party rule in 1989.

The Helsinki Accords were a set of declarations that capped off the formation of the Conference on Security and Co-Operation in Europe in 1975 (CSCE). Encompassing the United States, Canada, Soviet Union, and all Western and Eastern Bloc European states (except Andorra and Albania), the Accords enumerated 10 principles that the signatory states agreed to seek to respect. Thomas focuses on Principle 7, which committed the signatory states to respect 'human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief' (Thomas 1999, pp. 207-208). Utilizing Risse, Ropp, and Sikkink's 'spiral model' Thomas charts how the model's various stages<sup>19</sup> played out in Poland where the 'spiral model's' initial stages emerged through the Communist authorities (in 1975-1976) first downplaying Principle 7, and then attempting to resist the efforts of opposition activists to tie in the domestic adoption of Principle 7 norms through other institutional vehicles – in this case, a call by opposition for the authorities to fully implement the liberal human rights

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<sup>18</sup> Thomas actually looks at both Poland *and* Czechoslovakia in his study, but in the interests of brevity, the focus here will be only on Polish example he cites.

<sup>19</sup> Recall that the 'spiral model' occurs in a number of back and forth stages, with the targeted state making first blanket denials (resulting in a new round of targeted pressure); later tactical concessions (again, resulting in a new round of targeted pressure); and finally rule consistent behavior. The key in the back and forth is that each stage can result in the targeted state becoming 'socialized' (i.e. conforming to preferred behaviors and norms) (Risse & Sikkink 1999, p. 20).

provisions of the Communist Polish Constitution of 1952 (pp. 209-211). As Thomas goes on to describe it, these early episodes in Poland triggered transnational advocacy networks in the West to lose their initial skepticism and begin to take the Helsinki Accords and Principle 7 more seriously and put pressure on both Poland and other Eastern Bloc countries (pp. 212-214). The U.S. Congress (after intense lobbying) eventually created a U.S. Helsinki Commission in 1976 to monitor compliance – thus creating a formalized U.S. government-based institution through which domestic advocacy groups on the ground in the Eastern Bloc could liaise with (pp. 213-214). Poland especially was sensitive to pressure, due to its failing economy and desire for loans from the Western Bloc (pp. 214-215).

As Thomas (1999) describes it, the ensuing 13 years between the establishment of the U.S. Helsinki Commission and the emergence of multi-party rule in Poland saw an environment created where transnational actors, both in the western and communist blocs, were able to alter the status quo and put the civil liberties enshrined in Principle 7 as one of the key components in the relationship between the capitalist West and the communist East (pp. 214-215). In Poland, the debate over the Constitution of 1952 mobilized opposition activists to create the Workers' Defense Committee (KOR), which was designed to provide legal and financial aid to workers imprisoned over illegal strike action (p. 216). The opposition used the new prominence of Principle 7 in domestic and international discourse to justify the creation of KOR, by claiming that it was designed to help protect the Helsinki rights that the Polish Government had signed on to, and then subsequently mobilized its transnational networks and allies abroad to put pressure on the communist Polish authorities not to crack down and disband KOR (pp. 216-217). This model of pressure by transnational networks; followed by resistance on the part of the targeted state (i.e. Poland in this case); and then rounds of denial, tactical concessions, and eventual acquiesce was later replicated with other organizations created by the Polish opposition (pp. 216-217). These organizations included the Movement for the Defense of Human and Civil Rights (ROPCiO), designed to monitor the Polish government's adherence to the Helsinki Accords, and later the independent trade union Solidarity, which had its roots in KOR and ROPCiO-affiliated trade union cells (pp. 217-221). The emergence of actors like KOR, ROPCiO, and then Solidarity created an environment within Poland where these actors and their international allies could apply constant pressure on the Polish authorities for reform in line with the rights guaranteed by Principle 7 (pp. 230-231). This process, in line with the 'spiral model' Thomas uses to sketch it out, was not instantaneous or one-sided,

but rather emerged from tears of back and forth between the transnational networks involved and the targeted Polish state that eventually (in combination with other factors) resulted in multi-party election in 1989.

How would an inter-disciplinary framework for the study of transnational relations apply to the Polish case study in democratization presented by Daniel C. Thomas and summarized above? Recall Figure 3 presented earlier (and the accompanying discussion) which attempted to map out the inter-disciplinary framework in a series of stages. Stage 1 of the framework (the institutionalization of norms) analyzes the nature of the norms that are adopted by transnational actors and then used to target into domestic states. Are these norms subjected to competing claims and conflicts as to their meanings and application, or rather have they gained the status of accepted and / or authoritative status? In this case, an actual investigation of the norms enshrined in Principle 7 would be undertaken. What is the status, both on the system (i.e. international) and national (i.e. Polish) levels, of these norms being pushed by transnational actors onto the targeted state? Is there a generally accepted recognition of what the freedom of 'thought, conscience, religion or belief' meant (c. 1970s), or rather were these norms subject to debate in regards to what they actually entailed and how they were to be applied? The way this could be investigated would, as previously discussed, involve the presence (or lack thereof) of legal recursivity – i.e. the idea that norms may undergo recursive cycles, on both the international and national levels, as formal law ('the law on the books') goes through cycles of change as it is interpreted and implemented ('law in practice'), refracting back and forth between the two levels. Were recursive cycles on-going, thereby indicating conflicts as to application and meaning, or rather had such cycles settled and come to an end, indicating acceptance as to application of meaning?<sup>20</sup> In other words, how clear were the concepts (c. 1970s) of freedom of thought / conscience / religion / belief? The analysis could involve international and national (i.e. Polish) level treaties, covenants, customary law, legislation, reports, and legal judgements. For example, one could look to international covenants and customary law governing the freedom of thought and observe whether any of the mechanisms indicating the presence of legal recursivity were present. Was there anything in the language of the covenants and / or customary rules indicating ambiguity

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<sup>20</sup> Recall that recursive cycles are driven by four distinct identifiable mechanisms: (1) the indeterminacy of law; (2) contradictions (3) diagnostic struggles; and (4) actor mismatch.

thereby potentially setting the stage for differing interpretations by various actors (the indeterminacy of law)? Were the covenants and / or customary rules the result of messy compromises between different ideological factions and, as a result, incoherent and contradictory (contradictions)? Were the covenants and / or customary rules perhaps the result of one set diagnoses as to how to resolve the problem under issue (i.e. increasing and safeguarding freedom of expression) at the expense of others that had been ignored (diagnostic struggles)? Finally, were the covenants and / or customary rules created in a way that excluded from this process those actors who would actually have to enforce and carry out said rules (actor mismatch)? Once this analysis has concluded, and the norms appropriately grouped as either undergoing recursive cycles or being settled, one can then move on to stage 2.

Recall that stage 2 of the inter-disciplinary framework for the study of transnational relations (institutional mediation) adopts a historical institutionalist approach with an emphasis on how institutions both mediate outcomes and shape preferences over time. How similar / different institutionally were KOR, ROPCiO, and Solidarity? On the other side, what were the institutional dynamics of the Polish state institutions being targeted? Thomas never goes into detail on the Polish state actors in his discussion, instead referencing all of them under the catch all term of the 'Polish government.' A more nuanced historical institutionalist approach would analyze whether the norms under study (i.e. in this case freedom of thought, conscience, religion, and belief), at this point also categorized as recursive or settled (stage 1), were at all shaped by both the opposition (i.e. KOR, ROPCiO, and Solidarity) and / or Polish government (e.g. ministry of interior, ministry of justice, secret police, regular police, civilian courts, military courts) institutions they were filtered through. Such an analysis, longitudinally staged over time and taking into account sequentially both the nature of the norms under study (stage 1) and the institutions they are being filtered through (stage 2) could offer a much more nuanced insight into the dynamics behind the process of Polish democratization and the role of transnational actors in the process. Were all of the Principle 7 norms equally successful in being used by transnational actors to influence the Polish authorities or were some Principle 7 norms more effective than others? What about the nature of the institutions -- did some institutions amplify transnational actor influence? Did other institutions dampen down said influence? These are important questions for understanding the role transnational actors played in the process that transformed Poland in the 1970s and 1980s, culminating in the emergence of multi-party rule in 1989,

but yet are never identified by Thomas in his otherwise fascinating and well researched analysis.

## Conclusion

This article has presented an inter-disciplinary framework for the study of transnational relations that looks to build upon earlier work across the multiple disciplines of international relations, socio-legal studies, and political science in its quest to study how transnational actors can affect domestic state behavior. This need for a new model to understand transnational actor behavior is both timely and necessary. The existing literature on 'transnational studies' within international relations is too vague in describing the factors that affect the ability of transnational actors to affect domestic state behavior. These problems of under-specificity have led to a thin account of how transnational actors matter and a series of measurement problems due to the underlying concepts being much too general.

The new framework presented in this article builds on the contributions of the existing literature on 'transnational studies' within international relations but then turns to literature in socio-legal studies and political science in order to rectify problems of under-specification. From traditional transnational relations scholarship undertaken within the field of international relations, this inter-disciplinary framework accepts the value in studying how transnational actors can affect domestic state behavior, and the importance that the scope and extent of international institutions such as regulations, treaties, and regimes governing specific policy areas have on the potential success (or lack thereof) of transnational actors in affecting domestic policy change. From socio-legal scholarship studying the interactions between norms on the international and national levels, this inter-disciplinary framework accepts that the nature of norm formation and interaction is iterative. Finally, from historical institutionalist approaches undertaken within the field of political science, this inter-disciplinary framework accepts that institutions can both mediate outcomes and shape preferences. Bringing these insights together, this new inter-disciplinary framework: (1) more explicitly identifies the sequence of the variables that affect the ability of transnational actors to influence domestic state politics; and (2) provides more detail and specificity on the process through which this influence is attempted by introducing concrete concepts (centering on the recursive nature of norm formation and the importance of institutional structure in influencing outcomes) into the equation.

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