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RESEARCH ARTICLE

Constitutionalism beyond territory: Unterritorial democracy, panarchy and pan-citizenship

David Altman

Instituto de Ciencia Política, Pontificia Universidad Católica de Chile, Santiago, Chile
Email: daltman@uc.cl

Abstract

The COVID-19 pandemic exposed the fragility and adaptability of democratic orders. While confinement accelerated cross-border 'tele-life', rights and protections remained territorially locked. This essay argues that democracy need not be tied to the Westphalian state: it can be re-imagined as unterritorial democracy – voluntary, overlapping and portable communities of belonging. Building on panarchist thought, Austro-Marxist proposals for non-territorial autonomy and Jewish Bundist experiments with cultural self-rule, I advance a model of pan-citizenship and polycentric governance in which rights and representation follow persons rather than places. The contribution is threefold: (1) a genealogy that situates unterritorial democracy within longer traditions of political imagination; (2) analytical criteria – membership portability, competence clarity, equity and accountability – that render such institutions evaluable; and (3) contemporary proto-examples – from diaspora voting to indigenous electoral registers – showing that elements of unterritorial democracy already exist. By integrating historical, analytical and empirical strands – and by engaging debates on emergency powers and derogations of rights – the essay positions unterritorial democracy as a normative horizon for global constitutionalism, inviting person-linked indicators capable of capturing democratic belonging within a framework of multiterritorial pluralism. In this way, the essay contributes to both the normative debates and the methodological agenda of *global constitutionalism.*

Keywords: cosmopolitanism; nonterritorial autonomy; pan-citizenship; polycentric governance; unterritorial democracy

Introduction: a pandemic stress test of democracy

The COVID-19 pandemic acted as an unexpected stress test for democracy worldwide. On one hand, it accelerated what might be called 'tele-life': in the span of weeks, billions shifted their work, education, worship and even intimate relations online. On the other, it exposed the radical vulnerability of those excluded from stable welfare regimes, who suddenly depended on meager state transfers, fragile community solidarity or sheer luck. As Maerz et al. (2020) argued, many regimes slid into 'pandemic backsliding', while Levy and Malamud (2020) suggested a countertrend of 'pandemic forthsliding', where crisis management unexpectedly deepened democratic practices. As Beck (2006) anticipated in

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the world risk society thesis, global crises generate fragile forms of cosmopolitan solidarity; COVID-19 exemplified this dynamic, producing a shared experience across borders while revealing how democracy remains territorially confined. From a constitutional perspective, the pandemic also exposed the limits of emergency powers and the calibration of derogations of rights under conditions of scientific uncertainty, a theme developed by Pervou (2023) and Scheppele and Pozen (2020). In this sense, the pandemic both amplified digital adaptability and revealed structural exclusion – highlighting not only the resilience of constitutional orders, but also their fragility when fundamental rights are territorially locked (Pervou 2023; Scheppele and Pozen 2020). In short, it posed the very question at the heart of *global constitutionalism*: How to safeguard rights and the rule of law when crises spill across borders. It thus foregrounds the transboundary adjudication of rights that global constitutionalism takes as its central concern.

Yet most dominant theories and measures of democracy – Freedom House, V-Dem, Polity – remain stubbornly territorial, assessing the quality of democracy at the level of states rather than peoples. As Havercroft (2011) argues, much of democratic theory itself remains captive to the conceptual grammar of sovereignty, making it difficult to envision forms of belonging that transcend territorial containers. What such indices cannot easily capture is the extent to which individuals, across borders, belong to political communities by choice rather than by the accidents of blood or soil. As several critics have noted, this state centrism obscures the lived experience of citizens whose affiliations are multiple and portable, pointing to the need for indicators that follow persons rather than territories (see, e.g., Fox 2005; Jakobson and Kalev 2013). As Chernilo (2021) argues, the pandemic made visible a truly cosmopolitan experience in which national, international and global dimensions appeared as co-constitutive rather than separate, underscoring the inadequacy of methodological nationalism. The pandemic invites us, therefore, to rethink democracy itself: not merely as a territorial order, but as a potential architecture of unterritorial affiliation.

This proposal also speaks directly to the literature on constitutional pluralism and postsovereignty constitutionalism. As Walker (2002), Maduro (2003) and Kumm (2009) show, overlapping constitutional orders – national, supranational and international – already challenge sovereignty as a singular authority. Peters (2018) and Fassbender (2009) extend this insight, noting that global constitutional law increasingly treats individuals as subjects of rights and obligations. Unterritorial democracy radicalizes this move: it suggests that not only legal authority but also political belonging can be plural and overlapping. In this sense, pan-citizenship resonates with the Latin American project of *Ius Constitutionale Commune* (ICCAL) (von Bogdandy 2015; von Bogdandy et al. 2017), which rethinks authority across borders and levels. Where constitutional pluralists study the coexistence of legal orders, unterritorial democracy imagines the coexistence of multiple *demoi* – voluntary and portable communities that follow persons across borders. It aligns with Wiener's (2018) 'practice turn', emphasizing lived and contested norms, and situates unterritorial belonging within comparative constitutional debates in Latin America (Coddou McManus 2022) as part of the broader trajectory of *global constitutionalism*.

It is against this backdrop of constitutional pluralism that the present essay sketches an alternative horizon. Drawing inspiration from traditions as diverse as panarchism (De Puydt; Nettlau; Zube; Rozeff), Austro-Marxist proposals for nonterritorial autonomy (Renner; Bauer) and the programmatic vision of the Jewish Bund, I explore whether democracy can be reorganized along overlapping, voluntary and nonterritorial lines. The core question is not whether minorities can secede or physically relocate, but whether

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individuals might simultaneously belong to multiple political communities – pan-citizenships whose rights, representation and services travel with them across borders.

The argument is necessarily exploratory. It does not predict the inevitable demise of the Westphalian order, nor does it prescribe a utopia detached from political realities. Rather, it draws from historical precedents and contemporary proto-examples to suggest that digital affordances and plural identities make unterritorial democracy newly thinkable – and normatively urgent. In this respect, the proposal not only intersects but also diverges from cosmopolitan democracy (Held 1995; Archibugi 2008), which envisions a single demos extended to the global scale. Unterritorial democracy, by contrast, multiplies the sites of belonging: it imagines overlapping communities anchored in voluntary affiliation rather than in a universal polity. As Ostrom (2010) and Aligica and Tarko (2012) remind us, polycentric governance is not utopian fiction but a well-documented feature of resilient political systems, offering a conceptual foothold for thinking beyond state-centric templates.

Unterritorial democracy is not proposed as a utopian alternative to the state, but as a *normative–analytical framework* for interpreting and guiding transformations already under way. Analytically, it makes sense of emerging practices of portable and overlapping citizenship; normatively, it identifies their democratic potentials and limits. The argument therefore operates on two interconnected levels: it reconstructs the logics visible in existing institutions while outlining a horizon of accountability for multiterritorial polities. This dual stance situates the essay within the tradition of *critical constitutionalism*, in which empirical mapping and normative design are mutually informing tasks.

From territorial demos to pan-citizenship

Modern democracy is still largely tethered to geography. We belong to a political community not because of a deliberate choice, but because of accidents of *jus soli* (birthplace) and *jus sanguinis* (parentage). Citizenship, in practice, has been inherited – an artifact of where one happens to be born and to whom. To be sure, migration offers the possibility of changing political communities, but for most people moving is prohibitively costly, legally restricted or socially unthinkable (Altman 2022). As James Scott (1998) has argued, this territorial fixation is part of a broader project of state 'legibility', where borders, censuses and registries not only render populations administrable but also lock belonging into space. Unterritorial democracy seeks to unsettle precisely this logic, making affiliation portable rather than mappable.

The pandemic sharpened this paradox. A worker teaching online in Montevideo could collaborate seamlessly with colleagues in Toronto or Delhi, yet remained locked into the rights and duties of a Uruguayan citizen. Political belonging was as immobile as ever, even as work, communication and culture transcended borders. This disjuncture shows how 'tele-life' created functional communities without borders, while citizenship itself remained a rigid territorial cage. As Benedict Anderson (1991) reminds us, nations themselves are 'imagined communities', sustained by shared practices rather than geography. Charles Taylor (2004) further underscores that modern social imaginaries provide the shared frameworks through which people make sense of their collective existence. If nations can be imagined in this way, democratic belonging too can be re-imagined – not as territorially fixed, but as open to overlapping and portable affiliations.

What if citizenship were organized differently? Instead of being tied to territory, could it be structured around voluntary affiliation – a pan-citizenship chosen and rechosen

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across a lifetime, much as individuals select religions, professions or associations? Such a model would recognize that identities are multiple and overlapping: one might be simultaneously part of a linguistic community, a religious fellowship and a professional guild, each with its own institutions of representation and governance. As panarchist writers from De Puydt (1860) to Rozeff (2008) argued, political belonging could in principle be made as voluntary as choosing a church or a union.

It is important to differentiate two dimensions that are often conflated. Portability means that rights and representation follow the person wherever she moves – citizenship travels. Voluntariness, by contrast, means that political affiliation itself can be chosen or combined. Many existing institutions – dual nationality, extraterritorial voting or indigenous registers – embody portability without voluntariness: they extend state membership, not freedom of association. Panarchist thought pushes further, imagining voluntariness as a principle of democratic design. Unterritorial democracy occupies the intermediate space: it seeks to universalize portability while gradually institutionalizing selective voluntariness under constitutional safeguards.

Constitutionally, this thought experiment is no longer purely speculative: comparative jurisprudence already recognizes portable forms of membership. For instance, Italy and Portugal have long extended voting rights to their citizens abroad through constitutional provisions, while the Colombian Constitutional Court (C-351/2017) has emphasized the right of emigrants to maintain political participation across borders. These cases suggest that pan-citizenship is not a utopia detached from law, but rather an extrapolation of doctrines on dual nationality, extraterritorial voting and cultural autonomy already present in contemporary constitutional practice (Rubio-Marín 2006; Lafleur 2013; Ellis 2007). A parallel principle is visible in supranational jurisprudence: in *Micheletti v. Spain* (Court of Justice of the European Union 1992), the Court of Justice of the European Union affirmed the portability of Union citizenship, treating belonging as a person-linked rather than a territory-bound status.

The idea is not utopian. Historical precedents abound. Nonterritorial autonomy (NTA), developed in the Austro-Marxist tradition of Renner and Bauer, already envisioned polities defined by culture rather than soil, with self-government over language, education, religion and personal status (Renner 1907). More recently, indigenous registers in places like New Zealand and Chile have demonstrated how separate electoral rolls can give dispersed minorities political voice without demanding territorial secession. These cases hint at designs where belonging follows persons, not places.

Pan-citizenship, then, is not about escaping the state but about pluralizing democracy itself. It asks whether we can extend the consent of the governed, in Jefferson's sense, beyond territorial confinement – allowing people to choose and combine memberships that reflect their actual lives, values and solidarities. As the Declaration of Independence (1776) put it, governments derive 'their just powers from the consent of the governed' – and nothing in that principle requires such consent to be territorially bounded. In doing so, democracy might become less an accident of birth and more an expression of will.

Intellectual genealogies: panarchism, Austro-Marxism and the bund

Every proposal for unterritorial democracy requires a lineage, and this one is not invented from scratch. Many nations are stateless, as Minahan (2016) and Bell (2017) remind us, a reality that highlights both the urgency and the difficulty of designing institutions not anchored in territory. The very fact that modern states crystallized through war-making

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and resource extraction, as Tilly (1990) argued, reminds us that territorial citizenship is the contingent outcome of coercive bargains rather than an inevitable democratic form. As Elias (2000 [1939]) further showed, what appear as naturalized political arrangements are the product of long civilizing processes through which central authorities monopolized violence and cultural codes. Three genealogies, in particular, illuminate the path ahead: panarchist experiments, Austro-Marxist visions of nonterritorial autonomy and the programmatic activism of the Jewish Bund. Each emerged from specific historical struggles – debated in pamphlets, defended in congresses and enacted in working-class movements – demonstrating that unterritorial democracy has long been imagined not merely in theory but also in lived practice.

Panarchism emerged in the nineteenth century as a radical thought experiment. In 1860, Paul Émile de Puydt suggested that individuals should be able to 'subscribe' to governments the way they choose religions, coexisting in the same physical space yet governed by different rules. Max Nettlau and later John Zube revived this idea of overlapping polities, often dismissed as eccentric but strikingly prescient in an age of digital platforms. As Michael Rozeff (2008) bluntly put it: if individuals can freely choose their faith – or none at all – why not their political community? Panarchism anticipated a world in which governance, like association, could be portable, voluntary and plural. As John Zube later defined it, panarchy is 'the realization of as many different and autonomous communities as are wanted by volunteers for themselves, all non-territorially coexisting, side by side and intermingled … as different churches are' (cited in panarchy.org). Seen through today's lens, panarchism foreshadowed theories of adaptive, nested governance described as *panarchy* in ecology (Allen et al. 2014) and resonates with Kukathas's vision of a liberal archipelago, where individuals navigate a mosaic of voluntary communities rather than being bound by inherited membership (Kukathas 2003). In a similar vein, Levy (2015) underscores that pluralism and freedom are sustained not by a single overarching order but by the coexistence of multiple, sometimes conflicting, normative communities.

Austro-Marxism faced a different challenge: how to hold together the multiethnic Habsburg Empire without repression or breakup. Karl Renner and Otto Bauer developed the idea of nonterritorial autonomy (NTA): cultural nations would govern themselves in matters of language, education and personal status, regardless of where their members lived. Territorial authorities would continue to manage external affairs, policing and infrastructure, while national communities controlled their cultural reproduction.[1] Renner (1907) argued that real equality also required the right to use one's vernacular in court, since otherwise poorer citizens would remain disadvantaged against both the dominant nationality and their own elites who could afford lawyers fluent in the imperial language.

In his broader writings, Renner depicted nationalism itself as an obstacle to economic and cultural development, best confined to the realms of culture and communication. He therefore defended administrative and economic units encompassing diverse nationalities, with cultural autonomy guaranteed to each group but coordinated through a central government. Crucially, he also advanced the principle of 'personal nationality', whereby individuals could choose their national affiliation independently of residence, eliminating

[1]Kymlicka describes the Russian model of 'nonterritorial cultural autonomy' as 'an interesting alternative to familiar Western models of minority rights… involving a considerable degree of institutional separateness, self-administration, and extensive mother-tongue language rights' (2000: 202–203), showing how NTA can secure cultural and linguistic rights without territorial claims.

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the very notion of national minorities tied to territory and reducing the need to draw ethnic borders (Kann 1951). Crucially, Renner also advanced the principle of 'personal nationality', whereby individuals could choose their national affiliation independently of residence, eliminating the very notion of minorities tied to territory. As Reifowitz (2008: 4) summarizes, under Renner's scheme 'in the elections for the "nationalities" chamber, a citizen would vote to elect representatives of his people irrespective of where he lived within the Monarchy (or relevant region or district)'.

Bauer defined nationality as 'the totality of men united through a community of fate into a community of character' (Bauer [1907] 2000: 101). As Oberle (2020) shows, he favored granting cultural autonomy to every national group in the Empire, yet denied that Jews constituted a nationality – praising their historical role while advocating assimilation, which drew sharp criticism from Zionists.

Historians have noted Bauer's complex identity, often summarized – following Rozenblit's notion of a tripartite identity – as 'ethnically Jewish, culturally German, and politically Austrian' (Reifowitz 2017: 9, drawing on Rozenblit 2001). After the collapse of the Habsburg monarchy, Bauer briefly served as foreign minister of the new Austrian Republic (1918–1919), resigning when his main objectives – a merger with Germany and retention of German-speaking Tyrol – failed. This paradox of identity – minority by origin, majority by culture, internationalist by politics – helps explain what Oberle (2020) calls his 'negative identity', the tension of being at once socialist internationalist and minority nationalist.

While Renner tended to view national autonomy in more pragmatic and institutional terms, Bauer's ambivalence revealed the ideological and personal strains of Austro-Marxism. For Bauer and later for Bundist theorists such as Medem, defending cultural rights was not a bourgeois distraction but a socialist necessity, essential to confronting oppression within a multiethnic working class (Gechtman 2007). Austro-Marxism was thus both pragmatic and visionary: bureaucratic in design, radical in principle.

Liberal democracy is based on political equity among citizens – one person, one vote. Yet, minority groups, whether national, religious or linguistic, are usually disadvantaged within such majoritarian frameworks. Many therefore rally around the banner of self-determination, while majorities perceive their advantage to be at risk. Crucially, self-determination is often conflated with separatism, at least from the majority's perspective, even though the two are not synonymous. Demands for self-determination need not imply territorial autonomy, and equating them automatically with secession is both politically misleading and analytically reductive.

The Bund (General Jewish Workers' Union), founded in 1897 in Vilna, brought these debates into the crucible of socialist politics.[2] The Bund organized Jewish workers in Yiddish, creating unions, libraries and schools, while rejecting both assimilation and Zionist territorial nationalism. Its principle of *doykeyt* ('hereness') demanded rights where Jews already lived. As Brossat and Klingberg (2016) remind us, Bundists confronted antisemitism not only from the state and bourgeois elites, but also from fellow workers who discriminated against Jews.

Confronting hostility on multiple fronts, they argued – earlier than most Marxists – that defending cultural rights for minorities was not a bourgeois diversion but a socialist

[2]The Bund emerged from the Pale of Settlement – especially in Lithuania and Vilna – where millions of Jews were confined under Tsarist rule. Its constituencies included wage laborers in the textile and tobacco industries, a radical secular intelligentsia strongly influenced by Marxism and younger cohorts often referred to as the 'semi-intelligentsia' (see Tobias 1972; Wolff 2021).

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necessity. In doing so, they also distanced themselves from notions of *klal yisroel* – the idea that all Jews formed a single metaphysical nation – and insisted instead that Jewish nationhood was cultural, grounded in the everyday life of Yiddish speakers. Bundist solidarity, as the saying went, was not about lofty abstractions but about whether you 'put sjug on your fish', a marker of shared working-class culture and taste; but if you sided with the bourgeoisie – Jewish or not – you were the enemy of the movement.

The Bundists also discovered, through practice more than through theory, that class struggle alone could not erase national oppression. Teaching Marxism in Yiddish and organizing Jewish guilds and strikes, they experienced firsthand that Jewish workers were discriminated against even by socialist comrades, while Jewish employers exploited them as much as any other. As Bundist organizers bitterly noted, many Jewish employers even preferred to hire non-Jews, considering them 'less troublesome' laborers, which deepened both class and ethnic fractures (Brossat and Klingberg 2016).

This hard-earned realization pushed Bundists toward convergence with Austro-Marxists like Renner: they defended nonterritorial cultural rights not only for Jews but also for all minorities in the empire, articulating a distinctly socialist case for NTA well before Lenin's reluctant concessions. Tobias (1972) and Quiroga and Massó (2017) show how Bundist theorists, including Vladimir Medem, recognized their proximity to Austro-Marxism, even while remaining rooted in the Russian revolutionary context.

The Bund's solution – class struggle plus nonterritorial autonomy – placed it at odds with both Bolsheviks and Zionists.[3] Lenin, who sparred tactically and strategically with Bundist leaders, denounced such autonomies as a threat to revolutionary unity, fearing they would fragment the movement (Gechtman 2016). Zionists dismissed the Bund as parochial, unwilling to embrace a transnational Jewish destiny. And yet the Bund insisted that Jews were not a metaphysical or racial nation but a cultural nation, bound by language and daily life.

The Bund was eventually crushed – first marginalized by Bolsheviks, then annihilated by Nazis. Yet its legacy survives. As Tucker (2016) emphasizes, Bundist proposals for cultural autonomy remain relevant wherever multiethnic coexistence requires nonterritorial solutions. Tobias (1972) and Quiroga and Massó (2017) further show how Bundist theory influenced socialist debates across Eastern Europe, often in parallel with Austro-Marxist thought.

Taken together, these genealogies show that unterritorial democracy is neither eccentric nor new. It has been theorized in utopian pamphlets, debated in socialist congresses and defended in the streets of Warsaw and Vilna. In the 21st century, digital infrastructures of coordination and plural identities render these precedents less a relic of the past than a living resource for democratic imagination. These traditions need not be reconciled in a single design; their tension is itself instructive.

The three lineages discussed earlier do not converge on a single model of political organization. Rather, they illuminate two distinct axes of unterritorial imagination. The Austro-Marxist and Bundist traditions demonstrate *portability within* the territorial state – forms of cultural self-rule that remain nested in a broader public authority. The panarchist current, by contrast, radicalizes *voluntariness beyond* the state, imagining governance as a mosaic of overlapping associations. Unterritorial democracy should therefore not be read as a synthesis but as a mediating framework between these poles: it

[3]In this regard, see Gechtman (2008) for an analysis of the relationship between the Bund and the Bolsheviks, and Gechtman (2013) for the relationship between Zionism and the Bund.

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extends the logic of cultural autonomy toward voluntary association while retaining the accountability and legal anchoring that made the former politically viable. English pluralists – such as Figgis, Laski and Cole – anticipated precisely this mediation, treating associations as self-governing yet publicly answerable entities. Their vision was later systematized by David Nicholls (*The Pluralist State*, 1975) and revived in Paul Hirst's *Associative Democracy* (1994), and further developed by Avigail Eisenberg in *Reconstructing Political Pluralism* (1995), all of whom emphasized that democratic vitality depends on dispersed, overlapping and accountable forms of authority. In that sense, unterritorial democracy is best conceived not as a replacement of territorial orders, but as a polycentric complement that bridges the feasible with the imaginable.

If these genealogies establish the intellectual roots of unterritorial democracy, the next step is to consider its institutional branches. Ideas alone do not sustain political life; they require organizational forms and rules of interaction. From the Bund's cultural councils to Renner's legal blueprints and De Puydt's radical thought experiment, each precedent implied concrete arrangements for how people could belong, participate and resolve conflicts. Building on this legacy, the next section examines what unterritorial institutions might look like in practice – their competences, membership rules, mechanisms of accountability and strategies for conflict resolution.

Designs and practices of unterritorial democracy

The designs and practices of unterritorial democracy shift the discussion from genealogy to institutional architecture. This section sketches how such polities might be organized in practice – what competences they could exercise, how membership might function and how they could coexist with territorial states. The subsections that follow unpack these dimensions in greater detail, moving from design principles to historical analogies.

Institutional design

If unterritorial democracy is to be more than an intellectual curiosity, it requires serious institutional design. The genealogies sketched before already highlighted concrete organizational options – Renner's legal blueprints, Bauer's debates, the Bund's cultural councils and De Puydt's subscription model of governance. The central question, then, is practical: what would these nonterritorial polities actually do, how would membership be defined and managed and how would they interact – cooperatively or competitively – with existing states?

Scope of competences

Historical precedents suggest a clear division of labor. Unterritorial bodies would take charge of domains tied to cultural reproduction – language, education, religion and personal status. This was precisely Karl Renner's vision in 1907, when he proposed a two-tier government: territorial authorities would retain responsibility for external affairs, policing and infrastructure, while national communities would exercise cultural self-government across dispersed populations (Reifowitz 2008: 4). Renner even insisted that justice had to be delivered in the vernacular, since otherwise poorer citizens would remain disadvantaged against elites who could afford lawyers fluent in the imperial language. The Bund articulated a similar model, insisting that Jewish schools, libraries and courts should

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operate autonomously while Jews remained citizens of their states. Such arrangements did not abolish the state but layered additional forms of authority onto it.

Membership

Belonging would be voluntary, individual and portable. Unlike citizenship by *jus soli* or *jus sanguinis*, affiliation would be a matter of personal will. Registers would follow persons, not places: a member of the Polish-speaking community would retain that membership whether in Warsaw, Berlin or Toronto. Bundists were clear on this point: a Jewish worker in Vilna and one in Odessa should be recognized as members of the same cultural nation despite living in different regions (Tobias 1972; Quiroga and Massó 2017). Importantly, such affiliation did not imply abandoning state citizenship; rather, it created a parallel register of belonging that coexisted with territorial nationality. Contemporary analogies include the Māori electoral register in New Zealand, which allows dispersed members to vote as a cultural community regardless of residence and Chile's reserved indigenous seats in the 2021 Constitutional Convention – concrete reminders that political voice can be organized around identity rather than geography.

Representation and finance

Nonterritorial polities require representative institutions – cultural councils, assemblies or unions – elected by and accountable to their members. Financing would follow membership: contributions or dues, much like union fees or church tithes, but under democratic oversight. This echoes the Bund's early 20th century experiments with worker contributions funding Yiddish schools and cultural programs. Renner (1907) similarly emphasized that such bodies had to be democratically elected and financially autonomous. Otherwise, they risked becoming instruments of domination by state bureaucracies or elites. The key principle is accountability: just as states tax residents, unterritorial communities must justify their levies to members through transparent institutions.

Adjudication and conflict resolution

Overlapping polities will inevitably clash – with each other and with territorial states. But hybrid judicial structures are not new. The Ottoman *millet* system permitted Jews, Armenians and Greek Orthodox subjects to adjudicate personal-status issues in their own courts while remaining within the empire. The United Arab Emirates today operates a dual judicial system with both local and federal courts, overseen by a Supreme Court in Abu Dhabi. These examples underline that such arrangements are never neutral: they not only institutionalize pluralism but also reproduce hierarchies, making conflict management across layered authorities politically feasible, yet permanently contested.

In short, unterritorial democracy is not a recipe for chaos but a blueprint for shared authority. Territorial states retain responsibility for what is rooted in space – borders, infrastructure, defense. Unterritorial polities govern what is rooted in identity – language, culture, religion. Between them lies a negotiated balance, mediated by courts, assemblies and, above all, the voluntary consent of individuals who choose their affiliations. As Ostrom (2010) argued in her theory of polycentric governance, overlapping authorities can foster resilience rather than instability. Yet blueprints alone are not enough. To persuade skeptics that unterritorial democracy is more than speculation, we must look at proto-examples where elements of such designs already exist.

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Proto-examples and analogies

Blueprints, however detailed, remain speculative unless we can point to real-world precedents. To persuade skeptics that unterritorial democracy is more than utopian thought, we must examine analogies and experiments where similar principles have been tested – sometimes for centuries. From indigenous electoral registers to Ottoman *millets* and modern professional associations, these cases reveal how overlapping polities already exist in practice, even if only partially or imperfectly.

While we have learned that we can carry out almost countless activities remotely, the pandemic has also reminded us how indispensable in-person contact remains for the creation, refinement and transmission of ideas. This tension between dispersion and gravitation has long been recognized in political thought. Echoing nonterritorial templates, Lenin himself emphasized the need for flexible forms of autonomy, arguing that 'in order to suppress any national oppression, it is urgently necessary to create autonomous districts, even very small ones, having a homogeneous national composition, around which the members of the nationality in question, dispersed at different points of the country or even the globe, can gravitate, entering into relationships and free associations of all kinds' (Lenin cited in Brossat and Klingberg 2016: 24).

Skeptics might dismiss unterritorial democracy as abstract speculation. Yet, history and contemporary practice already offer a repertoire of analogies and experiments that point toward its plausibility.

Consider the Māori electoral register in New Zealand. Since 1975, Māori citizens have been able to enroll – optionally – on a separate electoral roll to elect their own representatives, regardless of place of residence (the seats themselves were first established by the Maori Representation Act 1867). This arrangement directly inspired similar mechanisms in Chile's 2021 Constitutional Convention, where indigenous groups voted through reserved seats on nonterritorial registers. Both cases demonstrate how democratic voice can be organized around cultural identity rather than geography. Constitutionally, these arrangements reveal how equality and nondiscrimination clauses can be reconciled with targeted recognition of minority groups. The New Zealand case has been analyzed in depth by Palmer (2008), who shows how the Treaty of Waitangi shapes constitutional understandings, and by Wheen and Hayward (2012), who highlight the settlement processes as constitutional innovations. In Chile, the reserved seats were anchored in the transitional constitutional provisions of 2021 that explicitly recognized the principle of plurinationality.

Likewise, the Indian Supreme Court has validated forms of nonterritorial representation for Scheduled Castes and Tribes, showing that legal systems already grapple with the tension between unitary citizenship and differentiated political voice (Bhuwania 2016; Palmer 2008; Wheen and Hayward 2012). At the supranational level, the European Court of Human Rights in *Sejdić and Finci v. Bosnia and Herzegovina* (2009) underscored the same tension, ruling that constitutional arrangements granting reserved ethnic representation can also violate the principle of equal political rights. These proto-examples therefore illustrate that unterritorial democracy is not only historically imaginable but constitutionally feasible within existing doctrines of equality, minority rights and multicultural constitutionalism.

The Ottoman *millet* system provides a deeper historical precedent. For centuries, Jews, Armenians and Greek Orthodox subjects maintained their own courts, schools and welfare institutions under the umbrella of the empire. While far from democratic and often reinforcing hierarchies, the *millet* system institutionalized overlapping legal orders

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and showed that nonterritorial governance could persist for generations. It is a reminder that pluralist coexistence, though imperfect, can be structured without territorial secession, even if under conditions of hierarchy and conditional tolerance rather than democratic equality.

The United Arab Emirates offers a more contemporary hybrid. Its judicial system operates in dual form: local courts coexist with federal courts, with a Supreme Court in Abu Dhabi providing ultimate authority. Although not democratic, this arrangement illustrates how multiple jurisdictions can overlap functionally within the same polity.

Other Jewish thinkers elaborated similar projects. Simon Dubnow's program of 'national-cultural autonomy' envisioned dispersed Jews as a cultural nation with institutions across states, while Ahad Ha'am and Chaim Zhitlovsky debated forms of Jewish autonomy short of Zionist territorialism. Ber Borojov fused Marxism with Jewish national revival and Mordecai Kaplan later reimagined Judaism as a 'civilization' compatible with nonterritorial frameworks. These strands – Galuth nationalism, cultural Zionism, socialist nationalism, Reconstructionism – converged on a shared intuition: that cultural nations can institutionalize belonging across borders without demanding sovereign territory (Keating 2001).

Liberal democracies today also tolerate partial nonterritorial arrangements. Diaspora voting rights allow emigrants to participate in elections across borders.[4] Religious organizations administer vast networks of schools, hospitals and charities, often with tacit state sanction. Professional associations regulate entire fields, imposing standards and adjudicating disputes across jurisdictions. None of these systems are fully unterritorial, but they collectively show that our political orders are already less territorially rigid than maps suggest.

As Renner envisioned in 1907, voters might elect representatives of their 'nationality' irrespective of where they lived within the monarchy (Reifowitz 2008: 4). This principle is echoed today whenever cultural groups organize electoral voice without territorial concentration. Together, these proto-examples illustrate that the architecture of unterritorial democracy is not a theoretical mirage but a synthesis of practices we already know – recoded for democratic and digital times. These analogies, however, are heuristic rather than predictive: they illuminate recurring design dilemmas of nonterritorial authority and belonging without licensing a direct transplant of historical forms into digital polities.

Life under panarchy: everyday practices and tensions

What would it actually feel like to live under unterritorial democracy? Beyond institutions and precedents, this section imagines everyday scenarios: a global professional, a dispersed indigenous voter, a migrant worker and a religious minority. Each vignette illustrates not only the emancipatory promise of portable belonging, but also the tensions that arise when overlapping communities collide. In this way, we can glimpse both the promise and the perils of panarchic life.

[4]Extraterritorial voting can be regarded as a proto-example of unterritorial democracy, insofar as it enables rights and representation to follow individuals across borders. Yet, as demonstrated by the Electoral Residential Inclusiveness (ERI) Index (Altman 2022), such arrangements risk undermining inclusiveness when nonresident citizens are enfranchised while resident noncitizens remain excluded. The central challenge, therefore, is to reconcile the portability of belonging with the principle of equal voice for all those subject to the law.

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Imagine waking up in a world where your political community is not defined by the street you live on, but by the associations you choose. You check your phone: three notifications await. One is from your professional guild, reminding you of an upcoming vote on new teaching standards. Another is from your cultural council, which has just approved funding for diaspora schools. A third is from your labor cooperative, asking members worldwide to ratify a new health insurance scheme. None of these authorities depend on your current address in Santiago, Moscow or Jakarta – they follow you, as portable as your email account or your bank card. Citizenship, in this world, is less a matter of soil and more a matter of solidarity.

From here, the scenarios that follow – of a global professional, a dispersed indigenous community, an economic migrant and a religious minority – illustrate both the promise and the peril of unterritorial democracy. They show how panarchic affiliation could make political life more portable and plural, but also how such affiliations inevitably clash, creating zones of tension where rights, duties and identities overlap.

The professional global citizen

Consider a teacher in Santiago who belongs simultaneously to a global guild of educators, a digital cooperative for climate action and a linguistic community that elects its own cultural council. Her contributions are split: part of her taxes go to Chile's territorial government for infrastructure and policing, while dues support her guild, which provides training, dispute resolution and international representation. When she relocates temporarily to Tokyo, she retains all these affiliations: her rights and services travel with her, just as her digital accounts do.

But portability also creates friction. Her guild sets curriculum standards that emphasize secular, competency-based learning, while Chile's Ministry of Education insists on mandatory national content rooted in history and civic identity. Which authority prevails? If she resists Chilean requirements, she risks losing recognition at home; if she complies, she betrays her guild's collective stance.

This scenario highlights how pan-citizenship magnifies a classic problem of federalism – conflicting competencies – only without the safety net of a single territorial hierarchy to adjudicate. It reveals both the promise of portable rights and the difficulty of reconciling them with territorial obligations.

The transnational indigenous community

Imagine a Māori voter living in Berlin who nonetheless participates in elections for the Māori roll in New Zealand. In a panarchic system, this right would be formalized and extended: indigenous citizens, wherever dispersed, could elect councils with authority over language, education and cultural reproduction. Their children in Berlin, Toronto or Auckland would attend schools accredited by the same cultural body, ensuring continuity of heritage without demanding territorial concentration. The community is thus both deterritorialized and empowered, existing across borders yet rooted in shared practices and institutions.

Yet, empowerment may collide with host-state priorities. Suppose the Māori council mandates immersion programs in te reo Māori, while German authorities insist on stronger German-language requirements to foster integration. Parents worry their

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children may fall behind in German schooling, while cultural leaders fear assimilation by stealth.

The resulting tension is not about who is 'right', but about how unterritorial democracy can institutionalize negotiation between overlapping jurisdictions. The case underscores both the emancipatory potential of cultural autonomy and the risk that it can harden into isolation unless supported by frameworks of mediation and dialog.

The economic migrant

Think of a Filipino nurse working in the Gulf. Today she is subject to local labor laws and, at best, votes in occasional diaspora elections. In an unterritorial democracy, she could carry her membership in a transnational labor cooperative that negotiates minimum standards, provides legal aid and secures portable benefits. Her affiliation protects her across jurisdictions, not as a concession from host states, but as a right anchored in her chosen political community. For her, pan-citizenship is not an abstraction but a daily resource for survival and dignity.

But conflict arises when her cooperative's rules clash with local law. Suppose the cooperative sets binding safety standards and recognizes her right to strike under unsafe conditions, while her Gulf employer – backed by host-state legislation – punishes any work stoppage. She now faces contradictory authorities: one affirms her right to walk out, the other criminalizes it.

This case dramatizes the limits of autonomy without enforcement. It illustrates that portable rights remain fragile unless backed by recognition from territorial states or international regimes. Far from undermining the case for panarchy, the tension clarifies the institutional scaffolding needed for it to function in practice.

The religious community

Picture a young Muslim professional living in London. In a panarchic system, he belongs both to Britain's territorial polity and to a religious council that administers matters of family law, dietary regulation and moral conduct. On one level, this arrangement strengthens his agency: his marriage contract, inheritance rules, or dietary certifications are recognized by his community regardless of where he resides, providing cultural continuity across borders.

Yet conflicts quickly surface. Suppose his religious council enforces Sharia-based family law provisions that clash with British civil law on gender equality, divorce, or LGBTQ rights. Or consider dietary and behavioral codes – *halal* certification, fasting rules, expectations of modesty – that shape his daily life but sit uneasily within a liberal public sphere premised on individual choice. Which authority takes precedence if norms contradict? If his community denies recognition to his same-sex partnership while the British state upholds it, does portability entrench exclusion rather than empowerment?

This scenario underscores a hard truth: unterritorial democracy may empower minorities, but it can also entrench illiberal practices within them. The risk is that voluntary affiliation becomes a shield for domination, forcing individuals to choose between community loyalty and personal freedom. The challenge is to design institutions that maximize plural self-rule without sacrificing the liberal baseline of individual rights. Together, these scenarios illustrate both the promise and the peril of unterritorial democracy. They show how individuals might navigate a mosaic of overlapping polities

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– professional, cultural, indigenous, cooperative – each with its own institutions of representation. The challenge is not to prevent conflicts – they are inevitable – but to design mechanisms of arbitration, compromise and mutual recognition robust enough to withstand them. In this sense, panarchy is less a utopia than a wager: that plural belonging can be made governable without extinguishing diversity.

Yet these are not only imaginative sketches. To persuade skeptics that unterritorial democracy is more than speculation, we must look at analogies and proto-examples where its principles have already been tested – sometimes for centuries. From indigenous electoral registers to Ottoman millets and transnational labor organizations, history and contemporary practice reveal that unterritorial arrangements are less utopian invention than lived precedent.

Challenges and research agenda

The preceding sections illustrated how unterritorial democracy might work in practice, drawing on historical precedents, proto-examples and imagined scenarios. Yet, any such proposal must also confront its normative vulnerabilities and analytical blind spots. This final section therefore identifies key challenges, sketches a research agenda to evaluate them systematically and concludes by situating unterritorial democracy within broader debates on democratic renewal.

Normative stakes

Any proposal for unterritorial democracy must confront a series of normative challenges. If democracy is reimagined as overlapping, voluntary and portable, how do we ensure that such designs do not simply reproduce inequalities, foster fragmentation or erode accountability?[5]

Equity

One concern is distributive justice. If unterritorial communities finance themselves through membership dues, wealthier groups could shield resources, while poorer ones struggle to sustain schools, libraries or legal services. This would replicate – and perhaps exacerbate – the inequalities already entrenched in territorial states. As Will Kymlicka (2000) emphasizes, minority rights can be empowering but must be accompanied by institutional safeguards to prevent autonomy from becoming a pathway to structural disadvantage.

Externalities

Overlapping polities cannot live in isolation. Decisions taken by one community – regarding labor standards, environmental practices or public health – will inevitably spill over onto others. Territorial governments would likely remain the ultimate arbiters of

[5]Moreover, beyond a façade of formal democracy, several dynamics undermine democracy in small polities (Veenendaal 2015), including personal polarization (Benedict 1967; Doumenge 1985; Lowenthal 1987; Richards 1982), patron–client relationships and corruption (Farrugia 1993; Sutton 2007), limited horizontal accountability (Baldacchino 2012; Gerring and Zarecki 2011) and even physical violence (Serdült 2014), among other things.

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such conflicts, but this reintroduces the very domination nonterritorial autonomy seeks to avoid. The challenge is to design mechanisms that balance autonomy with interdependence, preventing free-riding or harmful spillovers without erasing difference.

Accountability

A third concern is whether voluntary polities can sustain internal checks. If individuals can exit too easily, leaders may cater only to loyalists and neglect dissenting voices. Conversely, if communities erect barriers to exit, they risk coercing members into compliance. Albert Hirschman's classic framework of exit, voice and loyalty (1970) captures the dilemma: unterritorial democracy must not only guarantee the right to leave, but also nurture vibrant channels of voice and mechanisms of loyalty that reinforce accountability without coercion. At the same time, comparative research warns against romanticizing smaller or voluntary units: as Altman (2019: 158) notes, democracy 'does not necessarily flourish in smaller observational units, but in the right (or rather, wrong) circumstances it can actually wither at the local level'. This suggests that accountability requires institutional safeguards not only against state domination, but also against capture and complacency within unterritorial communities themselves. Voluntariness presupposes real freedom to exit; without it, 'choice' risks masking coercion. Unterritorial democracy must therefore secure voluntariness institutionally, not assume it.

Segregation

Critics worry that nonterritorial autonomy might harden social boundaries and entrench divisions. Historical precedents warn us: the Ottoman *millets* not only institutionalized religious pluralism, but also reinforced hierarchy, subordinating non-Muslim communities to a framework of conditional tolerance rather than equality. Bundist organizations empowered Jewish workers through unions and cultural networks, yet clashed bitterly with both Bolsheviks, who feared fragmentation of the revolutionary movement, and Zionists, who dismissed nonterritorial autonomy as parochial and inadequate for national revival (Brossat and Klingberg 2016; Gechtman 2016). As Tucker (2016: 15) notes, such arrangements can survive in nontotalitarian contexts, but without safeguards they risk creating silos rather than bridges. Kukathas (2003), in his theory of the liberal archipelago, likewise warns that voluntary communities may slide into insularity, reproducing domination within rather than liberating individuals from it. Calhoun (2007) adds a parallel caution: cosmopolitan projects risk becoming abstract ideals if they are not grounded in lived practices, a warning equally applicable here. The challenge for unterritorial democracy is thus to prevent voluntary affiliations from drifting toward self-enclosure by embedding them in broader frameworks of accountability and dialog.

These objections highlight that unterritorial democracy is not a frictionless utopia but a pluralist wager: that equity, accountability and cooperation can be institutionalized across overlapping polities. The real test is not whether conflicts arise – they inevitably will – but whether such conflicts can be managed without suppressing diversity or denying individuals the right to choose their political community. Addressing these objections requires more than normative theory – it calls for a concrete research agenda.

The proposal of unterritorial democracy requires disentangling several notions that are often conflated. Democracy refers to the mode of collective decision making, whereas citizenship denotes the status that enables participation in it. Citizenship, in turn, differs from membership: only when a community can collectively revise the rules of belonging does membership become citizenship. Likewise, unterritorial democracy does not abolish

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territory; it pluralizes it. Digital, cultural and ecological spaces generate overlapping jurisdictions that stretch across borders – forms of multiterritorial pluralism rather than pure deterritorialization. Finally, the argument is both normative and analytical: normative insofar as it envisions accountable forms of portable belonging, and analytical insofar as it identifies practices already embedded in constitutional and legal orders. Unterritorial democracy thus operates as a transitional heuristic between the existing and the imaginable.

Jurisdiction and conflict resolution under unterritorial pluralism

Any form of personal jurisdiction raises the question of how overlapping communities settle disputes. When a member of Association A clashes with a member of Association B – over contracts, rights or norms – whose authority prevails? Historical and contemporary experiences offer guidance. Elinor Ostrom's theory of *nested governance* and Neil Walker's notion of *constitutional pluralism* suggest that conflicts need not be centralized but can be managed through reciprocal recognition and multilayered adjudication. In practice, unterritorial institutions could establish *joint arbitration councils* – analogous to transnational chambers or hybrid courts – where overlapping jurisdictions negotiate rules of precedence.

This arrangement maintains polycentric accountability while preventing jurisdictional anomie. It acknowledges that no single polity can legitimately claim absolute supremacy; instead, legitimacy derives from procedural cooperation and mutual oversight. Such a design would align unterritorial democracy with the broader jurisprudence of global constitutionalism, where authority is always shared, contested and revisable.

A research agenda for unterritorial democracy

If unterritorial democracy is to move from speculative blueprint to viable design, it requires more than normative imagination. It demands a research agenda capable of measuring, comparing and evaluating institutions that follow persons rather than places.

From state indices to person-linked metrics. Most established measures – Freedom House, Polity, V-Dem – remain stubbornly state centered. They evaluate territorial units, not individual experiences of democracy. To capture unterritorial dynamics, we need indicators anchored in persons. Four dimensions are especially promising:

- Membership portability: How easy is it for people to join, exit or combine memberships in nonterritorial polities?
- Competence clarity: How clearly are responsibilities divided between territorial and unterritorial authorities?
- Equity of access: Do members enjoy equal access to services regardless of geography or community resources?
- Accountability: Are there mechanisms for participation, oversight and sanctions within nonterritorial polities themselves?

This move echoes Fox's (2005) call to unpack 'transnational citizenship' and Jakobson and Kalev's (2013) comparative assessments of participation across borders, both of which anticipate the need for person-centered indicators beyond state-bound measures. Such indicators would not only enrich comparative politics, but also sharpen democratic

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theory, allowing us to assess whether overlapping polities expand choice and agency – or whether they simply repackage inequalities in new institutional clothing.

Feasibility conditions

Digital affordances now make feasible what Renner, Bauer or the Bund could only sketch. Online assemblies, encrypted platforms and blockchain-based registries can enable membership management and decision making across borders. At the same time, digital divides remind us that technology can empower some while excluding others. Allen et al. (2014) extend the concept of panarchy to ecological and social systems, stressing adaptive cycles across scales, while Levy (2015) argues for a pluralist order sustained by competing, overlapping communities. Together, they underscore that complexity is not an obstacle but the very medium in which unterritorial polities could operate – paradoxically, it is precisely through overlapping and adaptive cycles that stability can emerge.

Elinor Ostrom's (2010) insights on polycentric governance and Aligica and Tarko's (2012) extension of Polanyi's insights, further show how overlapping authorities can generate resilience through redundancy rather than collapse through competition.

International implications

Unterritorial democracy also raises questions for international relations. If political communities overlap across states, what becomes of sovereignty, diplomacy and treaties? Could diasporas or transnational associations negotiate agreements alongside states? Precedents already exist: diaspora voting rights, indigenous federations and transnational NGOs hint at such possibilities. James Madison's Federalist No. 51 (1961 [1788]) reminds us that checks and balances are not exclusive to territorial orders; they may apply equally to overlapping polities in a pluralist world.

In short, the research agenda is twofold: to develop new metrics that capture individual-centered democracy and to specify the material and institutional conditions under which unterritorial designs can thrive. Both tasks demand imagination, historical awareness and empirical rigor. Above all, they require that we rethink the very boundaries of the demos. Developing such metrics responds to ongoing debates within global constitutionalism on how to design analytical tools that capture constitutional authority beyond the state.

Conclusion: rethinking democracy beyond territory

The COVID-19 pandemic revealed with brutal clarity both the fragility and the adaptability of democracy. It showed that political belonging remains stubbornly territorial even as daily life, work and solidarity increasingly transcend borders. This stress test is not the starting point of the argument but its confirmation: if democracy is to match the portability of 21st century lives, it must therefore be reimagined within a framework of multiterritorial pluralism, where maps no longer confine the demos.

This essay has suggested a different horizon. Drawing on panarchist visions (De Puydt, Nettlau, Zube, Rozeff), Austro-Marxist debates (Renner, Bauer) and Bundist experiments with nonterritorial autonomy, I have argued that democracy need not be confined to maps. It can be imagined as unterritorial: voluntary, overlapping, portable communities of belonging that travel with persons rather than being chained to places. This resonates with Jefferson's assertion in the Declaration of Independence (1776) that governments

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derive their 'just powers from the consent of the governed' – a consent that need not be territorially confined.

Of course, this horizon is fraught with dilemmas. Equity, accountability and interdependence will not resolve themselves. Critics warn of inequalities, externalities or segregation. Yet, history reminds us that what once seemed utopian – universal suffrage, women's rights, direct elections – eventually became mundane. The question our century must face is: why should democratic consent remain territorially confined?

Kant ([1795] 1972) envisioned a federation of republics that might secure 'perpetual peace', but his imagination stopped at borders. Madison (Madison 1788 [1961]) defended checks and balances as the safeguard of liberty, yet only within a territorial architecture. Unterritorial democracy challenges us to extend such safeguards into plural, overlapping polities. Macrotheories of the state also underscore the contingency of our current order: Weber (1978) defined the state by its territorial monopoly of legitimate violence; Tilly (1990) showed that this form crystallized through war-making and extraction rather than democratic choice; Schumpeter (1942) reduced democracy to a competition for votes within that territorial frame; and Dahl (1989) described polyarchy as the institutionalization of uncertainty within bounded states. Unterritorial democracy unsettles each of these premises: it diffuses Weber's monopoly, disrupts Tilly's territorial logic, stretches Schumpeter's competition across voluntary communities and extends Dahl's uncertainty into overlapping and portable polities.

This essay therefore contributes in two ways: first, by theorizing unterritorial democracy as an alternative architecture of belonging that multiplies rather than abolishes polities; and second, by developing criteria and precedents that render such designs both historically grounded and normatively urgent. Unlike cosmopolitan democracy (Held 1995; Archibugi 2008), which imagines a single universal demos, unterritorial democracy emphasizes plural and overlapping communities that individuals can enter, exit and combine.

Before closing, it is worth recalling that this essay has been both analytical and normative: analytical in systematizing dispersed legal and political innovations that already erode the monopoly of territorial citizenship; normative in articulating the conditions under which those innovations could enhance rather than weaken democratic accountability. Its ambition is not to prescribe a blueprint but to offer a vocabulary for designing *unterritorial institutions* that remain publicly answerable across scales. Seen in this light, the argument belongs to the reflexive current of global constitutionalism, which links descriptive inquiry with constitutional imagination.

Unterritorial democracy is not a fantasy but a provocation. It invites us to rethink the demos itself: to design institutions that follow persons, not places. If democracy is, as Diamond (2021) notes, vulnerable to regression in its current forms, perhaps its renewal lies not only in defending the state but in reimagining political belonging.[6] Another world is possible – not by abolishing borders, but by refusing to let them define the limits of democratic consent. As Delanty (2009) argues, the cosmopolitan imagination lies in the capacity to envision new forms of belonging beyond the nation–state. Unterritorial democracy can be read as one such imagination made institutional: a design for portable, overlapping polities that transform the way we conceive democratic consent. In this sense, it aligns with and extends the research program of *Global Constitutionalism*, which seeks to understand how rights, the rule of law and democratic legitimacy can be preserved and

[6]See also Chull Shin (2021); Gerschewski (2021).

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expanded when authority transcends the state. Unterritorial democracy does not replace territorial constitutionalism but adds a complementary horizon, foregrounding person-linked belonging as a category of constitutional analysis. Methodologically, the article proposes person-linked indicators as a complement to state-centric metrics, aligning measurement with the field's concern for authority that travels across and beyond states.

The pandemic ultimately exposed the mismatch between portable lives and fixed memberships. It revealed that societies can adapt work, communication and solidarity across borders with striking speed, yet political belonging remains stubbornly territorial. For global constitutionalism, the challenge of the 21st century is therefore to close that gap: to design democracies that are as portable, resilient and accountable as the people they claim to serve. Such democracies are not beyond territory but interwoven across multiple territorial scales, global, national, local and associative, each reinforcing the others.

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