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Denationalized States and Global Assemblages

Magnus Wennerhag in dialogue with Saskia Sassen

Magnus Wennerhag: Today, there is an obvious difference between the rhetoric of liberalism — that is, liberalism as political ideology — and the actual workings of the state in liberal-democratic polities. From an historical perspective, how should we understand this difference?

Saskia Sassen: I would distinguish two issues. One is that historically, liberalism is deeply grounded in a particular combination of circumstances. Most important is the struggle by merchants and manufacturers to gain liberties vis-à-vis the Crown and the aristocracy, and the use of the market as the institutional setting that both gave force and legitimacy to that claim. Seen this way, why should liberalism not have decayed? What rescued liberalism was Keynesianism, the extension of a socially empowering project to the whole of society. This is the crisis today: Keynesianism has been attacked by new types of actors, including segments of the political elite. What is happening today is on the one hand a decay (objectively speaking) of liberalism even as an ideology — being replaced with neoliberalism, attacks on the welfare state, etc — and, on

the other hand, a decay of the structural conditions within which Keynesian liberalism could function. So the struggle today has been renamed: one key term is democratic participation and representation, and those who use this language will rarely invoke liberalism. When we praise liberalism, it is often a situated defense: as against neoliberalism, as against fundamentalisms and despotisms — this is not necessarily invoking historical liberalism, which at its origins was defending the rights of an emerging class of property owners, but the best aspects of a doctrine that had to do with the fight against the despotism of Crown and nobility.

MW: In your new book,¹ you call the development of the US state "illiberal". Is this a more general development that can be seen in other countries as well?

SS: Theoretically speaking, I would say that we will see similar trends in other liberal democratic regimes that are neo-liberalizing their social policies, hollowing out their legislatures/parliaments, and augmenting as well as privatizing or protecting the power of their executive or prime ministerial branch of government. That is to say, we will see these trends where we see the conditions I identify for the US, even though they will assume their own specific forms and contents. I would say that Blair's reign in the UK especially since the war on Iraq has clearly moved in this direction. Instead of being guided (and disciplined!) by the Cabinet, which is parliament based, Blair set up a parallel "cabinet" at Downing Street from which he got much of his advice and confirmations of the correctness of his decisions. This had the effect of hollowing out the real Cabinet. This

may also explain why some of the leading figures of the real Cabinet resigned: Robin Cook, Clare Short. All of this is well known and much commented on in the UK. At the same time, I would argue that even though Berlusconi's regime had some of these features, it was more a consequence of corruption and manipulation of the political apparatus than the type of systemic development I am alluding to. The answer to your question is also empirical: we need research to understand where this systemic trend is emerging and becoming visible/operational.

MW: Many European countries are currently contemplating introducing some type of "citizenship tests". In Sweden, the traditionally social liberal Folkpartiet has pursued this issue and proposed that immigrants have to pass a language test to become Swedish citizens. Generally, the party wants to apply more paternalistic political measures — "tough on crime", more discipline in schools — especially regarding immigrants. The corresponding political party in Denmark has, during its time in office, brought this development even further. Speaking of liberalism as a political ideology, do you see it as being in the midst of a crisis, or is it simply adapting to the conditions of the prevailing (economic, political, legal, etc) order?

SS: I would say traditional liberalism is in crisis, or at least being attacked by the governments themselves as well as by powerful economic actors and certain traditional society sectors, such as fundamentalist evangelical groups in the US. Why should it last forever? Nothing has — except the Catholic Church, I guess. But to do so it has had to reinvent itself regu-

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larly. This does not mean that the aspiration of democratic participatory political systems is going under. On the contrary. But its historical liberal form is stressed. Perhaps the real question is whether the state in countries such as the US is liberal, or ever was liberal. It may have implemented liberal policies, and the legislature at various times did embed liberal norms in the state apparatus. But these did not always last. Today we are witnessing yet another set of breakdowns. As for the issues around immigration you mention, they are also happening in the US, where there was even a proposal to make undocumented immigration into a criminal act and status. This is new.

MW: Around the turn of the last century, the discovery of the "social question" (and the rise of the workers' movement) transformed politics in a profound way. It changed the liberal notion of "citizenship", which became more inclusive, making space for previously excluded social classes and political subjectivities. New models for mediating social conflicts via the state were created. From this perspective, how can the handling of today's "social question" — the groups that are marginal or excluded in today's economic circuits and the political subjectivities that this gives birth to — be interpreted?

SS: This is a critical arena. It is an issue which illuminates like few others the decaying capacity of the liberal state to handle the social question — given the type of liberalism that has evolved over the last twenty to thirty years and the context within which today's liberal state operates.

In my new book, I argue that the formal

political system accommodates less and less of the political today. Hence informal forms and spaces of the political become increasingly important today. Most familiar is probably the whole range of street politics. You can demonstrate against police brutality even if you are an undocumented immigrant or a tourist visiting a friend. I am particularly interested in how cultural events can become political at particular times and places. Thus the circus (street circus) has become a political form today, as have parades such as the Afro-Caribbean parades in London and New York, or the gay parades in a growing number of cities around the world. When the Madres de la Plaza de Mayo stood in front of the houses of power in Buenos Aires during the dictatorship protesting the disappearance of their sons and daughters, they were there as mothers, not as formal citizens. And in that sense they were informal political actors, because the legal persona of the "mother" is private, not that of a political actor. I think it was precisely their being there as mothers that protected them, because as citizens they would have been violating the contract between the citizen and the state, and they would probably have been jailed.

Important to my analysis are two other points. One is the role of space. There are kinds of spaces that are particularly enabling, and I think large messy cities, especially global cities, are such spaces.

Secondly, I argue that today the multinational corporation, which is a private legal persona, also functions as an informal political actor at a time when the globalization of the economy requires that national states change some of their key laws and

regulations so that there is a global space for the operations of these firms. They have and continue to put a lot of pressure on governments to do what they want done. Yes, they are informal political actors. I should say, on a more theoretical note, that this points to something that has long been critical in my work: the multivalence of many of the emergent social forms — these new social forms can incorporate what we might call the good and the bad guys.

MW: You mention some of the subjectivities at work today in what you interpret as new political spaces. Do we also have to invent new forms of rights that include those on the outside?

SS: This brings up a critical dynamic, but one that is elusive and often obscured by the hatreds and passions of a period. Some of the best social and civic rights we have achieved in Western societies have come out of the struggles for and against inclusion of the disadvantaged, or the discriminated, or the outsiders. The struggles by women for the vote are an example, as are the struggles of any minoritized citizen — black in the US, for instance. So were the struggles by medieval merchants who fought for the right to protect their property from the abuses of the king, nobility, and Church. When you look at the history of immigration in western Europe (much more so than in the US), you can see how the struggles to include the outsider thickened the civic fabric. In the European context, where the civic matters, including the outsider has always been a big deal. In contrast, in the US with its laissez-faire stance, the notion was more: You want to come in? Fine. But you are

on your own. This is clearly a simplification, given the racism that have proliferated in the US, starting with the racializing of the Irish. But in Europe, including the outsider has meant access to public health and other public services, a reasonable sense of integration. This is, of course, also an exaggeration, but still that is the orientation. The outcome was that European countries had to invent new administrative instruments and often new legal statutes to handle these matters. But this was to the benefit of all, as it strengthened the right to public goods. We have not had this type of development in the US. This was clearly a complex history, but I think these contrasting alignments are present in the trajectories of the US and western Europe.

This was hard work. In my work I emphasize that these types of struggles for inclusion and for the production of new administrative instruments and new types of rights by law took work, took making. Today we seem to have a consumer attitude to these difficult times, such as today's anti-immigrant politics. If there is no ready-made solution lying on a shelf, there must be no solution. We have lost the historical sense of "making".

This political work was often the work of minorities in their struggles for recognition and inclusion. But it typically involved some dedicated groups, politicians, activists of a country's majorities who believed in the need for including rather than excluding. Again, some of our best rights have come out of this history of struggles by the disadvantaged and those holding political ideals that made them marginal, no matter how much a part of the dominant society they may

have been. I like to emphasize that these struggles contained the work of making rights — in fact, often making new rights. This was not only about asking for inclusion under existing rights or asking for a bigger share of the government's pie. Including the outsider meant "making new" rights, especially civic and social. This is a long history in what was largely a Europe of cities.

Today the landscape is confusing — confusing in the sense that it does not make visible all the elements, and in that sense, hermetic. We need to detect what struggles and debates today signal the possibility of the making of new rights. Here I do find that the question of immigration, but also that of racialized citizens, of gays and lesbians and queers, of political dissenters at a time of exceptional powers granted to states — really the executive branch of states — are the ones that can materialize the making of new rights.

MW: The idea of the private sphere — the home as well as the market — has for long been the target of criticism, from progressive theorists as well as social movements, for veiling and legitimizing asymmetries of power and injustices. Are we today, because of the more frequent violations of personal integrity (surveillance, "moral politics", etc), confronting a situation where a different private sphere must be constructed, rather than continuing the criticism of the public-private divide? Or do you see new possibilities coming out of the withering away of old dividing lines between the private and the public?

SS: This is a complex issue and one I spent quite a bit of time teasing out in the

book. Yes, the division as historically constructed is under stress. And it is not just because of surveillance technologies and the erosion of privacy rights. Nor can the current change be explained by the fact that the personal is political and the site for multiple asymmetries. All of these critical aspects are part of the picture, but in one way or another they have been there for a long time.

What is different, or specific to the current transformation? At the deepest level, I argue, it has to do with a changing logic organizing the division of private/public. In its historical origins, this division was a working division: there were specific aims having to do with allowing the expansion of markets, contesting absolutist powers of the Crown, and so on.

My question is: what is the logic that underlies today's changes. It is impossible to do justice to the subject, but here are some elements of my answer. First, the privatizing of executive power brings with it a fundamental inversion of the state/citizen (public/private) relationship. The executive is less and less accountable and citizens' privacy rights are increasingly perforated. Secondly, these perforated privacy rights are but one instance of deteriorating rights for citizens (the most familiar being deteriorating social rights).

Third, a great strengthening of the market sphere, but with an ironic twist: a greater autonomy that allows powerful economic actors, notably global firms, to act as informal political agents. This then moves into my analysis about the denationalizing, partial and specialized, that these firms can bring about in the policies

of nation-states — they get reoriented, away from historically defined national aims towards denationalized global aims. And the latter holds particularly for the executive branch. There are several other issues that I develop, including the growing use of economic corporate law in shaping market dynamics. Markets are not natural conditions; they are created institutions. And today they are being made in particular ways.

MW: What are the implications of a more widespread use of private "legal" techniques, private institutions (private arbitration courts, etc), and private creation of norms, — in general, an increase in the power of private institutions — seen from the perspective of fundamental liberal-democratic values and regarding the possibilities for democratic governance?

SS: Two outcomes. One is that the centripetal power at the heart of the historic project of the nation-state begins to disassemble, partly. The centre no longer holds the way it used to — though this was never absolute, always imperfect, and with much leakage. The result has been a decay in the normative framings, balances between power and vulnerability, and other good features of liberal democracy. So we may still have the systems, the institutions, of that democracy but they mean less and less. Thus in the US we still vote, but it means less. First we had the rapidly falling rates of participation in voting, now down to well under half of the voting population. And the Bush Administration brought with it yet another phase of decay: a contested election that had to be decided by fiat by the Supreme Court. It also revealed that the voting machines of poor black areas were so

defective that many of their votes were not counted, including in past elections.

In my reading, the internal transformation of the state apparatus — growing distance and asymmetry between the power of the executive/prime minister and hollowing out of legislatures/parliaments — is one indication of this institutional decay of "liberal democracies". Again, the US is an extreme case of this decay. You in Sweden have working institutions, as do many of the European countries. The change in the public-private division that I spoke of earlier is another indication of institutional decay in liberal democracy.

In the case of the systems you mention in your question, systems predicated on privatizing "legal" processes, this comes down to an explosion deep inside the institutions of liberal democracy — a kind of subterranean explosion of which we are only seeing the most superficial reverberations, and most people barely recognize them. I go on and on about this in the new book — it is difficult to address in a few words precisely because it is made up of many (I counted over a hundred) small, specialized, often invisible except if you are part of them, legal systems that function in various ways at least partly outside the framing of the national state. These are mostly very partial rather than holistic and mostly private systems of justice and private systems of authority.

In my research for the new book, I found dozens of such private systems.

To this we should probably add the new kinds of supranational and global systems that begin to eat away at the central

authority and the centripetal forces that marked the nation-state, the project of the nation-state. In this new landscape I include informal global systems, that is, systems not running through the interstate or supranational institutional world. Among these are, for example, the various global networks of activists (on the environment, social justice, human rights, etc.). I also include the emergence of sub-junctivities that are not encased by the national — they overflow the national. Some of this is actually very positive, as it denationalizes the national. In other words, these global systems include negative and positive networks from my perspective.

But this also begins to eat away at some of the foundational architecture of liberal participatory democracies. Clearly these trends are far more developed in some countries than in others.

MW: Sovereign authority can be seen as state sovereignty, but also as popular sovereignty — the collective self-realization of the people, in contrast to mere territorial control. Is there any difference in how "de-nationalization" exerts an influence on these different kinds of sovereignty?

SS: There is a revolutionary clause in all the new constitutions framed in the 1990s — Argentina, Brazil, Uruguay, South Africa, the central European countries, and some others. It has gotten very little attention, which surprises me. It says that the sovereign (the state, in the language of international law) even if democratically elected cannot presume to be the exclusive representative of its people in international fora. What lies behind this

is the claim making (back to my informal politics) by a variety of groups that do not want to be merged into some sort of collective identity represented by the state. We can think of first-nation peoples, minoritized citizens of all sorts, new types of feminisms that are transnational, political dissenters, and probably all kinds of other actors now in the making, as we speak.

This clause is revolutionary in that it goes beyond, indeed, contests, the major achievement of the French and American revolutions, which was to posit that the people are the sovereign and the sovereign is the people. The achievement of these earlier revolutions was to eliminate the distance between the people and a putatively divine sovereign (state).

This signals for me the beginning of a reconstituting of sovereignty.

With the notion of denationalization I try to capture and make visible a mix of dynamics that is also altering sovereignty but is doing so from the inside out, and on the ground, so to speak — the multiple micro-processes that are reorienting the historic national project towards the new global project. National state policies may still be couched in the language of the national, but at least some of them no longer are: they are now oriented towards building global systems inside the national state. From there, then, the term denationalization.

MW: Is it possible to discern any counter-powers on the global level, working to re-institute the fundamental principles of the liberal-democratic (nation) state on a global level? Do you think that the criti-

cism of the global justice movement, of institutions like the WTO and the IMF, and its demands for more transparency and a democratization of global institutions, can play a positive role in this?

SS: Yes, definitely. I think one critical element is the notion of repossessing the state apparatus for genuine liberal democracy. The liberal state has been hijacked for neoliberal agendas, and even new types of very modern despotisms. By this I mean despotisms that are less heavy-handed, more intermediated through propaganda machineries, etc.

My preferred version is a denationalized state. I am not keen on nationalisms.

Another critical element is the notion I talked about earlier: that the formal political apparatus accommodates less and less of the political and hence the growing importance of informal political actors and political struggles. I see a lot of this emerging.

Besides what I said earlier, these politics also include a sort of denationalizing of the claim to the right to have rights. And, at the other end, a politics of the rights to the city, which makes politics concrete and democratic, and also has the effect of denationalizing politics — this is not about exclusive allegiance to the state, this is about a denationalized politics.

MW: The title of your new book indicates that the concept of "assemblages" is central to your analysis. What role does this concept have for the description of the hierarchies of power in today's world? And how does it relate to your earlier research on the global city?

SS: A key yet much overlooked feature of the current period is the multiplication of a broad range of partial, often highly specialized, cross-border systems for governing a variety of processes both inside and across nation-states. These systems include at one end of the spectrum private systems such as the lex constructivus — a private "law" developed by the major engineering companies in the world to establish a common mode of dealing with the strengthening of environmental standards in the countries where they are building. At the other end of the spectrum, they include the first ever global public court, the International Criminal Court, which is not part of the supranational system and has universal jurisdiction among signatory countries. Beyond the diversity of these systems, there is the increasingly weighty fact of their numbers — over 125 according to the best recent count. The proliferation of these systems does not represent the end of national states, but they do begin to disassemble bits and pieces of the national.

Emphasizing this multiplication of partial systems contrasts with much of the globalization literature that has focused on what are at best bridging events, such as the reinvented IMF or the creation of the WTO. Rather than the transformation itself. The actual dynamics being shaped are far deeper and more radical than such entities as the WTO or the IMF, no matter how powerful they are as foot soldiers. These institutions should rather be conceived of as having powerful capabilities in the making of a new order — they are instruments, not the new order itself. Similarly, the Bretton Woods system was a powerful instrument that facilitated

some of the new global formations that emerged in the 1980s but was not itself the beginning of the new order as is often asserted.

These cross-border systems amount to particularized assemblages of bits of territory, authority, and rights that used to be part of more diffuse institutional domains within the nation-state or, at times, the supranational system. I see in this proliferation of specialized assemblages a tendency toward a mixing of constitutive rules once solidly lodged in the nation-state project. These novel assemblages are partial and often highly specialized, centered in particular utilities and purposes. Their emergence and proliferation bring several significant consequences even though this is a partial, not an all-encompassing development. They are potentially profoundly unsettling for what are still the prevalent institutional arrangements — nation-states and the supranational system. They promote a multiplication of diverse spatio-temporal framings and diverse normative orders where once the dominant logic was toward producing unitary national spatial, temporal, and normative framings.

This proliferation of specialized orders extends even inside the state apparatus. I argue that we can no longer speak of "the" state, and hence of "the" national state versus "the" global order. We see a novel type of segmentation inside the state apparatus, with a growing and increasingly privatized executive branch of government aligned with specific global actors, notwithstanding nationalist speeches, and we see a hollowing out of legislatures which increasingly become confined to fewer and more domestic

matters. This realignment weakens the capacity of citizens to demand accountability from the executive and it partly erodes the privacy rights of citizens — a historic shift of the private-public division at the heart of the liberal state, albeit always an imperfect division.

MW: Lately, several "grand narratives" of globalization have been formulated by theorists such as Manuel Castells, Michael Hardt, and Antonio Negri. In what ways does your own theory resemble, or differ from, these?

SS: I share much with them, and I know them all. There is much political trust among us. But since you ask about possible theoretical differences, let me answer. One way of starting is to say that their effort has been to map the emergent global. And I agree with what they see and the importance they give to this global. But that is not what I am doing.

Very briefly, my struggle over the last twenty years has been to go beyond the self-evident global scale, and detect the global at sub-national levels. From there comes my concept of the global city, for instance. One way of putting it is that I like to go digging in the penumbra of master categories. The global has become a master category, and is so blindingly clear that it puts a lot of places, actors, and dynamics in a deep shadow. My current work on the denationalized state — no matter how intense the re-nationalizing also is — is yet another instance of the global that is not self-evidently global. I am interested in the ways in which the global might be endogenous to the national. For example, much global capital is actually denationalized

national capital. Strictly speaking, there is no legal persona for the global firm. But there is a global space for their operations, a global space that is the result of states denationalizing bits and pieces of their national systems — it took a lot of work by over a hundred states to do this. The human rights regime offers another type of example. When a judge or a plaintiff uses human rights in a national court for a national court case, it partly, and in very specialized ways, denationalizes a national law system.

By the way, this, again, points to the multiplicity of many of the key categories I have developed to do my type of research. The denationalizing that happens through the demands of global firms is not so good, whereas the denationalizing that happens through the use of human rights in national courts is very interesting, and mostly positive.

These are just two examples of how I work. It is, thus, quite different from just focusing on the global per se. Focusing on the global firm or the human rights regime as global entities is critical. But it needs to be distinguished from the making of that possibility. I am interested in the making. I think this approach also has consequences for politics: we can perform global politics through national state institutions — and in so doing, will, of course, partly denationalize our state, which is fine with me as it begins to build a multi-sited infrastructure for global politics — a global politics that runs through localized sites rather than a world state.

Notes

1. Saskia Sassen, *Territory, authority, rights: From medieval to global assemblages*, Princeton University Press, 2006.

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