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Toward a Multiplication of Specialized Assemblages of Territory, Authority and Rights¹

Saskia Sassen

This is a time of epochal, even if partial, transformations. Some use the notion of globalization to capture the change... a national versus global contest view. Others focus on the War on Terror and its aftermath, emphasizing the ‘state of exception’ that gives governments legal authority to abuse its powers. There are several other interpretations and namings of the character of today’s major transformation. But this suffices to make the point that much of the commentary on the major changes of our time pivots on the notion that the national state is under attack, or at the minimum, that it is suffering the erosion of its territorial protections.

In contrast I argue that the major change is not fully captured in these types of understandings. A key, yet much overlooked feature of the current period is the multiplication of a broad range of partial, often highly specialized, global assemblages of bits of territory, authority and rights once firmly ensconced in national institutional frames. Furthermore, these assemblages cut across the binary of national versus global. They inhabit national institutional and territorial settings, and they span the globe in what are largely trans-local geographies connecting multiple sub-national spaces.

If you see through the eye of the national state, the proliferation of these assemblages look like inchoate geographies.

Bits of a new reality

We are seeing a proliferation of cross-border systems for governing diverse processes both inside and across nation-states, these systems include at one end of the range private systems such as the *lex constructionis* – 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 range 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 fact of 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.

Looking at some current, often minor and barely visible, developments through this lens opens up some interesting vistas. For instance, Hezbollah in Lebanon can be seen as having shaped a very specific assemblage of territory, authority, and rights, that cannot be easily reduced to any of the familiar containers – nation-state, internal minority controlled region, such as the Kurdish region in Iraq, or a separatist region such as Basque in Spain. Similarly, the emerging roles of major gangs in cities such as Sao Paulo which, besides their criminal activities, are also increasingly taking over ‘government’ functions: ‘policing’, providing social services and welfare assistance, jobs, and a whole new norm of rights and authority.

We also see these novel mixes of territory, authority and rights in far less visible or noticed settings. For instance, when Mexico’s (former) President Fox met with undocumented Mexican immigrants during his visit to the US this past May, his actions amounted to the making of a new informal jurisdiction. His actions did not fit into existing legal forms that give sovereign states specific types of extraterritorial authority. Nonetheless, his actions were not seen as particularly objectionable; indeed, they were hardly noticed. Yet these were, after all, unauthorized immigrants subject to deportation if detected, in a country that is now spending almost 2 billion dollars a year to militarize border control. But no INS or other police came to arrest the undocumented thus exposed, and the media barely reacted. Or When Chavez, seen as an ‘enemy’ of sorts by the US government, is somehow enabled to bring oil to the poor in a few major cities in the US, or to go to Boston and given incendiary talk criticizing Bush. Similarly, President Bush is now addressing directly the people of other countries, most recently Syria. All of these are minor acts, but they were not somehow acceptable or customary even a short time ago. They can be seen as producing novel types of jurisdictions.

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 getting 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 powerful capabilities for the making of a new order – they are instruments, not the new order itself. Similarly, the Bretton Woods system was a powerful capability that facilitated some of the new global formations that emerge 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 (chapters 8 and 9; also chapters 4, 5 and 6). 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 (chapters 5, 8 and 9). Their emergence and proliferation bring several significant consequences even though this is a partial, not an all-encompassing development. They are potentially profoundly unsettling of 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 (chapters 8 and 9).

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 (chapter 4). 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 (chapter 6).

Avoiding Master Categories

A major methodological, theoretical and political implication of the type of analysis I am proposing is that it is insufficient to focus on the nation-state and the global system as two distinct entities. The transformations afoot criss-cross this binary, and enter the national and even the state apparatus itself. To historicize both the national and the global as constructed conditions, in the larger project on which this paper is based (2006) I have taken three transhistorical components present in almost all societies and examined how they became assembled into different historical formations. These three components are territory, authority, and rights (TAR). They assume specific contents, shapes, and interdependencies in each historical formation. The choice of these three rests partly on their foundational character and partly on the contingency of my fields of knowledge. One could, and I hope someone will, choose additional components or replace one or another of these.

Territory, authority, and rights are complex institutionalizations constituted through specific processes and arising out of struggles and competing interests. They are not simply attributes. They are interdependent, even as they maintain their specificity. Each can, thus, be identified. Specificity is partly conditioned by levels of formalization and institutionalization. Across time and space, territory, authority, and rights have been assembled into distinct formations within which they have had variable levels of performance. Further, the types of instruments and capabilities through which each gets constituted vary, as do the sites where each is in turn embedded – private or public, law or custom, metropolitan or colonial, national or supranational, and so on.

Using these three foundational components as analytic pathways into the two distinct assemblages that concern me in the larger project, the national and the global, helps avoid the endogeneity trap that so affects the globalization literature. Scholars have generally looked at these two complex formations in toto and compared them to establish their differences. This is not where I start. Rather than comparing what are posited as two wholes – the national and the global – I disaggregate each into these

three foundational components – territory, authority, and rights. They are my starting point. I dislodge them from their particular historically constructed encasements – in this case, the national and the global – and examine their constitution in these different historical configurations and their possible shifting across and/or insertions in various institutional domains. This also produces an analytics that can be used by others to examine different countries today in the context of globalization or different types of assemblages across time and space.² One thesis that arises out of this type of analysis is that particular national capabilities are dislodged from their national institutional encasement and become constitutive of, rather than being destroyed or sidelined by globalization.³

In the modern state, TAR evolve into what we now can recognize as a centripetal scaling where one scale, the national, aggregates most of what there is to be had in terms of TAR. Though never absolutely, each of the three components is constituted overwhelmingly as a national domain and, further, exclusively so. Where in the past most territories were subject to multiple systems of rule, the national sovereign gains exclusive authority over a given territory and at the same time this territory is constructed as coterminous with that authority, in principle ensuring a similar dynamic in other nation-states. This in turn gives the sovereign the possibility of functioning as the exclusive grantor of rights.

Globalization can be seen as destabilizing this particular scalar assemblage. What scholars have noticed is the fact that the nation-state has lost some of its exclusive territorial authority to new global institutions. What they have failed to examine in depth is the specific, often specialized rearrangements inside this highly formalized and institutionalized national apparatus and how these rearrangements have contributed or at least enabled that shift to global institutions. This shift that is not simply a question of policymaking. In overlooking such rearrangements it is also easy to overlook the extent to which critical components of the global are structured inside the national producing what I refer to as a partial and often highly specialized denationalization. Today particular elements of TAR are becoming reassembled into novel global configurations. Therewith, their mutual interactions and interdependencies are altered as are their institutional encasements. These shifts take place both within the nation-state, for example, shifts from public to private, and through shifts to the intersupranational and global levels. What was bundled up and experienced as a unitary condition – the national assemblage of TAR – now increasingly reveals itself to be a set of distinct elements, with variable capacities for becoming denationalized. It points to possibly sharp divergence between the organizing logics of the earlier international and current global phases. In earlier periods, including Bretton Woods, that logic was geared toward building national states, often through imperial geographies; in today's phase, it is geared toward building global systems inside national states.

Specialized assemblages as New Types of Territoriality

We see emerge the formation of particular types of territoriality assembled out of 'national' and 'global' elements, with each individual or aggregate instance evincing distinct spatio-temporal features.

A first type of territoriality can be found in the development of new jurisdictional geographies. Among the more formalized instances are a variety of *national* legal actions which, notwithstanding their transnational geographies, can today be launched from national courts. A good example are the lawsuits launched by the Washington-based Center for Constitutional Rights in a national court against nine multinational corporations, both American and foreign, for abuses of worker's rights in their offshore industrial operations. In other words, this is a three-sited jurisdiction, with several locations in at least two of those sites – the locations of the headquarters (both the US and other countries), the locations for the offshore factories (several countries), and the court in Washington. Even if these lawsuits do not quite achieve their full goal, they signal it is possible to use the national judiciary for suing US and foreign firms for questionable practices in their operations outside their home countries. Thus, besides the much noted new courts and instruments (e.g. the new International Criminal Court, the European Court of Human Rights), what this example shows is that components of the national rule of law that once served to build the strength of the national state, are today contributing to the formation of transnational jurisdictions. Another instance is the U.S. practice of 'exporting' prisoners to third countries (rendition) to facilitate their torture. This is yet another instance of a territoriality that is both national and non-national. Diverse jurisdictional geographies can also be used to manipulate temporal dimensions. Reinserting a conflict in the national legal system may ensure a slower progression than in the private jurisdiction of international commercial arbitration (chapter 5).

A second type of specialized assemblage that is contributing to a novel type of territoriality is the work of national states across the globe to construct a standardized global space for the operations of firms and markets. What this means is that components of legal frameworks for rights and guarantees, and more generally the rule of law, largely developed in the process of national state formation, can now strengthen non-national organizing logics. As these components become part of new types of transnational systems they alter the valence of (rather than destroy) older national state capabilities. Where the rule of law once built the strength of the national state and national corporations, key components of that rule of law are now contributing to the partial, often highly specialized, disaggregating of particular national state orders. For instance, corporate actors operating globally have pushed hard for the development of new types of formal instruments, notably intellectual property rights and standardized (i.e. Anglo-American) accounting principles, for which they need the support of each individual state where they operate. In their aggregate this and other emergent orderings contribute to produce an operational space that is partly embedded in particular components of national legal systems which have been subjected to specialized denationalizations (chapters 4 and 5); thereby they become capable of an organizing logic that is not part of the national state. Further, in so doing, they often go against the interests of national capital. This is a very different way of representing economic globalization than the common notion of the withdrawal of the state at the hands of the global system. Indeed, to a large extent it is the executive branch of government that is getting aligned with global corporate capital.

A third type of specialized assemblage can be detected in the formation of a global network of financial centers. We can conceive of financial centers that are part of

global financial markets as constituting a distinct kind of territoriality, simultaneously pulled in by the larger networks and functioning as localized microinfrastructures for those networks. These centres inhabit national territories, but they cannot be seen as simply national in the historical sense of the term, nor can they be reduced to the administrative unit encompassing the actual terrain (e.g. a city), one that is part of a nation-state. In their aggregate they house significant components of the global, partly electronic market for capital. As localities they are denationalized in specific and partial ways. In this sense they can be seen as constituting the elements of a novel type of multisited territoriality, one that diverges sharply from the territoriality of the historic nation-state.

A fourth type of assemblage can be seen in the global networks of local activists and, more generally, in the concrete infrastructure of global civil society. Global civil society is enabled by global digital networks and the associated imaginaries. But this does not preclude that localized actors, organizations, and causes are key building blocks of global civil society as it is shaping up today. The localized involvements of activists are critical no matter how universal and planetary the aims of the various struggles – in their aggregate these localized involvements are constitutive. Global electronic networks actually push the possibility of this local-global dynamic further. Elsewhere I have examined (chapter 7) the possibility for even resource-poor and *immobile* organizations to become part of a type of horizontal globality centered on localities. When supplied with the key capabilities of the new technologies – decentralized access, interconnectivity, and simultaneity of transactions – localized, immobilized individuals and organizations can be part of a global public space, one that is partly a subjective condition, but only partly because it is rooted in the concrete struggles of localities. In principle we can posit that those who are immobile might be more likely to experience their globality through this (abstract) space than individuals and organizations that have the resources and the options to travel across the globe. Sometimes these globalities can assume complex forms, as is the case with first-nation people demanding direct representation in international fora, bypassing national state authority – a longstanding cause that has been significantly enabled by global electronic networking. Other times they are more elementary, as is the case with various Forest Watch activists in rain forests around the world. We can see here at work a particular type of interaction between placeless digital networks and deeply localized actors/users. One common pattern is the formation of triangular cross-border jurisdictions for political action which once would have been confined to the national. Local activists often use global campaigns and international organizations to secure rights and guarantees from their national states; they now have the option to incorporate a non-national or global site in their national struggles. These instances point to the emergence of a particular type of territoriality in the context of the imbrications of digital and nondigital conditions. This territoriality partly inhabits specific subnational spaces and partly gets constituted as a variety of somewhat specialized or partial global publics.

While the third and fourth types of territoriality might seem similar, they are actually not. The subnational spaces of these localized actors have not been denationalized as have the financial centers discussed earlier. The global publics that get constituted are barely institutionalized and mostly informal, unlike the global capital market, which is a highly institutionalized space both through national and international law, and

through private governance systems. In their informality, however, these global publics can be seen as spaces for empowerment of the resource-poor or of not very powerful actors. In this sense the subjectivities that are emerging through these global publics constitute capabilities for new organizing logics.

Although these four types of emergent assemblages that function as territorialities are diverse, they all share certain features. First, they are not exclusively national or global but are assemblages of elements of each. Second, in this assembling they bring together what are often different spatio-temporal orders, that is, different velocities and different scopes. Third, this can produce an eventful engagement, including contestations and what we might think of as a ‘frontier zone’ effect – a space that makes possible kinds of engagements for which there are no clear rules. The resolution of these encounters can become the occasion for playing out conflicts that cannot easily be engaged in other spaces. Fourth, novel types of actors can emerge in the processes through which these assemblages are constituted. These novel actors will tend to be able to access cross-border domains once exclusive to older established actors, notably national states. Finally, in the juxtaposition of the different temporal orders that come together in these novel territorialities, existing capabilities can get redeployed to domains with novel organizing logics. These emergent assemblages begin to unbundle the traditional territoriality of the national, albeit in partial, often highly specialized ways. In cases where the global is rich in content or subject to multiple conditionalities, its insertion in an institutional world that has been historically constructed overwhelmingly as a national unitary spatio-temporal domain, is eventful.

Conclusion

Both self-evidently global and denationalizing dynamics destabilize existing meanings and systems. This raises questions about the future of crucial frameworks through which modern societies, economies, and polities (under the rule of law) have operated: the social contract of liberal states, social democracy as we have come to understand it, modern citizenship, and the formal mechanisms that render certain claims legitimate and others illegitimate in liberal democracies. The future of these and other familiar frameworks is rendered dubious by the unbundling, even if very partial, of the basic organizational and normative architectures through which we have operated, especially over the last century. These architectures have held together complex interdependencies between rights and obligations, power and the law, wealth and poverty, allegiance and exit.

The multiplication of partial, specialized, and applied normative orders produces distinct normative challenges in the context of a still prevalent world of nation-states. Just to mention one instance, I would induce from these trends that normative orders such as religions, reassume greater importance where they had been confined to distinct specialized spheres by the secular normative orders of states. I would posit that this is not, as is commonly argued, a fallback on older cultures. On the contrary, it is a systemic outcome of cutting-edge developments – not pre-modern but a new type of modernity that is a kind of default sphere arising out of the partial unbundling of what had been dominant and centripetal normative orders into multiple particularized

segmentations. This is but one outcome, albeit a highly visible one that arouses deep passions. But there are others, and their numbers are growing even as they are rarely as visible as religion.

Notes

¹ This is based on a larger project published as *Territory, Authority, Rights: From Medieval to Global Assemblages* (Princeton University Press 2006). All references in this essay are to this source. There, readers can also find full bibliographic elaboration of the issues raised here.

² I use the concept assemblage in its most descriptive sense. However, several scholars have developed theoretical constructs around this term. Most significant for the purposes of this book is the work of Deleuze and Guattari, for whom 'assemblage' is a contingent ensemble of practices and things that can be differentiated (that is, they are not collections of similar practices and things) and that can be aligned along the axes of territoriality and deterritorialization. More specifically, they posit that particular mixes of technical and administrative practices 'extract and give intelligibility to new spaces by decoding and encoding milieux'. Gilles Deleuze and Félix Guattari, *A Thousand Plateaus:*

Capitalism and Schizophrenia (Minneapolis: University of Minnesota Press, 1987), pp.504–5. There are many more elaborations around the concept assemblage, including not surprisingly, among architects and urbanists (vide the journal *Assemblages*). While I find many of these elaborations extremely important and illuminating, and while some of the assemblages I identify may evince some of these features, my usage is profoundly untheoretical compared to that of the above-cited authors. I simply want the dictionary term. I locate my theorization elsewhere, not on this term.

³ In the larger project (chapters 1, 8 and 9) there are lengthy discussions of questions of method and interpretation. I propose a distinction between capabilities (for example, the rule of law) and the organizing logics (the national, the global) within which they are located. Thus capabilities are multivalent: they can switch organizing logics, with the latter shaping their valence.

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