

Book Reviews

Empire's Law

Michael Hardt & Antonio Negri, *Empire*. Cambridge, Mass.: Harvard University Press, 2000. Pp. xvii, 478. \$36.95 (cloth), \$18.95 (paper).

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Most serious studies of “globalization” quickly derail into simple analyses of the immediately identifiable global institutions and actors, with little inquiry into the deeper interrelationships animating them. We associate globalization with increased trade,¹ or broader cross-cultural contact,² or perhaps with “Americanization,”³ but none

1. Both critics and proponents of “globalization” understand trade—economic “openness”—as key to globalization. *See, e.g.*, PHILIPPE AGHION & JEFFREY G. WILLIAMSON, *GROWTH, INEQUALITY, AND GLOBALIZATION: THEORY, HISTORY, AND POLICY* (1998); KEVIN H. O’ROURKE & JEFFREY G. WILLIAMSON, *GLOBALIZATION AND HISTORY: THE EVOLUTION OF A NINETEENTH-CENTURY ATLANTIC ECONOMY* (1999). For a critical view, see DANI RODRIK, *HAS GLOBALIZATION GONE TOO FAR?* (1997).

2. Consider the flurry of recent work in political and cultural theory assessing new demands for cultural recognition, in multicultural societies and in global discourse more

of these fits precisely. What we lack is an analysis of globalization that inquires into the deeper currents transforming the contemporary world.

In a provocative answer to that lack, Michael Hardt and Antonio Negri's *Empire* constructs a sweeping, theoretically rich account of the nature of globalization. Hardt and Negri argue that we live in a new global hegemony, which they call "Empire," a system of governing principles without bounds, neoliberalism ascendant.⁴ In calling the emerging global order "Empire," they seek to evoke the world of ancient Rome rather than the European imperialist projects of recent centuries.⁵ Unlike those nation-based empires, our current world order more closely resembles the ancient empires, understood as moral and legal frameworks operative over an expansive, fluctuating territory. Similarly, Empire has no demarcated territory: it is characterized by a denial of limits, territorial or otherwise, to its expansion.

Hardt and Negri explore this "Empire" in its many forms: its emerging international legal order with its challenge to conventional national sovereignty;⁶ its economy, based on new forms of networked, global production; its politics with new sources of legitimacy and power. In so doing, they outline an unconventional intellectual history of modernity, from the Renaissance to the late twentieth century. They also explore in detail the new "subjectivities"—the forms of identity and self-understanding—that emerge in Empire, situating their argument within ongoing postmodern and post-Marxist discourses. Analysis on such a grand scale necessarily borrows much from others, particularly contemporary European social theorists.⁷

broadly. *See, e.g.*, ARJUN APPADURAI, MODERNITY AT LARGE: CULTURAL DIMENSIONS OF GLOBALIZATION (1995); WILL KYMLICKA, MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS (1995); JOHN RAWLS, THE LAW OF PEOPLES (1999); CHARLES TAYLOR, MULTICULTURALISM AND THE POLITICS OF RECOGNITION: AN ESSAY (Amy Gutman ed., 1992). Such important work in political and cultural theory rarely makes its way into more popular treatises on "globalization."

3. *See* ANTHONY GIDDENS, RUNAWAY WORLD: HOW GLOBALIZATION IS RESHAPING OUR LIVES 33 (2000).

4. Alain Touraine has argued that the movement against "globalization" should really be a contest over global neoliberalism. *See* ALAIN TOURAINE, BEYOND NEOLIBERALISM (2001). *See also* JOHN GRAY, FALSE DAWN: THE DELUSIONS OF GLOBAL CAPITALISM (1998).

5. On the history of different forms of empire and imperial expansion, *see, for example*, MICHAEL W. DOYLE, EMPIRES (1986); ANTHONY PAGDEN, PEOPLES AND EMPIRES (2001).

6. Hardt and Negri's analysis of the decline of national sovereignty borrows from the work of sociologist Saskia Sassen, among others. *See* SASKIA SASSEN, LOSING CONTROL? SOVEREIGNTY IN AN AGE OF GLOBALIZATION (1996).

7. They are indebted particularly to Michel Foucault, from whom they borrow such ideas as biopower, and to Deleuze and Guattari, whose theoretical approach Hardt and Negri adopt in considering globalization. *See* GILLES DELEUZE & FELIX GUATTARI, A THOUSAND PLATEAUS: CAPITALISM AND SCHIZOPHRENIA (1987); 1 MICHEL FOUCAULT, THE HISTORY OF SEXUALITY (1988), Hardt and Negri's theory of sovereignty is borrowed from GIORGIO

The resulting argument is complex and nuanced, but sometimes difficult to follow and maddeningly impenetrable.

The book has its problems, and the central arguments can be lost in poorly considered prose and a style at once highly abstract and bombastic. In one passage, we are encouraged to recognize ourselves as the “simians and cyborgs we are,”⁸ and elsewhere, we are told of the “joy of being a communist.”⁹ Frequently, the reader is subjected to awkward, jargonistic prose that no high theoretic commitments can justify. The shame is that the argument hidden by such language merits consideration.

LOGICS OF EMPIRE

Hardt and Negri argue that Empire constitutes a form of governance without government. Where Empire expands, it replicates a series of social orderings without relying on a territorial core. Empire consists of various “logics”—for example, the logic of capital, the logic of police intervention, and the logic of networked or post-industrial production.¹⁰ These logics can be established anywhere, thus breaking down the old distinction between core and periphery in favor of a resolutely global terrain; they do not depend on any existing political or juridical formation, such as United States military power or the World Trade Organization, even as they motivate the creation of these institutions and articulate their purposes.

Framing the argument in terms of globalizing logics puts national sovereignty in the background, but Hardt and Negri do not see states as actors playing a game whose rules they cannot control.¹¹ Rather, they resuscitate Polybius’s vision of the tripartite constitution of the Roman Empire and update it to the present day, suggesting a “pyramid of global constitution.”¹² In their version, the monarchical power consists of the United States monopoly on military force and the G-7

AGAMBEN, *HOMO SACER: SOVEREIGN POWER AND BARE LIFE* (1998), a complex and interesting book adapting Carl Schmitt’s idea of sovereignty and Arendt’s and Foucault’s visions of political life to describe the current world political order. See CARL SCHMITT, *POLITICAL THEOLOGY: FOUR CHAPTERS ON THE CONCEPT OF SOVEREIGNTY* (1985).

8. MICHAEL HARDT & ANTONIO NEGRI, *EMPIRE* 92 (2000).

9. *Id.* at 413.

10. Hardt and Negri claim that the world is being integrated “by conforming to the structural logics that are active in the construction of Empire, such as the police and military logics (or really the repression of potential subversive forces in the context of imperial peace), the economic logics (the imposition of the market, which in turn is ruled by the monetary regime), and the ideological and communicative logics.” *Id.* at 341.

11. See, e.g., GIDDENS, *supra* note 3, and SASSEN, *supra* note 6.

12. The argument is not that this constitution consists of “ordering elements” but “matrixes that delimit relatively coherent horizons in the disorder of global juridical and political life.” The pyramid is, in other words, a metaphor and analytic tool more than a description of a clear-cut order. See HARDT & NEGRI, *supra* note 8, at 309.

monopoly over the terms of global monetary policy and exchange. The aristocratic function, made up of nation-states and multinational corporations, distributes monarchical control broadly across the world. The people are represented in the pyramid through representative organizations—NGOs, the media, certain global forums—which constitute the “popular” function.¹³ In this more complex rendering, Hardt and Negri reject both the state-centered view of traditional analysis and the pervading critical view, which often imagines globalization as a straightforward expansion of corporate power overtaking the state.¹⁴ However, perhaps more attracted by the aesthetics of this concept than its analytics, they do never clearly delineate the nature of the interlinkages between these functions of the pyramidal constitution of Empire.

Empire's Juridical Structure

The description of the new global order as “Empire” implies a post-national conception of sovereignty, which Hardt and Negri see developing out of the demand for international interventions and the necessity of supranational juridical scaffolding that is capable of supporting such interventions. As they explain, “All conflicts, all crises, and all dissensions effectively push forward the process of integration and by the same measure call for more central authority.”¹⁵ Thus, the military interventions in Kosovo, the IMF bailout of Indonesia and Thailand during the ‘East Asian Crisis,’ and recent humanitarian missions in Africa are all justified on a new, explicitly supranational morality, supported by discourses that both draw on and reinforce our sense of global community and international interdependence. As they put it, “moral intervention has become a front-line force of imperial intervention.”¹⁶

Consider an exemplary current example, the global anti-terror campaign of the United States, “Operation Enduring Freedom,” a transnational mission against a diffuse and shifting enemy in which all states must decide, as President Bush has put it, whether they are with America or “with the terrorists.”¹⁷ This multifaceted operation

13. Hardt and Negri treat all NGOs as complicit in the imperial order. In doing so, however, they neglect the enormous proliferation of grassroots NGOs (particularly in the developing world), without links to transnational media, foundations, or international organizations. Their blanket dismissal seems particularly unfounded, given the deeply reformist aims they suggest for “counter-imperial” action. See *infra* text accompanying notes 31-33.

14. See, for example, DAVID KORTEN, *WHEN CORPORATIONS RULE THE WORLD* (1995), for this latter view.

15. HARDT & NEGRI, *supra* note 8, at 14.

16. *Id.* at 36.

17. In his September 20, 2001 address following the events of September 11, President Bush stated, “Every nation in every region now has a decision to make. Either you are with us

pushes forward international integration, not only in the military cooperation it demands, but also in the articulation of national policies and rhetoric and the drive to incorporate the entire world into a single discourse about the idea of terrorism that presupposes the right of intervention across the global stage.

Thus, Empire is legitimated on a new idea of right without limits. Such a right to intervene—in economic, strategic, humanitarian crises—necessarily undermines national sovereignty and the power of nation-states as the building blocks of the international order. In their place, Hardt and Negri point to an emerging transnational consensus imbued with a sovereign legitimacy.¹⁸ This consensus emerges from a series of global discourses—for example, on science, security, human rights, and development—that motivate the framework for a new global order. Hence, “Empire is not born of its own will but rather is *called* into being and constituted on the basis of its capacity to resolve conflicts.”¹⁹ Every pressure group, every demand, every call on the highest powers—the monarchical powers, in Hardt and Negri’s framework—pushes forward a new moral, imperial order overtaking the traditional sovereignty of states.

Empire’s American Roots

In tracing the beginnings of Empire, Hardt and Negri turn to the United States: the “contemporary idea of Empire is born through the global expansion of the internal U.S. constitutional project.”²⁰ They examine several aspects of the U.S. Constitution, particularly the “tendency toward an open, expansive project operating on an unbounded terrain.”²¹

The notion of unboundedness appears throughout their analysis of Empire, and they trace it back to the American experience. What precisely is “unbounded” about this experience, however, is left unclear. Do they mean geographic unboundedness, in the sense of an ever-shifting western frontier, or the idea of a political project that does not recognize the distinction between inside and outside, based on principles of universal scope?²² The latter explanation conforms

or you are with the terrorists.” Elisabeth Bumiller, *Bush Pledges Attack on Afghanistan Unless it Surrenders Bin Laden Now*, N.Y. TIMES, Sept. 21, 2001, at 1.

18. By sovereign here, Hardt and Negri borrow from Carl Schmitt the idea that sovereignty is the right to “decide the exception,” to intervene in the crisis for which ‘normal’ law has no answer. See SCHMITT, *supra* note 7. See also AGAMBEN, *supra* note 7.

19. HARDT & NEGRI, *supra* note 8, at 15.

20. *Id.* at 182. By “constitution” here they do not mean the literal constitutional text but the broader idea of the constitution as understood in political theory, the established political and social compact, the way in which the British have a constitution.

21. *Id.* at 161.

22. And if the latter, they do not further distinguish the incorporation of new units through

better to their analysis of Empire, but does not necessarily fit lengthy periods of American history nor does it comport with their emphasis on terrain.

Hardt and Negri argue that Empire emerges from this American experience with the organization of an open-ended space according to central principles, which then are projected globally through the liberal internationalism of Woodrow Wilson.²³ Wilsonian internationalism corresponds “to the original logic of the U.S. Constitution and its idea of expansive Empire.”²⁴ In this, our “American Century,” we should not be surprised to see our constitutional model articulated globally in the new world order.

Yet, however much Empire may be indebted to the American constitutional experience, Hardt and Negri maintain that we do not live in an American empire. They resist seeing America as “the new Rome,” as many anti-globalization activists understand it, even while they understand that it is “privileged” in Empire’s development. This denial of American hegemony seems driven by Hardt and Negri’s refusal of the idea of a “center” in what they argue is a center-less global phenomenon; as a result, they fail to grapple with the American bias in global neoliberalism. We may recognize that “Empire” is not politically centered around America while still demanding an analysis of American influence over transnational media and capital flows—a subject on which the authors have surprisingly little to say.

Empire and Capital

Hardt and Negri identify the same unbounded ambition in the logic of capitalist expansion. Hardt and Negri outline in detail how the logic of capital drives it towards global articulation, borrowing from Marx’s analysis of the global reach of capitalism. Capital knows no limits and thrives by turning the outside into the inside, finding new markets, new technologies, and new sources of labor. In that process, it ultimately runs up against the limits established by national boundaries: “Historically, capital has relied on sovereignty and the support of its structures of right and force, but those same structures continually contradict in principle and obstruct in practice the operation of capital, finally obstructing its development.”²⁵ Hardt and

a modular expansion and operation over a literally unbounded, hence infinite, expanse. Both are forms of openness and unboundedness, but one is the continual incorporation of the new rather than the lack of limits.

23. In recent historical studies, too, Wilson appears the man of the new global order. See, e.g., TONY SMITH, *AMERICA’S MISSION: THE UNITED STATES AND THE WORLDWIDE STRUGGLE FOR DEMOCRACY IN THE TWENTIETH CENTURY* (1994).

24. HARDT & NEGRI, *supra* note 8, at 175.

25. *Id.* at 327.

Negri argue that we are in the passage from capital dependent on sovereignty to capital globalized beyond the reach of national sovereignty.²⁶

Resistance to Empire

Empire draws a bleak portrait of the current global order as radically opposed to human values and collective priorities. But Hardt and Negri seek not only to describe Empire but also to uncover the liberatory possibilities of globalization. They argue that while we are driven to “globalization,” we are not driven to this particular form of it. Rather, we inhabit one of many possible globalisms—an insight often missed in the discussion on “globalization.” Their target is not globalization but this form of it: “[The] enemy . . . is a specific regime of global relations that we call Empire.”²⁷ A general stance against globalization “obscures and even negates the real alternatives and the potentials for liberation that exist *within* Empire.”²⁸

However, it remains unclear what room they leave for anti-imperial action, or even for independent human agency, since Empire proceeds according to decentered logics independently of any unique set of global actors. They argue that Empire generates its own resistance: imperial advance emiserates and reconstitutes people in new forms of subjectivity, and the restlessness of this “multitude” is itself a form of resistance. Hardt and Negri celebrate the circulation of people and ideas around the globe, praising hybridity, nomadism, desertion, and miscegenation.²⁹ This circulation constitutes the new global sociality on which Empire tenuously rests, seeking to cultivate for its own ends and yet always needing to check its expansion beyond the bounds of the imperial hierarchy.

Unfortunately, Hardt and Negri never explain how this restlessness translates into effective counter-imperial action. We may affirm the new forms of sociality, production, and subjectivity accompanying the transition to Empire, and even see them in significant tension with the dominant order; but nevertheless, we may also think that a meaningful challenge to Empire will require more than restless creativity alone.

Towards Counter-Empire

Hardt and Negri offer few concrete proposals for what they call

26. Of course, any observer of the recent international financial crises understands the independence of global capital from national controls. See, e.g., GIDDENS, *supra* note 3.

27. HARDT & NEGRI, *supra* note 8, at 45-46.

28. *Id.* at 46.

29. *Id.* at 361-364.

“Counter-Empire,” declaring that imagining alternatives to Empire can fall into an entrapping metaphysics, denying the power of people to craft their own future: “Only the multitude through its practical experimentation will offer the models and determine when and how the possible becomes real.”³⁰ Yet, they do suggest the broad outlines on which initial struggles may take place, identifying three aims of the struggle against Empire: global citizenship, a global basic income, and the right of reappropriation of the new sources of productivity—the electronic networks and knowledge industries. The right to global citizenship allows the multitude to control its own movement, enfranchising people in an age of massive, transnational migrations. The right to a guaranteed basic income generalizes the idea of a “living wage” beyond wage labor to include all productivity, all forms of work, whether formally remunerative or not.³¹ Finally, Hardt and Negri consider the right of reappropriation to mean free access and public control of the new communicative media—the information and knowledge industries.

What are we to make of this picture of Counter-Empire? The concrete proposals appear to be a global projection and strengthening of existing social democratic restraints on capitalism already operative in many advanced industrial countries. This is not a criticism but a puzzle. If the first steps toward Counter-Empire are an expansion of citizenship, a guaranteed income, and the public appropriation of the knowledge industries (public goods perhaps worthy of public ownership in any event), is Counter-Empire anything other than a deepened social democracy operative on a global stage? And if so, why do Hardt and Negri insist on their revolutionary and emancipatory Marxist rhetoric?³² Would not an approach that directs piecemeal social change towards radical ends—“revolutionary reform”³³—better comport both with Hardt and Negri’s call for global social democracy and their respect for the indeterminacy of counter-imperial action?

30. *Id.* at 411.

31. For more on the basic income, see ARGUING FOR A BASIC INCOME: ETHICAL FOUNDATIONS FOR A RADICAL REFORM (Philippe van Parijs ed., 1992); ANDRE GORZ, A CRITIQUE OF ECONOMIC REASON (1989); MARKET SOCIALISM: THE CURRENT DEBATE (Pranab Bardhan & John E. Roemer eds., 1993); PHILIPPE VAN PARIJS, REAL FREEDOM FOR ALL: WHAT (IF ANYTHING) CAN JUSTIFY CAPITALISM? (1995).

32. That is, given that there would be an overlapping consensus among liberals, radicals and communists about their proposed move towards a more just form of globalization, why do they employ a language that is bound to inhibit such a consensus?

33. For one approach to “revolutionary reform,” see Roberto Mangabeira Unger’s three-volume work *Politics*, which presents a radical political theory that seeks to moderate the distinction between context-preserving conflict and revolutionary conflict in the idea of revolutionary reform. For these themes, see in particular ROBERTO MANGABEIRA UNGER, SOCIAL THEORY: ITS SITUATION AND ITS TASK 163-64 (1987).

Clearly, Hardt and Negri are weaker when it comes to proscription. That said, *Empire* offers a provocative and theoretically sophisticated description of globalization, a needed corrective to the anodyne versions flooding the mainstream media. No wonder the diverse cast of anti-globalization protestors have trouble locating a coherent core to oppose when the struggle is rather to conceptualize alternatives to Empire, especially when such alternatives must be open in their scope and more, not less, attractive on that same global scale.

