

CHAPTER 2

STRUGGLE: TOWARD A CARTOGRAPHY OF ENGAGEMENT

Global political economy rests on expert knowledge practices. But it is not all ideas, dialog and persuasion. The knowledge practices of experts are undertaken through conflict and struggle that are ruthless, unceasing and often violent. Knowledge work encourages, defends and legitimates harm: diseases untreated, businesses bankrupted, families destroyed, cultures unraveled. When international law—or any other expertise—“legitimates” warfare conducted according to its precepts, killing, burning and maiming people become easier to undertake. The means of expert struggle are every bit as ruthless. Although knowledge work often begins with words, experts assert, persuade, and implement their knowledge by coercion, not only when they send missiles as messages, but whenever they mobilize political or economic power behind their arguments and claims. In expert work, the saying, the insisting and the enforcing blend together. In this chapter, I describe an approach to placing the modes and strategies of expert struggle at the center of our picture of how the world works.

A more conventional way to locate the work of expertise in global conflict and competition would be to look for experts “inside” a larger system of actors engaging one another competitively or coercively. After training in political science, for example, we might begin with a large picture of the international system. Depending on the strand of political science one preferred, it might be a “balance of power” system among states with analogous “national interests” or a multilevel game in which more types of actors compete and cooperate, their orientation to the system a function of diverse cultural preferences and institutional arrangements. Or it might be something more communicative and constructivist in which the actors and the system reinforce and regenerate

one another. Political actors would struggle and clash—or work out a more or less stable *modus vivendi*. After training in economics, by contrast, we might begin with a picture of the world economy in which welfare maximizers interact in the shadow of a price system or of a trade and finance system through which national economies jostle for advantage. Economic actors would compete for market share or work out profitable modes of collaboration. The competition among them would generate the creative destruction of capitalism. The pattern that emerged might be a relatively stable equilibrium or stand on a knife edge. However we imagined the system, conflict and cooperation would take place among the rival political or economic actors who were understood to inhabit it.

In such a picture, the work of experts would indeed be the work of ideas and words: analyzing, explaining, informing, advising. We would look for them *within* the system: counseling actors, interpreting their powers and the limitations of the structure, resolving disputes, offering their knowledge on questions actors thought relevant. Legal professionals would do these things with legal expertise: explaining the rules, the limits, the powers and perquisites of actors in the system. The big story would be about the global economy or political system, the major actors the nations or national economies or preference maximizers. As they struggled for advantage, experts would stand behind them, whispering, interpreting, taking care of the details. Were experts to become central to the story there might even be a problem: in politics, a technocracy problem; in economics, an agency problem or the loss of “consumer sovereignty.”

In the contemporary world, expertise and the practices of experts have merged with the calculations of economic and political actors. To understand that reality, I develop an approach to conflict in global affairs from the inside out, foregrounding the knowledge practices of experts in the making and re-making of actors and structures through struggle. I propose a cartographic model of expert struggle from the perspective of those who engage in it. The central axis is coercive struggle over the allocation of value. People pursue conflicting projects by mobilizing their respective powers to coerce adversaries into foregoing gains.

I focus on law and legal expertise to illustrate possible roles for expert knowledge in this kind of struggle. Legal rules, legal arguments, and professional practices offer a route to understanding the formal and informal arrangements that affect the allocation of gains in global economic, political, or cultural life from the perspective of people making and enforcing assertions of entitlement or authority against one another. As they go along, they generate

identities for themselves and allocate powers and resources in ways that might be interpreted, with the benefit of distance or hindsight, as constituting a system. Seen this way, activity that might otherwise seem a technical practice *within* a system can be understood as generative of the “actors” and “structures” that populate the systems imagined by more conventional modes of analysis.

STRUGGLE: DISTRIBUTION THROUGH COERCION

I begin with a vague image of people pursuing projects on an abstract terrain. I look out the window and imagine a beehive of continuous struggle among people. I focus on “people” rather than more familiar abstract and institutional actors like “states” or “corporations,” “capital” or “labor.” These are all abstract things, labels attached to people for a purpose. And I start with a very simple image of a “terrain” on which projects could be pursued, rather than the elaborate structures of a “state system” or “global capitalism.” Whether the actors are “states” or “corporations,” nations with interests or consumers with preferences may be part of what is at stake in the struggle. Convincing people that they are operating within a “global market” or a “multipolar world system” may be something people would want to do to strengthen their hand or weaken their opponent.

On the terrain where people engage, struggle is an iterative affair best understood dynamically. There is a preexisting status of forces, on the basis of which people come into struggle with different powers and vulnerabilities. They fight to capture gains and exclude their adversaries from things they value. They also fight for an improved starting position in the next round, struggling over the ability to lock in gains and defend their dominance. As a result, no struggle takes place among equals on a level playing field for long. The fault lines between winners and losers mark the outcomes of past struggle and affect the alliances, affinities, oppositions, and trajectories for the next round.

Struggle is most usefully imagined as binary: us and them. This is a familiar starting point: at their root, political, economic, social, or psychological interests are antagonistic. This was Hobbes’s state of nature: a war of all against all.

Hereby it is manifest that, during the time men live without a common power to keep them all in awe, they are in that condition which is called war, and such a war as is of every man against every man. For war consists not in battle only, or the act of fighting, but in the tract of time wherein the will to contend by battle is sufficiently known; and therefore the notion of time is to be considered in the nature of war as it is in the nature of weather.¹

Locating the root of economic activity in self-interested competition is familiar. Here is Adam Smith:

It is not from the benevolence of the butcher, the brewer, or the baker that we expect our dinner, but from their regard to their own self-interest. We address them ourselves not to their humanity but to their self-love, and never talk to them of our necessities, but of their advantages.²

For Clausewitz, the absolute nature of war was the theoretical jumping off point. However much the fog of war may moderate or obscure the antagonism, in his view, strategic thinking begins with the recognition that if the enemy has an interest, your interests are opposed, across the board. If the enemy is well informed and seeks a pause, it must be to your advantage to advance.

I will not begin by expounding a pedantic, literary definition of war, but go straight to the heart of the matter, to the duel. War is nothing but a duel on a larger scale. Countless duels go to make up war, but a picture of it as a whole can be formed by imagining a pair of wrestlers. Each tries through physical force to compel the other to do his will. . . . War is thus an act of force to compel our enemy to do our will.³

War, as Clausewitz imagined it, is not unlike other domains of political and economic life:

We therefore conclude that war does not belong in the realm of the arts and sciences; rather it is part of man's social existence. War is a clash between major interests, which is resolved by bloodshed—that is the only way in which it differs from other conflicts. Rather than comparing it to art we could more accurately compare it to commerce, which is also a conflict of human interests and activities; and it is *still* closer to politics, which in turn may be considered as a kind of commerce on a larger scale. Politics, moreover, is the womb in which war develops—where its outlines already exist in their hidden rudimentary form, like the characteristics of living creatures in their embryos.⁴

Clausewitz is hardly alone in placing opposition and conflict at the heart of political and economic life. Carl Schmitt famously identified the true nature of politics as the encounters of friend and enemy.

The specific political distinction to which political actions and motives can be reduced is that between friend and enemy. . . . The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation,

of an association or dissociation. It can exist theoretically and practically, without having simultaneously to draw upon all those moral, aesthetic, economic, or other distinctions. The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, or it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party.⁵

In one after another field, however, what begins as foundational opposition is muted as actors are constructed and take their places in larger systems. Conflict and struggle become exceptional, order across a constituted system the norm. With the Leviathan or the social contract comes political order. An invisible hand transforms self-interested struggle into a productive market. The idea that system supplants struggle makes it tempting to attribute the results to a master system logic, historical necessity, or human nature rather than to a process by which wins and losses are routinized and reproduced.

Clausewitz suggests an alternative. For him, it is only the primacy of the *political* objective on all sides—the interests of those in struggle to yield or continue—that tempers the absolute opposition of militaries. This is how it looks to people pursuing projects. One foregoes gain either as strategy or in defeat. From a system perspective, the outcome may be growth or environmental catastrophe, but for people with projects, there will be winners and losers. To speak about the system and its logic can only be a strategy: to orient or justify oneself or talk one's opponent into a corner of necessity.

And people do habitually obscure the distributional significance of what they seek by emphasizing the benefits that will accrue to all mankind: we intervene here in the name of the international community, to defend universal values and humanitarian imperatives. People take territory in the name of historic or religious entitlement and invade as problem solvers. A counterclaim in the name of sovereignty will also be pitched in universal terms: if you can intervene here, anyone could intervene anywhere. Expert vocabularies that have “gone global” seem to share an ability to frame particular demands in universal ethical, scientific, or legal terms. You must do this because this is how things are. The fact that asserting a legal entitlement is always to frame one's interest in common agreement and benefit contributes to law's global usefulness.

Although there may be changes in the status quo that would unequivocally make everyone better off and no one worse off, these remain rare in practice. When claims are framed this way, it is easy to overlook those who do, in fact, pay a price. When human rights campaigners oppose the death penalty, for example, it is easy to lose track of the fact that success will bring costs: for sovereigns unable to choose the punishments they prefer, for victims unable to achieve the retribution they may seek, for other prisoners should life without parole become more common. Placing struggle rather than system at the center of the story encourages opposing interests to be identified and the costs and benefits of alternative projects to be assessed.

Struggle distributes when resources, powers, statuses, or virtues are allocated among people, all of whom seek them. It takes coercion to make distribution stick: to prevent those who wanted what they did not get from taking it anyway. Adversaries must be coerced to surrender or forego gains they would otherwise have garnered. In economic terms, to exclude them from your market, to put them out of business, force them into bankruptcy—or simply compel them to pay you a bit more than your costs of production. In political terms, to bend them to your interests, force their submission to your truth, compel their acknowledgment of your authority.

If you can do that by talking to them, excellent. Warfare is but one instance, one tactic, one tendentious label applied to particular struggles and adversaries. Even war is not only or even mainly a matter of bombs, bullets, or boots on the ground. Sometimes threats can work. Sometimes the Security Council—or the global financial system—can do the work for you. Enemies can be coerced by economic rearrangements, physical changes in the landscape, shifts in the arrangement of allies and enemies, changes in community sentiment or in the economies of honor and shame, legitimacy and illegitimacy, or the application of effective administration. As the neologism “lawfare” suggests, war can also be waged by law: law as a weapon, a strategic asset, a force multiplier. As a result, global struggle is a matter of persuasive arguments, strong armies and big bank accounts at the same time. It is at once a material struggle waged with words and a struggle over values and ideas waged by force. Bargaining power is as much a matter of knowledge as leverage is a matter of persuasive authority.

When distribution is accomplished without the use of force, the coercion may not be obvious on the surface. But it is there. When people agree or go along, the discourses that persuade them may reflect a hegemony forged in an earlier distributional settlement. Or, under the terms of earlier settlements, those who need to agree may not be those who pay the price. A great deal of global

struggle is undertaken with words whose effects reflect the sedimented authority of prior wins. Gains are won or lost by classification in shared vocabularies: this is a private dispute, whereas that is a public matter; this is political, that is economic; this is national, that is international. Or by the framing of a dispute: this crisis is a horizontal political struggle between regional alliances, whereas that one is about enforcing the will of the whole world against an outlier.

Such claims are often made in legal language because law is a site where words can be made real as coercion. The assertion of a legal entitlement or a claim to legal authority relies—tacitly or officially—on an enforcement power. Force is somewhere in the mix, often in the implicit background thinking where people take formal and informal, direct and indirect pressures into account. They might be thinking about the coercive power of the state, of their families, economic partners, communities, traditions, or religions. Formal and informal legal norms attest to the coercive authority of those who stand behind them. The law we can see forms a Bayeux Tapestry of past conflict and a prediction of coercive pressures that might be brought to bear in the future.

THE PERSPECTIVE OF PEOPLE IN STRUGGLE

When people think strategically about their own projects, they grasp the dynamics of global struggle without exaggerating or naturalizing the “system” within which it occurs. They do so by focusing closer in, on opportunities for gain, vulnerabilities to their competitors, levers by which they can render the terrain more hospitable to their objectives. This requires attention to the available political or economic vernaculars and institutional arrangements for identifying and securing gains. How are resources, authority, and status distributed, when and how do those distributions become more or less stable, and how do those inequalities affect what happens next? What levers are available to ensure—and increase—my share?

If you work for a large oil company, you may wish to increase your firm’s share in the gains from the exploitation of oil reserves in the developing world. The number of levers that affect the price of oil and allocation of gains from its extraction is practically infinite. If we were to start with a “system,” it would be very unclear which system to pick: the geopolitical system, the world financial system, the transport system, the international tax system, the legal system, the land tenure system, the “oil system”? People constituted as actors in all these systems may have the power to help or hinder your effort to increase your share of the gains from oil exploitation.

A savvy person would begin with a 360-degree audit of the terrain, identifying the widest range of people in various systems who might be enlisted as an ally or should be feared as an adversary. You might start with a rudimentary sense for the people and entities that might be relevant: other oil companies, one or another government, a local community, some politicians, some shareholders, a rebel group, various people inside and outside the nation. This is a tentative list. There would be lots more—banks, governments, political parties. To sort them out, you would need to understand their projects—are they adverse or complementary—and their powers and vulnerabilities. Then you would need to inventory the coercive tools available to you to press for advantage on this terrain. If there are gains to be had, how can they be locked in? Are there opportunities to play for advantage in the next round by consolidating your powers? For strategic actors of all kinds, the greatest challenge is often knowledge: gaining an overview of risks and opportunities and turning that knowledge into strategy. Who are the competitors, where are the markets, where and how can gain be extracted and retained? What are the risks? A cartography of risk is often the work of “due diligence” required before engagement. Who are the regulatory players? Who are your business partners? But this is just one piece of the puzzle. Frontline players must not only do the diligence to ensure compliance with various legal regimes. They must also remain alert for strategic opportunities and be trained in the arts of political, economic, and legal combat. A better word might be “strategic awareness.” The goal is internal and contextual awareness in diverse and distributed business environments where supply chains are lengthy and business partners many and diverse. Law provides a kind of guidebook to the global terrain of struggle. Economic actors push their competitors from the market and harness the public hand for advantage by asserting and enforcing entitlements. Politicians mobilize and promote private or parochial interests as the public interest with the institutional machinery of regulation and administration. Public and private actors engage the legal terrain strategically, seeking to make their standards the global standards and to defeat arrangements that would impede their political or business strategies. Over time, victories and defeats on the terrain of law add up, reproducing patterns of empowerment and disempowerment.

Corporate risk managers and business strategists understand that transnational commerce takes place across a terrain of multiple and shifting rules, standards, and principles of behavior that present opportunities and pose risks. The rate of return in a given market, with a given business partner, or in a given sector rests on a legal foundation. When that foundation shifts, calculations

must also shift: think of new export or financial controls in an important market. Where law poses risks, compliance—or moving elsewhere—can help to avoid liability, the reputational damage of becoming entangled in prosecution or suit and the costs associated with defense.

For thoughtful businessmen, the regulatory terrain is also more than a risk to be mitigated. The global legal environment is also a variable to be managed and an asset to be harnessed. You can seek to replace unfavorable regulations or substitute for them by developing your own internal or sector-specific private standards. You can harness the regulatory terrain as a competitive asset. This is the lawfare part of the story: regulation as a barrier to your competitor's market entry. What business would not like to see its standard imposed as the industry standard, the national standard, the global standard? Regulation can be an offensive weapon—slowing competitors' speed to market, entangling competitors in compliance or litigation. Or a market asset, as where compliance functions as brand enhancement. There is something Clausewitzian about this—where regulation is an asset for you, it is a liability for your competitor, and vice versa. The person responsible for thinking about regulation across the business environment is often called the “compliance officer.” That person may be—often is—a legal professional, perhaps the general counsel, perhaps not. A better title might be “regulatory strategist,” charged with aligning regulatory and business strategy in the global governance struggle. Legal experts play a parallel role in military circles and are forward-deployed ever more routinely. With lawfare comes the engagement of legal professionals in military strategy. With struggle over gains from economic activity comes the engagement of regulatory professionals in business strategy.

The role of law as a strategic tool for capturing gains is easy to see in the distribution of economic gains across global value chains: firms struggle with one another to increase their bargaining power by seeking to insulate what they contribute from competitive pressures while ensuring that those with whom they bargain confront robust competition. Your firm may have intellectual property in the product of the value chain and your suppliers may compete with one another in an environment where all firms have the privilege of access to low-wage labor and workers have no rights to bargain collectively, either within firms or across the industry. The arrangement of public and private law in a world of legally independent sovereigns allows you to secure the advantages of weak foreign labor law while defending your intellectual property abroad. You may also have exclusive access to a link in the distribution system, strong brand recognition among consumers, exclusive arrangements with retailers, or

all of the above. To the extent local and international antitrust policies permit this level of exclusivity, you may cut your suppliers off from negotiation with others along the chain: they must make a deal with you.

Your suppliers may try to gain an advantage vis-à-vis each other by being faster or more reliable, having knowledge of your needs, or securing privileged access to financing, transport, labor, or raw materials. These “competitive advantages” will also be reflected in and dependent on legal and institutional arrangements. Some may be protected by administrative license or may be embedded in more or less exclusive contracts with development banks, local investors, or local governments. The relative productivity of their labor force may reflect a variety of networked relationships, access to housing, educational and health services, local family structures, tolerance for labor unrest, relations with local safety and other inspectors. Their know-how may be reflected in employment contracts or secured simply by defense against trespass within their property. They may have developed relationships with local regulators that speed their time to market or smooth their compliance with other local regulations. They may have obtained—through purchase, license, or custom—entitlement to land for their factory that secures access to transport or labor.

As your suppliers strengthen their hand relative to their competitors, their advantages may come to be embedded in long-term contracts with you that give them further room to maneuver against their competitors. The result is an allocation of the overall gains from production among your firm, your financiers, your shareholders, your consumers, your workers, your suppliers, and all those who are unsuccessful at entering this value chain at some point. That allocation will not be equal, nor will it be an objective reflection of everyone’s “productivity,” unless we are careful to note the extent to which productivity is itself a function of entitlements, bargaining power, and strategy.

We might imagine the terrain across which one might assess the powers and vulnerabilities of people in a global value chain by arranging the various actors on a field constituted by legal and other arrangements for capturing and allocating gains. We may come to the picture with a strong sense for who the actors “in” the chain are as well as a variety of suspicions about their relative powers. In “the value chain” for textiles, for example, we might find assembly workers in textile companies, a series of transport and other middlemen, global retailers, and the various institutions of finance, insurance, and advertising they rely on to move product to consumers. There is no obvious reason to put these actors “in” the chain and others outside it. Governments, media, labor unions, trade negotiators, and hundreds of other actors affect the relative

prices of goods and services passing up and down the chain. A judge in some far-off country may suddenly make an antitrust ruling that shifts the balance of power between global retailers and other distribution systems sharply.

A cartography of power, opportunity and risk for people in this business would need to take these other actors and strategic moves into account. If we look through the constituted actors and soften the boundary of the value chain, many others will come into view. The point of focusing on “value chains” rather than corporate forms was precisely to understand more clearly how power is exercised and value distributed across a production process by softening the boundaries of the corporation to include all those with whom it has direct or indirect, formal or informal, contractual relations. There is no reason to stop here if we are looking for the levers that affect the distribution of value. Stopping here would place the world of media pressures and reputation as well as the entire regulatory terrain out of focus. The most savvy players are always on the lookout for moves, risks, and opportunities outside the frame.

International high politics might also be interpreted as a set of struggles and bargains whose outcome depends on formal and informal norms, expectations, and institutional arrangements. Take the controversy sparked in 2013 by Edward Snowden’s disclosure of US government electronic intelligence-gathering practices. Prior to the disclosure, we could assess the status of forces. Public sovereigns had—or thought they had—various authorities to eavesdrop under international and national law, reinforced by local and global social expectations. Numerous companies and government agencies participated in the provision of global Internet and telecommunications services by license, contract, the exercise of legal privilege or simple convention. Public and private entities in many countries had access and sought access to electronic data both publically and secretly. Public, private, and government knowledge about these efforts was distributed in diverse ways. While some had become matters of public and political controversy—alleged Chinese corporate and military espionage aimed at US companies, for example—most had not.

Snowden’s disclosures shifted the terrain. His global political power to do so resulted from his legally privileged access as a private contractor with Booz Allen holding a US security clearance, a power that could be exercised only against the background of the firm’s disciplinary process (he was immediately fired) and the US government’s legislative, prosecutorial, and enforcement jurisdiction over him, discounted by his ability to use the global airline and communication system to flee the jurisdiction, engage the interest of other governments whose interests diverged from the United States, and stimulate

public reactions by supporters and opponents worldwide who had a variety of instruments at their disposal to register their interest in what happened to him, what happened to the United States, the future of electronic surveillance, and the innumerable other issues raised by various actors in the aftermath of his disclosure.

An enormous variety of existing legal and institutional arrangements influenced the distribution of power among these actors in the days and months that followed: rules about travel and extradition and asylum, rules and informal expectations governing the media in different countries, the corporate structure and regulatory environment for telecommunications, the Internet, and social media platforms. The many actors jostling for position after Snowden's disclosures were already in conversation and struggle about innumerable other issues. The distributions of authority on the contemporaneous agendas for discussion among China, the United States, Ecuador, Russia, the European Union, the telecommunications industry, the US Congress, and so on also affected the bargaining power and position of these actors. In short, Snowden's exercise of power took place in a complex terrain allocating political authority, economic possibility, prestige, and legitimacy among innumerable actors. As the incident played out, people—including Snowden—struggled over the distribution of political gains from what had happened. They did so with very different powers at their disposal, and the outcome shifted the distribution of those powers.

Economic and political struggles over distribution are conducted not only through the peaceful assertion of entitlement or persuasive bargaining. Whether explicit or implicit, threats of violence and coercion are also in play. My exercise of legal rights and privileges can put you out of business, destroy the value of your investment, increase the chance of your death by accident or disease, ruin your marriage. Public actors enforce entitlements coercively and exercise their power through calibrated applications of force. Whether in families, communities, or international political, cultural, or economic networks, the threat and use of coercion and violence not sanctioned by the state is a routine part of local and transnational bargaining.

The “high politics” struggles over the future of the Ukraine—or Syria—have involved the repeated threat and use of force by various local and international players. As in the Snowden case, we might begin by identifying actors with interests in the shape of Ukraine's future or in the relative stability or instability of political and economic conditions that could be affected by developments in the Ukraine. It would be a long list with wildly diverse capabilities to affect one another. As a global struggle over Ukraine's future began to unfold,

major geopolitical actors (“Putin,” “Europe,” “NATO,” “America”) had levers to pull: military threats and deployments, both overt and covert, economic threats to withhold access to financial services or energy resources, media arguments about history and the reasonableness of their behavior. Each of these threats rested on the legal entitlements and institutional capabilities through which they could be made real and on the cultural persuasiveness of arguments for their appropriateness. Each of these actors was constrained, pressured, and persuaded by a range of commercial and social actors, from media commentators to energy conglomerates, with their own levers to pull. All were vulnerable to a shifting situation within Ukraine itself, in which an unstable array of forces struggled for momentum. Everyone tried to deploy powers and precedents won in earlier conflicts and to reframe the situation in ways favorable to their interests. As in many global conflicts, the use of force—whether by major armies and local extremists—was everywhere in play as a threat, a promise, and an event.

A CARTOGRAPHY OF PEOPLE AND THEIR POWERS

How might this approach, familiar to people engaged in struggle, be more systematically pursued in academic inquiry? The first step in a cartography of struggle is to identify people whose interests or projects might be adverse or complementary to one’s own. Beginning with people rather than the many entities into which they might be organized—nations, corporations, governments, religions—foregrounds the plasticity of these institutional forms. Although most global political and economic struggles involve institutions and collectivities, when we say that corporations and nations and religions do things, we mean that people are speaking, exercising authority, making claims, cooperating or fighting with one another in their name. How people speak and act in the name of abstract collectivities is affected by institutional arrangements and by the ideas people have about what is to be expected in these roles. These arrangements are often contested by legal or other expert arguments about what “sovereignty” or “limited liability company” means, or what governments and corporations can do. Legal instruments may also be deployed to transform a public institution into a private enterprise—and back again.

Starting with people bypasses the temptation to develop a “theory of the state” or a “theory of the corporation,” any more than a theory of the “international system” or the “global economy.” All of these imaginary places are terrains within which people struggle with one another over their respective

roles, capabilities, and entitlements. Over time, consistencies and routines develop, but the most strategically aware approach these with caution: perhaps there is a way to do something different this time, to make the corporation into something different, to have the people running the state take it in a new direction.

In whatever institutional form they confront one another, people struggle with very different powers and vulnerabilities. These differences can be washed out when the focus is on the institutional actors rather than the people who act in their name, particularly if we imagine entities with parallel legal forms—“corporations” or “nation-states”—as equivalents. Much will depend on the powers and vulnerabilities of particular individuals or their position on other social groups and institutional structures rather than the abstraction in whose name they act. Power in struggle is also an imaginary thing, often claimed by and attributed to people in accordance with the perceived importance of the “system” within which they seem to operate. If you come at the “financial system” from the “human rights system” or the “social welfare system,” you may have less luck than were you to come from the “security system” or the “corporate system.” The relative ability of the “international political system” and the “global economy” to empower actors in a struggle with one another is one way to picture what “global political economy” is all about.

It is helpful to think of people coming to struggle with little backpacks of legal and other entitlements, powers, and vulnerabilities. This is equally true of people who occupy roles in “public” and “private” institutions. Like people in corporations, the employees, agents, and leaders of the state have legal backpacks. In this respect, “capital” and “finance” are no different from “labor.” Capital may come with entitlements marked “property” and labor may have entitlements marked “contract,” but each is a set of legal relationships that could, at least in principle, be put together in a variety of ways. One backpack may be enormous, the other meager, but neither is natural or foundational. Starting here avoids the temptation to assume the priority of one or another type of actor: the state or the property owner or the worker, for example. Everyone is just a person with a backpack.

A CARTOGRAPHY OF VALUE, GAIN, AND COERCIVE DISTRIBUTION

People with backpacks pursue “projects.” A project is something a person wants to achieve or obtain. Projects determine what people will count as a gain or loss. Although it is routine in economic analysis to focus on money

and in political analysis on power, people pursue all kinds of things in arrangements that might be characterized as economic or political or both. They seek affiliation and opportunities to differentiate themselves from one another; affirmation of their identities, in their own eyes or reflected back from others; dignity and honor; status of one or another sort; and so on. People in the oil world might pursue national prestige, market dominance, or technical prowess as well as profit. In global political and economic life, people may want love or room to maneuver. They may want to victimize or be victims, to dominate or control. There may be a project to kill or a project to heal; to break down or build up.

Struggle is not all about pleasure and power. It is always surprising to discover that some people—even entire professions—seek marginality, even misery. People sometimes seek to remain weak, just as they sometimes seek humiliation or submission. Many, for example, would rather denounce power than exercise it, even if the denunciation is not likely to change things. Nor are projects all about winning and dominating. Some want to cast away wealth, to relinquish power, or to be constrained. Not everyone seeks to be an industry leader or dominant player: some are more comfortable as franchisers. Not every employee seeks the highest wage or most prestigious and responsible position. Nor does every firm seek to increase its market share or every nation its relative power. What people seek—along with who they think they are, their role, mandate, or identity—is routinely reimagined in light of the powers and vulnerabilities they have in their backpacks and is shaped by the institutions and social groups within which they find themselves and on behalf of which they undertake projects. Sometimes, of course, the relevant “value” to be distributed as gain will be money or power. In analyzing the oil-extraction industry or mapping distribution across a global supply chain, for example, it may be sensible to follow the money, although savvy actors will always have their eyes open for other potential gains and losses.

The next step is to identify sites where value becomes available for distribution as gain: where money or power or anything else one seeks can be captured. At what points—geographical points, institutional points, temporal points in the production process—are people able to transform oil into money? The crucial point is that value—what people seek—becomes gain when people are successful in obtaining and defending it: when it has been distributed. Approaching things this way avoids the need for a theory about the origin of “value” in economic or political life. Political power does not emanate down from a sovereign or up from individual right. Neither property nor labor is the ultimate source of

economic value. People in the institutions of “capital” and “labor” approach one another at a site where they think gain might be won with backpacks of powers and liabilities. The outcome of their engagement will be a distribution of gain. A “theory of value” is a story people tell to naturalize their interests: to place *their* potential gains outside struggle. I focus rather on people with backpacks: what they seek is value, what they obtain is gain. At each point of potential distribution, projects become relational: other people will need to be enlisted, defeated, persuaded, or sidelined for one person to capture the value as gain.

In distributional struggle, other people are either helping or getting in the way. It may be hard to tell who is doing what, of course. Military professionals can be found arguing for restraint and humanitarians for more vigorous applications of force for lots of reasons relating to the specific conflict and their broader objectives. But whether you are a humanitarian or a military professional, whether you argue for more or less robust use of force, the strategic question is whether your position, if adopted, will strengthen or weaken your team or theirs. Of course, people can be wrong about the consequences of their strategy. Military professionals (or humanitarians) arguing for more or less vigorous applications of force may end up weakening their position vis-à-vis their opponent. Argument about whether and when that happened is all part of how people on all sides of a conflict struggle over the levels of force to permit or encourage.

People struggle by drawing on their backpack of powers and the available modes of engagement. Seeking market share, historical vindication, profit, or political power, they argue, posture and denounce, exercise whatever authorities and privileges they can muster or threaten. And sometimes they turn to violence. It may also be possible to struggle over the distribution of authority to obtain and retain gains or to change the terrain so one’s own projects are easier or less necessary to pursue. Wherever value becomes gain, there will be coercion, whether formal or informal, overt or tacit. Someone had to yield. The coercive force need not be violence—it could be an institution, a fence, or a hegemonic mode of persuasion. Some coercive instruments will be clear—claims of sovereignty or ownership, terms of investment, tax systems—and others may be both difficult to assess and open to change: media pressure, threats to withdraw from the terrain or to withhold capital or labor. Both the “value” to be captured and the “coercion” necessary to exclude might be spiritual or material, individual or social, formally recognized or informally enjoyed.

A very rudimentary snapshot of the “oil system” in operation might identify people, their varying opportunities to assert control over the generation of value from oil extraction, production, and use, and their characteristic modes of engagement. Perhaps people grant and receive rights to explore for oil, assemble financing and technology for its extraction, transport, refinement, and sale. An initial entitlement to transform oil into cash may then give rise to numerous sales, payments, and transfers. At each point, we can track the distribution of gain. A local community with the political or physical power to disrupt production or tarnish the image of larger players may extract a new school, road, or housing. Investors will receive returns on capital lent, governments will share in revenues from taxation, licensing arrangements, payments for the provision of public services. Inventors will share revenue from technology deployed.

People with projects look for the points of value creation and opportunities to harness coercion to capture what they value as gain. The search for coercive distribution will often lead to the legal system: legal entitlements and permissions that depend on the powers and forbearances of the state or other authorities. People buy things with enforceable contracts, put their neighbors out of business without sanction through the exercise of legal privilege, mobilize their friends to capture the mayoralty, and prosecute their enemies through the institutions of the political process. Legal entitlements will authorize actors to deploy the coercive machinery of the state to enforce their share in the value generated by the exploitation of the oil. When investors threaten to withhold capital from future projects if they are not paid, their threat rests on a legal privilege to do so. The tacit threat of boycott by the investor class rests on a similar privilege as well as all kinds of shared ideas about how “investors” behave and what they demand, need, and think. Informal and black market pressures are also at work. In a world of reputational risks, media pressure can be more effective than law. If Bloomberg says investors may flee, investors may flee.

An imaginative person might see opportunities to reframe the situation by reconfiguring actors—even reconfiguring himself—to identify new opportunities for value creation from which others might be excluded. Entrepreneurship and diplomatic ingenuity are all about looking for opportunities to enter the value chain or apply leverage others have not seen. The clearest example is tax planning, which often involves rearranging the legal forms through which value is generated and captured to reduce the amount claimed by a public authority.

Much will depend on the conditions of uncertainty and plasticity in the situation. How open to manipulation and reconfiguration are the forms of value, the tools of coercion, the identities and powers of the actors, or the

institutional arrangements within which they interact? How much work is required to make that potential visible or effective? The answers will often lie in the tools of engagement rather than in the nature of actors and institutions. How effective are things like bargaining, paying people off, contracting, threatening violence, going to war, arguing, protesting, denouncing, exercising rights, demanding bribes, or threatening to exit at changing the situation in one's favor? What can be done with legal reinvention or military action? Can property be turned into contract? Enemies into allies? Can contractual entitlements be sold as property? Can the terrain of engagement be expanded or force concentrated at a single point? How easily can corporations be rearranged and restructured? Can humanitarian action be a force multiplier? Under conditions of uncertainty, assertions about all these things might be unsettled by argument or transformed with leverage.

A viewpoint from which identities and institutional structures, forms of value and modes of coercion are all central and malleable is familiar from legal practice. Each of these points has a legal foundation that may be rearranged. Actors can be reconfigured and new actors brought on stage. Regulatory change can shift the status of forces, just as the terrain may be shifted by technology or new modes of organization and production. Value can be reimagined, one form transformed into another. It is not only money that is fungible: so often are things like status, legitimacy, shame, and authority. Coercive levers will vary in their availability, their certainty, their legitimacy, their effectiveness. People will have powers they do not use or realize they have, and will seek to use powers they turn out not to have. Of course, not everything can be shuffled around—and not by everyone. The capacity to maneuver is itself a value to be distributed. People are playing a game on at least two boards: pursuing their project and struggling over the ability to remake the terrain upon which their project is pursued.

STRUGGLE WITH WORDS AND THE POWER OF IDEAS

Professional vocabularies often provide the arguments and images for interpreting and contesting who and where one is, who can do what, who has what authority over whom, who can call upon the cavalry to what end. A vernacular for making claims may be fine grain—an interpretation in conditions of uncertainty of the specific powers, privileges, and other entitlements of people in particular circumstances. Law is often about this. But a vernacular—including the legal vernacular—may also comprise large background ideas: about what

an economy is, what a nation is, what war is, what politics is about, and what power is legitimate.

When the Obama administration announced a campaign against the Islamic State of Iraq and the Levant (ISIL) in 2014, they were careful with labels. Was it a “war”? How could it be described to affirm the president’s warlike level of personal and political commitment to the endeavor while reassuring the American people that he would not commit “ground troops” to “another war” in the Middle East? The commitments of allies, the engagement of the American Congress, the media’s benchmarks for evaluation, the significance of the United Nations, the enemy’s appreciation of the level of threat: all these were affected by the choice of vocabulary. And that choice shifted from week to week as partisans on all sides adjusted their strategies.

The ideas that are deployed in struggle may be shared narrowly within a profession or more broadly in culture. They might be abstract principles and magic formulas: general propositions asserted to defend more specific policies and choices through lengthy, but weak, deductive chains. Or distinctions presented as natural that turn out to be matters of judgment or political choice. They might be favorite policies and policy projects, promoted with or without evidence or clear analytic connection to expected benefit. Or widely shared attitudes, analytic moves, favorite arguments that seem decisive or need no refutation, but which could be contested.

Because the ideational frame for engagement can be a force multiplier, these background ideas are worth contesting. In war, it is clear that if your objective and means are thought illegitimate by those with the power to get in your way, you will have a harder time of it. Unsurprisingly, people on all sides go to great lengths to frame their violence in the available vernaculars of legitimacy: as legal, as sacred, as defensive, as the enforcement of global values or the reaction to legitimate grievance. This is equally powerful in economic life. I lobbied you and contributed to your campaign, but I did not bribe you. I sold my expertise and capitalized on my relationships, but I am no influence peddler. Although I put you out of business, I did so using only my legal rights and privileges. Setting up shop next door, I mobilized my relationships and entitlements, using my larger market presence to demand lower prices from suppliers and advertise to your customers, my relations with bankers to borrow when you could not. I outcompeted you—but I did not ask my uncle to pay you a visit with a lead pipe.

The ideas undergirding a mode of engagement are most visible when they are contested, usually by people motivated to identify and refute ideas supporting

claims made by their opponents. But a great deal of background “knowledge” about how the world is will be common sense for all parties, at least until someone contests it. The boundary between the free speech of campaign finance and the corruption of bribery lies somewhere in between. People intuit the loose analogy and slippery slope between them, but stand to one side or the other, marking the difference in careful compliance with technical rules.

In national political life, the arguments that define ideological alternatives often become routinized to the point that contest rarely disrupts the institutional balance. At the global level, there is often less common ground, particularly in asymmetric conversations. The vernaculars of contestation may be fewer and more specialized, but the perspectives brought to the table are more diverse. This puts enormous pressure on the expert vocabularies that have globalized: they must be coherent enough to be recognizable across great differences and plastic enough to be inhabited by diverse interests and actors. Many public modes of discussion common at the national level have a hard time in global debate. Struggles that might easily take shape as a contest between “government” and “business” at the national level, for example, translate poorly to the global arena. For one thing, there is no global government. Diverse forces claim to act in the name of global governance, but these might as easily be corporate as public entities. There is a global economy, but all the economic actors are also local to particular countries, sectors, cities. Governments struggle with one another and are often internally divided and fractious. All are available for instrumentalization by economic players—some, of course, more directly and completely than others. Public forces are as prone to shield private action as to regulate it. Business interests also differ and harness political and economic tools in their struggle with one another. All economic actors rely on legal entitlements protected by states—from property rights to administrative licenses and regulatory guidelines. And many perform so-called public functions—not just avoiding or influencing regulation, but making and enforcing it. Business is as likely to seek regulatory protection as to condemn the protection of its adversaries. And public/private partnerships are everywhere.

Rather than business and government or private and public, the broad thematic of global struggle often resolves into a confrontation between interpretive frameworks rooted in local and global control. In a world of vertical politics and horizontal economics, this could be a clash between economics and politics: is this properly a subject for local political control or for global economic management? One of the reasons global governance seems technocratic is the association of the technical with all that is not political and that is

therefore proper to horizontal management. The local/global discussion may also take the form of a debate between two frameworks for understanding a situation: as a horizontal clash of opposing particulars or as a vertical opposition between universal norms and particular interests. We saw this vividly in the international crisis sparked by rebellion in Syria. Some framed the issue as one of global norms disregarded, others as a geostrategic clash of religious sects and regional and global powers. Trade wars are similarly framed both as universal norms demanding local compliance and as competitive struggles between opposing economic interests and nations. In this sense, the struggles that animate global political economy are routinely conducted as struggles about the proper boundaries of global political consensus or economic management on the one hand and local political prerogative and economic gain on the other.

Law often provides the site and language for undertaking these by now stereotypical debates. International law is routinely explained as the law “governing relations among states.” It is also, and more importantly, the vernacular used to distinguish the local and global by marking the line between the political and the technical or economic, or the line between universal/local and local/local conflicts. Although these lines may be quite clear, people are always pushing and prodding at them. Does genetically modified food present an issue of local political choice or is it a matter of global technical resolution? This question will come up in all kinds of settings: local courts, international institutions, diplomatic discussions, media commentary. Is military engagement here or there the expression of the intervenor’s national interest or the enforcement arm of global normative commitments? Although the answers may differ, in many settings they will be clear. But there will also be elements of uncertainty, settings in which—and audiences for which—there will be room for argument. A strategically able struggler will focus on the sites where either clarity or uncertainty makes it possible to garner and enforce gains.

If we put this picture together, we could say that global struggle is an interaction of people with projects, engaging one another on a terrain so as to generate, garner and preserve gains others are forced to forego. The available modes of engagement will be variously plastic to their efforts. However intuitive this may seem to people who are engaged in global struggle—and to their lawyers—it is less common in social scientific work. But it need not be. The most effective people engaged in global struggle think this way routinely. They identify points of opportunity and vulnerability and focus on the available moves. Multinationals know they may need to change the rules of the

game—or change their own structure—to make a profit. So do terrorists and operational commanders in the military. There is less a world of actors and structures than a terrain of moves, points of pressure, and vulnerability. This is also how things look to professionals specialized in the modes of engagement themselves—people like lawyers and military strategists. They look at situations for opportunities to make and hold gains using the tools of their expertise. If a client needs to be reconfigured, they may recommend doing so. If there are wins to be had by changing the game, they are also often masters of the rules.

CARTOGRAPHY AS AN ANTIDOTE TO THE LIMITS OF SYSTEM ANALYTICS

The more conventional approach to modeling global political or economic activity aims to understand patterns of regularity in the behavior of actors in structures to generate rules of thumb for the dynamics of various types of system: national or international markets, diplomatic balance of power systems. The results can be enormously helpful. The tools of neoclassical and institutional economics, international relations theory, systems theory, public choice and game theory, or strategic studies are crucial for understanding the dynamics of global political economy.

By focusing first on the powers, vulnerabilities, and strategies of people with projects in struggle with one another, however, I aim to compensate for some classic limitations of the actor/structure/system framework. The most crucial for my purposes are the tendency to reify the actors and structures one sees, a bias toward order, and the potential to overlook the knowledge work of experts with the result that their shared logic is treated as the logic of the system itself.

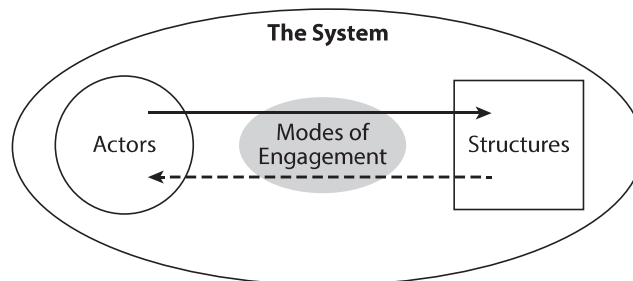


Figure 2.1 A Classic Model: Expertise Fades from View

REIFY THE ACTORS AND STRUCTURES

It is easy to overestimate the importance and stability—even the existence—of the actors foregrounded by the structure one identifies as well as the structures those actors see around them. One can even naturalize and overestimate the significance of human actors. Nature, pathogens, and weather—like institutional arrangements—fall into the background as elements of context or structure.⁶ The actors you see affect the conflicts you notice and the modes of engagement you treat as paradigmatic. That nations are understood to be the primary actors in the international system is the outcome of knowledge work framing global affairs as an “international system” in which “nations” interact. People who understand their role to be representing a “nation-state” have expectations about the moves they can make and what others might do that reflect what they have learned about how the international system works.

British international relations scholar Hedley Bull described his now classic book about order in world politics as “an inquiry into the nature of order in world politics, and in particular into the society of sovereign states, through which such order as exists in world politics is now maintained.”⁷ The interaction between a conception of the actors and of the system within which they operate is visible in his opening definition of the “order” he intends to analyze:

By international order I mean a pattern of activity that sustains the elementary or primary goals of the society of states, or international society. Before spelling out in more detail what is involved in the concept of international order I shall first set the stage by indicating what I mean by states, by a system of states, and by a society of states, or international society.⁸

When actors are defined by their role position in a system, it is difficult to see “behind” them to bring their “subjective” desires and preferences into the analysis. Things like “national interest” or “consumer preference” can be read in the behavior of actors but the process by which actors are constituted as desiring subjects remains frustratingly off-screen. Although the tendency of economic modeling to exogenize the origins of demand in the black box of consumer preference has been criticized by institutionalist economists at least since Thorstein Veblen, it has so far been a losing battle. John Kenneth Galbraith, for example, proposed to recognize the extent to which demand may be a function of production rather than its mysterious source. “As a society becomes increasingly affluent, wants are increasingly created by the process by which they are satisfied. . . . Wants thus come to depend on output.”⁹ Although intuitively

obvious, this kind of observation is difficult to reconcile with a system model that requires much to be exogenized for the system's regularities to be successfully modeled and analyzed. Institutionalism can go only so far. This makes it difficult to speak about the agency of ideas, from professional common sense to broad ideological commitment, in shaping what people do as they struggle with one another. It is all too common to picture the impact of ideas as a straightforward capture: the actor becomes the agent of the idea, belief, or ideology. The role of ideas is rarely this straightforward however: people are ambivalent, often assuming something at one level of consciousness that they work assiduously to overcome at another. Their identity as an actor is often itself at stake as their ideas contend with one another or are contested and validated by others.

Focusing on macro-level systems, one can miss the moments when people contest the rules of the game and remake the actors in play. As a result, the midlevel processes by which individual actions aggregate into systemic patterns remain obscure. They can be modeled, but their mechanisms remain sociologically indistinct. This is most clearly evident in writing about global political economy that merges public choice or game theory models of political processes like voting with equilibrium theories of economic behavior to generate models of global trade and production.¹⁰ Equilibrium theories, whether in game theory, mathematics, or economics, model the dynamic through which the moves or choices of individual actors in a system compound toward an equilibrium of one or another sort. As these models have become more complex, they have struggled to take various anomalies, disruptions, and path dependencies into account. Their limitations as sociology, however, remain those that characterized Leon Walras's process of *tâtonnement* or "groping" through which he imagined a simultaneous or successive process of adjustment among individual economic agents leading toward an equilibrium matching supply to demand.¹¹ As he formulated the outcomes of iterative trials in 1892,

We shall always be nearer the equilibrium at the second trial than at the first. We enter here on the theory of trial and error, such as I have developed in my work, and by virtue of which we arrive at the equilibrium of a market by raising the price of commodities, the demand for which is greater than the supply, and by lowering the price of those, the supply of which is greater than the demand.¹²

Like other images of dynamic movement toward equilibrium, *tâtonnement* could be modeled mathematically but offered only the metaphor of iterative "groping" as sociological description.¹³

One result of inattention to the lived mechanisms by which actual people struggle with one another can be an underestimation of the available strategic opportunities and the importance of the modes of disagreement and struggle people discover as they engage. Diplomats may think they represent “nations” in an “international balance of power system,” but that does not mean they do—or that it is the only possible terrain on which they might engage one another. These might be the least imaginative diplomats: innovators might see other possible systems and other roles for themselves. Actors may be raised up, constituted, transformed, or eliminated in the course of coercive struggle over the distribution of value. Their identity as agents may be part of the value, the stakes in struggle, just as it may be a coercive force. The same is true of “structures” within which “agents” operate. They may also be constituted and transformed, and may be the precondition, the stakes, or the outcome of struggle among actors. Focusing on the mode of engagement provides the opportunity to understand the processes by which actors and structures emerge as outcomes of struggle.

TENDENCY TO OVERESTIMATE ORDER

The bias toward order is puzzling given that economic life and political life are both thought to have their origin in conflict: in the nasty and brutish world before Leviathan, in the inexorable clash of clan and class, or in the scarcity that sets economic actors in competition with one another. One of the great puzzles of modern social thought is the alchemy by which an insistence on the inexorable centrality of conflict evaporates as people offer accounts of economic patterns of regularity and political systems characterized by order and constitutionalism. Political scientists and economists have developed a range of stories about how conflict conduces to order, its rules of operation, its relative stability and potential for disruption. Diplomatic and military historians explain how great and not so great powers can be expected to behave in a “balance of power” or “hegemonic” or “balance of terror” system much as economic models explain the regularities—even equilibrium—of a global economy. Hedley Bull’s international relations classic said it clearly in the title—*The Anarchical Society: A Study of Order in World Politics*—an anarchical society generates order.¹⁴ Only in disruptive crisis, war, or revolutionary overthrow does conflict predominate. In my picture, global economic and political life throws off stability as victory and defeat. It takes work to interpret the outcomes as constituted order or functioning system rather than a conflict flash frozen in institutions.

If you begin by identifying a set of actors and then imagine the structures within which they engage, it is not surprising that conflict would come to seem exceptional. Actors and structures at rest seem stable, coherent, or settled. Engagement—and conflict—arises when someone does something and surely only some of the things people rouse themselves to do will be conflictual. And only some of those conflicts will be disruptive of the “system” represented by the actors at rest. Much that people do will reinforce the system or simply take place “within” it. Actors and structures are constituted through engagement. But conflict is always already there, frozen perhaps, but there.¹⁵ Their positions at rest are the outcome of those prior struggles.

If you are looking for patterns of order, it is also easy to overestimate the significance of agreement, collaboration, consensus, or persuasion. Actors regularly do cooperate, agree with one another, affiliate, transact, discuss, and persuade one another. But their collaboration, like conflict, takes place on a terrain of distributed power and legitimacy. Agreement, like argument, is undertaken in a vocabulary whose effectiveness arises from its relative hegemony. Every collaboration rests on a status of forces and every persuasive argument rests on a canon of the plausible and the persuasive. Even where there is cooperation and consent, moreover, people get hurt. Often other people, people who have been the intended or accidental casualties of someone else’s collaborative strategy.

In both conflict and cooperation, people engage one another strategically, vaguely or vividly aware of a background of alternatives, implied threats and available options. Hedley Bull’s picture of international relations as an ordered society is often juxtaposed with the more hardheaded “realism” of those less sanguine about the prospects for cooperation. Hans Morgenthau is a classic counterpoint. His *Politics among Nations: The Struggle for Power and Peace* places political power and political conflict front and center:

International politics, like all politics, is a struggle for power. Whatever the ultimate aims of international politics, power is always the immediate aim. Statesmen and people may ultimately seek freedom, security, prosperity, or power itself. They may define their goals in terms of a religious, philosophic, economic or social ideal. . . . But whenever they strive to realize their goal by means of international politics, they do so by striving for power.¹⁶

Among participants in global politics, Morgenthau then argues, patterns can be identified. The most important, both historically and theoretically, is the “balance of power.”

The aspiration for power on the part of several nations, each trying either to maintain or overthrow the status quo, leads of necessity to a configuration that is called the balance of power and to policies that aim at preserving it. We say “of necessity” advisedly. . . . It will be shown in the following pages that the international balance of power is only a particular manifestation of a general social principle to which all societies composed of a number of autonomous units owe the autonomy of their component parts: that the balance of power and policies aiming at its preservation are not only inevitable but are an essential stabilizing factor in a society of sovereign nations; and that the instability of the international balance of power is due not to the faultiness of the principle but to the particular conditions under which the principle must operate in a society of sovereign nations.¹⁷

Morgenthau places the “balance of power” alongside other theories of “social equilibrium.” Each “signifies stability within a system composed of a number of autonomous forces.”¹⁸

Two assumptions are at the foundation of all such equilibriums: first, that the elements to be balanced are necessary for society or are entitled to exist and, second, that without a state of equilibrium among them one element will gain ascendancy over the others, encroach upon their interests and rights, and may ultimately destroy them.¹⁹

Although Morgenthau was doubtless using the words “entitled” and “interests and rights” in a quite general way, we can see where law fits in the story: it is part of the assumed background on top of which actors and society engage one another. Placing law in the foreground forces attention to the process of struggle through which precisely *these* “elements” became entitled to exist with *this* set of “interests and rights.” Had these struggles had other outcomes, there might be a different system or “society.” As long as these struggles continue, there would be no reason to suppose movement toward an equilibrium—or there might be multiple possible equilibria.

The broad bias against direct engagement with distributive conflict encourages a variety of fantasies about the benevolence of political and economic struggle. It is obvious that economic competition can be destructive—people can be put out of business, their families ruined, their self-esteem crushed, the efforts of a lifetime defeated. It is comforting to imagine that economic growth or the gains from trade will benefit everyone and to search for the institutional conditions that maximize those gains, however they may be distributed. People

call it “creative destruction,” hope the resources released will be redeployed more productively and the lives destroyed somehow compensated through the reallocations of the political process. Their distribution is, in any event, a question for politics or a reflection of social values rather than something of direct concern to economics.

On the political side, it is easy to overestimate the opportunities for “win-win” solutions to address “global problems” and strengthen the “international community” as a whole without regard to how the costs of these gains will fall. It is easy to speak about the pursuit of human rights as if their enforcement would raise everyone to a cosmopolitan order of equal dignity rather than requiring some to forego privileges that others might be rendered “equal.” Even people nostalgic for “class analysis” remember its association with “solidarity” more readily than its association with “conflict.” As people engaged in economic competition and political maneuver know all too well, however, the world rarely distributes gains so evenly or lifts all boats.

Working in these academic traditions, it is easy to lose sight of the midlevel arrangements through which political or economic gains (and losses) are distributed and focus instead on the benevolent fantasy of an invisible hand or a disaggregated but functional and promising as-if global sovereign hovering above routine political or economic conflict. It is understandable that people would come to global affairs with an image of struggle taking place beneath the watchful gaze of a sovereign public hand. This takes some of the sting out of struggle: a benevolent father is standing by. Within a polity, it does seem possible to imagine political struggle as a way to “aggregate interests,” deliberate about what constitutes “the public interest,” channel and limit the harms that can result from private conflict and economic competition. It seems plausible to imagine the brutality and dynamic instability of economic competition softened by the regulatory hand of governance, attuned to the general welfare. Although sovereignty, like patriarchy, rarely lives up to this fantasy, the thought is nevertheless reassuring: perhaps you can arrange your constitution to empower a public-spirited ruler and minimize the potential for capture by faction or despot. On the global stage, however, this reassuring thought is harder to sustain. There simply is no global public hand or deliberative democracy standing by to articulate universal values, attend to global welfare, or solve problems in the public interest. Nor is there a constituted order through which struggle over economic opportunities and political powers occurs and the potential for capture might be minimized. The idea of a global order immanent in the chaotic political and economic life of the world is open-ended enough

to support many interpretations and claims about the locus of disaggregated global sovereignty. One result is a powerful temptation to nominate oneself as an agent of world order, global welfare, and a universal ethics. European legal scholars, for example, are far more likely to insist the global legal order has a discernable “constitution” than are their American colleagues. It is not hard to see that it could strengthen their hand as professionals, and the hand of their middle-power nations, were their claims to be borne out. The opportunity to govern—to make your sense of the good the public good, your allocation of opportunity decisive—is up for grabs. All purportedly global norms and institutions are made by winners, demand allies, and create losers.

THE TENDENCY TO OVERLOOK THE KNOWLEDGE WORK OF EXPERTISE

A significant drawback of the actor/structure/system framework in social scientific work is the tendency to treat expertise as a marginal part of the story, relevant only when expert ideas capture the will of system actors or the technocratic process torques the system’s routine operations. Even complexly constructivist system analytics is prone to this tendency. We might acknowledge that characteristic state system actors and modes of engagement do not precede the establishment of a state system, nor can their form be derived from the “nature” of such a system. The words “state system,” we might acknowledge, are simply an interpretation of what happens as these elements are produced and reproduced in a particular way. We might agree that people acting in the system reproduce this interpretation and the systematicity of their world. People in a system think they are in a system and therefore are in a system. Unfortunately, this is the kind of insight that is easily said and then forgotten. It is interesting only if people could think and then be the system in different ways, and if we could understand how that might occur. Focusing on expertise is helpful precisely because experts within a system do imagine the system differently and might remake it differently. In part, this is because they are not just system actors: they inhabit parallel professional and personal worlds that may see the system differently and struggle to make it different.

One of the most useful ideas in the contemporary literature about global affairs is the notion that global political, economic, and social life can be interpreted as occurring in a plurality of “regimes”²⁰ in which patterns of behavior appear to follow different imperatives, reflect different limits, and constitute different identities. Rather than an “economic market” and an “international political system,” one might imagine, for example, a global “sports system” or

“health system” or “trade system” each combining elements of national and international economic and political activity in different ways. This has several advantages. Conflict is easier to picture, particularly when struggles occur along lines of differentiation among regimes: people who imagine themselves within the global health system will approach the availability of generic drugs differently than people in the trade system or intellectual property system and conflict about what to do will also pit these regimes against one another. Moreover, the idea of plural regimes draws attention to the divergent values, objectives, and worldviews of people inhabiting different institutional cultures within and across large-scale world systems. The institutional and rhetorical practices of the European Union, for example, have influenced elites across Europe: speaking a common language of “comitology” and “subsidiarity,” framing their proposals as steps toward the shared objective of a “common market,” they can seem like strangers in their national political and cultural contexts. The world system, one might say, is one of regime conflict, its constitution the norms and institutional arrangements structuring that conflict. In a world of plural regimes, people acting in more than one regime may themselves have diverse identities, interests, or modes of engagement. As a result, one might expect a world system fragmented into functional regimes to be less of an iron cage and more the constructed product of communities of people through strategic engagement with one another.

Despite these advantages, regime thinking is nevertheless prone to overestimate the structuring power of regime logics rather than to see regimes as ongoing social products of human minds interacting and people struggling.²¹ The logic of a regime is no more a fact to be discovered by analysis than the structure of a world system. These are labels one might apply to a way of acting or advocating for a purpose: to stigmatize it as a mechanical false necessity, to praise it as reason itself, to differentiate it from other ways of proceeding. The reality of imaginary regime/systems like the “market” or “balance of power” or “the European Union” or the “world of sports” arises from the shared perceptions and practices of people who reinforce that framing for their interactions. The “trade system” is a shared interpretation of particular institutional players and typical maneuvers as “trade policy” or a “trade war”: how to interact, with whom to ally, whom to oppose, what to value, and how to achieve it. Conflict “among regimes” raises competing claims for the hegemony of the shared ideas associated with one or the other group of experts.²² Rather than “regime conflict,” it might be better to say that the regime-ness of a regime may be among the things at stake in struggles among people.

The key point is not simply the socially constructed nature of systems and regimes. They are socially constructed by a particular kind of activity: the work of expertise. This knowledge work may be subject to independent scrutiny and may be deployed along different trajectories with different potential system results. The systematicity of the system is not only a byproduct of expert work. It is also a strategy whose form will vary with the projects for which it is deployed. One way to think of this would be to say that regimes and systems are internally diverse and populated by people from adjacent or even adversarial regimes pursuing their own projects in their own ways. The regime—its agenda and logic and boundaries—will itself will be plastic to the peregrinations of those within it. When statesmen engage one another as representatives of “states” in the “international system,” their mode of engagement might blend the language and practice of diplomacy, law, and war. Each of these is a distinct profession with its own body of knowledge, set of practical skills, history of the possible and the unachievable, and set of institutional alignments tethered to other actors and other imaginary systems beyond statecraft. How these will intersect with the projects of statecraft is hard to predict.

Attention to law helps make this visible. States and nations are legal institutions put together differently at different times and places. “War” and “peace” are legal statuses that may be more or less distinct and may relate to one another in a variety of ways. “Sovereignty” or “statehood” may be thought to precede and authorize their legal form, to be dependent upon its authorization or simply to be the sum of legal entitlements. “Public” powers may be the exclusive prerogative of sovereigns or may be parceled out among various personal, corporate, and other authorities. Borders may be firm or porous, national polities more or less exclusive. Minorities may be accommodated in a variety of ways, within states, as separate states or regions of disputed status. All these choices advantage some and disadvantage others: unsurprisingly, they have become matters of struggle. As a result, the struggles of international political life are about the frame of the system as much as they occur within it. Attending to legal variations and points of choice helps to endogenize struggle about the actors and structures that together constitute the state system. Legal arrangements, like other expert work, provide the missing link between actors acting and the structures of systems emerging. The plasticity of law highlights the possibility to contest these framework ideas in the institutional arrangements that make them seem natural or immutable.

There is a parallel story on the economic side. When economists place “competition among wealth maximizers under conditions of scarcity” at the center

of economic “markets,” they are imagining actors in a system without acknowledging the process by which those actors are constituted, placed in relationships with one another, and offered various powers and vulnerabilities for use in their competition with one another. The constituent elements beneath this economic imaginary—property, contract, corporations, credit, money, labor, public regulation—are legal institutions that could be arranged in a variety of ways. Which people are capacitated for commercial engagements, how they may pursue their preferences in competition, what institutional forms are available under what regulatory constraints: all need to be determined. Is slavery permitted? Is bankruptcy debtor or creditor friendly? Is a global value chain one corporation or many? How are responsibility and authority distributed along the chain? How easily can private actors generate liquidity? May women or children work? May workers bargain collectively? Must property be used to be retained? Must contracts be fair to be enforced? Arranging economic institutions differently will benefit and disadvantage different people and may generate equally efficient (or inefficient) outcomes with very different growth trajectories or levels of inequality.

As a result, struggle in economic life is more than competition among economic actors. It is also the process through which competing actors come to be constituted and empowered relative to one another. The idea that law arises “inside” and “after” the emergence of a political or economic order whose roots lie in struggle and scarcity gets in the way—and contributes to a false sense for the inevitability and naturalness of economic outcomes, “flows,” and “forces.”

The boundary work that goes on between regimes is no different in kind from the struggles that occur “within” a system about what it is and might become. A focus on the interstate system and the global economy can naturalize the difference between “economics” and “politics” in ways that erase the knowledge work that occurs as people contest the boundary. Lots of human activity might be framed as “political,” reflecting choices about the public interest or generating winners and losers among people, social groups, and ideological commitments. Similarly, in some sense everything is “about scarcity” and might be recast in economic terms. The vocabulary for distinguishing political and economic activities is extremely plastic and the arrangements that consolidate the boundary are open to strategic engagement. Law provides a robust vocabulary for both making and contesting the designation of an actor or activity as political or economic, public or private, collective or individual, local or global.

Calling what someone does “political” or “economic” is an argument, a move in a struggle, a strategy. Espionage, for example, might seem like a strategy of

national economic competitiveness and development for China while seeming to the United States like a political intrusion of public power, monies, or military or espionage powers into economic trade. Interpreting activities as economic or political can alter who is enabled to do what to whom and get away with it. The boundary work performed by law may provide a model for investigating the work of other knowledge professionals who mediate between actors and structures.

In this chapter, I have proposed to focus on expert struggle—a blend of knowledge work and coercion—to illuminate global affairs while avoiding some characteristic pitfalls of efforts to observe or theorize political or economic “systems”: overestimating the stability and singularity of the actors and structures made visible by a particular system picture, allowing a bias toward order and coherence to mask the ongoing impact of prior and current struggle, and mistaking the shared ideas of people for a logic of the system. Focusing on the ubiquity of struggle is half the story. The other half is to understand the way expert knowledge operates to constitute actors and shape structures while serving as a tool for people pursuing projects to capture and allocate gains. The next chapters develop a framework for investigating the shared knowledge practices of experts who inhabit the institutions of global political and economic life.