

Research Prospectus:

THE CONFEDERAL REPUBLIC: FREEDOM, COOPERATION AND GOVERNANCE AFTER THE NATION-STATE

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All politics is premised on a blend of unity and plurality: no polity is a purely monolithic unit, whether viewed from a cultural or institutional standpoint. However, since the age of monarchical absolutism political theorists and actors have expended a disproportionate amount of energy spelling out the need for a central national government to establish a unified public order capable of securing the robust allegiance of all citizens. Whether that unifying impulse is expressed in terms of monarchical absolutism (“l’État c’est nous”), or in terms of parliamentary sovereignty (Morgan 1988), the trend over the past four centuries has been toward the formation of a political order which, even if its formal structure accommodated some level of local, municipal, and regional governance, tended over the long run to increase the powers and functions of the national government and to weaken the power and authority of local and regional forms of governance.

These centralizing impulses have arguably reached their apex in the mid to late 20th century with the growth of the modern welfare State and the development of ever more sophisticated and omnipresent institutions of national bureaucracy. But the dynamics of social life do not always cooperate with official governing ideologies. The globalization of economic, political, and social relations and activities, the geographic mobility of persons and capital, the unprecedented speed of changes in technologies and social and economic structures, and the advent of the internet, have generated vast tracts of social and economic life whose geographic reach and complexity defy the efforts of national governments to regulate them. These regulatory challenges are only exacerbated by the internationalization of the labour market, which is creating a citizenry with very complex and varied loyalties that are not easily tamed by a nationalist narrative that we are all children of one nation.

Thus, the model of the geographically bounded community whose political and economic affairs alike are managed by a national government, even if it seems reassuring, is by now an ideology so far out of touch with the actual structure of society that we could even consider it utopic. While this utopic model remains the official state ideology in most parts of the world, countless practical problems of governance and coordination are being confronted and addressed by institutions and governmental mechanisms that do not fit within the paradigm of the sovereign national community. Social governance and coordination, de facto, is quite dispersed, across myriad communities and businesses, but our official political ideologies and theories seem to have a hard time catching up (indeed, even ostensibly non-statist ideologies, such as cosmopolitanism, tend to smuggle in statist conceptions of governance and sovereignty through the back door, by invoking conceptions of sovereignty and democratic legitimation borrowed from the monistic order of the nation-state).

The dramatic lag between official statist ideologies and an increasingly decentered society can be explained in part by the dynamics of political power, which tends to dig in and defend itself, especially at moments when its legitimacy and relevance are on the decline, and in part by a strong bias in the modern era in favour of the unitary state-centered society. This bias, reinforced by the images of more chaotic eras of feudal oppression,

anarchy, and religious warfare, is preventing us from acknowledging the emergence of a new form of politics, in which the body politic, insofar as it exists, is less a sovereign, self-governing unit, and more like a broad cultural context – a broad civic culture, if you will – permitting the cooperation not of mere individuals, but of a plethora of associations, each with its own internal norms and governance procedures.

Social pluralists such as Otto von Gierke (1900), Harold Laski (1919), G.D.H. Cole (1920), John Figgis (1914), and more recently Paul Hirst (2013), Jacob Levy (2015), and Victor Muñoz-Fraticelli (2014), though by no means constituting a homogeneous intellectual movement, have all made a compelling case for the importance of social pluralism as an essential feature of a healthy social order, and have convincingly demonstrated the tendencies of sovereignist and statist views to suppress social and moral pluralism. Some of these arguments, especially concerning the integrity of small communities and the danger of their co-option by larger social structures, are mirrored in the Catholic principle of subsidiarity and the Calvinist concept of sphere sovereignty.

If this pitstop tour is anything to go by, it would appear that the pluralist and anti-sovereignist tradition, though hardly a dominant force in contemporary political theory, has historically found support, whether tacit or express, among Catholic, Protestant, and secular thinkers alike, and has attracted a number of sophisticated and staunch defenders in recent decades. However, much work remains to be done in order to show how a genuinely pluralistic political order could be institutionalized in a way that manages to steer a course between the Scylla of governmental monism and the Charybdis of anarchy. This research project, while drawing sustenance from the pluralist and anti-sovereignist tradition acknowledged above, aims to push the argument in a more constructive direction, by beginning to imagine how a viable pluralist polity might function in practice. The challenge is to imagine a novel form of civic order capable of accommodating a high level of social and cultural diversity, rooted less in politics narrowly construed and more in the creative and coordinating power of organizations embedded within economic, social, and professional life.

The project roundly rejects the individualist social ontology presupposed by most modern liberal theory (for example, Rawls 1971 and 1993), which views political order as essentially a coordination game played by individual reasoners each with his or her own personal life project and conception of the good, opting instead for a more *relational* picture of social cooperation. Social order, on this more relational approach, is at bottom a coordination game played by a wide range of communities with diverse purposes and missions, whose distinctive normative orders play a vital role in mediating individuals' sense of meaning, purpose, and value.

The project also abandon traditional assumptions about the unitary republic inherited from classical Greek and Roman antiquity and subsequently transmuted into modern doctrines of state sovereignty and governmental monism (Hobbes 1688, Bodin 1576, Locke 1689, and Schmitt 1932), instead affirming the irreducible plurality of the normative orders embedded in associational life, from the family to the neighbourhood, city, school, university, business, NGO, and trade guild, along with their legitimate demands for governmental pluralism.

The common life of citizens is a complex coordination game governed by multiple coordinators, each with its own proper function and jurisdiction, none wielding absolute authority over anyone. In this respect, the modern idea of sovereignty, insofar as it entails an overarching and omniscient authority, is redundant. What we behold, instead, are multiple sources of authority and coordination, multiple sites of “sovereignty” if you will,

working alongside each other, complementing one another, contesting each other's claims, and making order possible in a complex and plural social landscape. This dynamic and polycentric order diverges as much from Cicero's republic as from Hobbes's sovereign state. Indeed, no traditional conception of a political regime, whether ancient or modern, fits the type of civic order that we see unfolding today. In this sense, the present project could be viewed as an attempt to think beyond both ancient and modern ideas of polity.

The type of political order we see gradually emerging in Europe and North America (and arguably, in other parts of the world such as Latin America), is one that seems better suited to a confederal republic than a consolidated state. A confederal or confederated republic is a shared civic space that is both unitary and plural in character. It is *unitary*, a *republic*, insofar as there is indeed a common good, a shared civic culture, and some level of institutionalization of that shared culture (*res publica*, the public thing). Yet it is simultaneously *plural (con-federal)* in a far-reaching sense, insofar as the actors occupying the "republic" are not merely individual citizens, but a range of organizations each with its own internal normative order and logic of governance and authority, and each, at least potentially, exercising some share in the governance of the republic.

When a plurality of organizations share the same civic space, this presents many opportunities for collaboration and fruitful exchange. Each organization in the republic, to the extent that it is consistent with a shared civil society, has standing in the public square and may enter into bi-lateral and multi-lateral agreements with other organizations, in this way constructing a confederal republic from the ground up.

On the other hand, the social diversity of the confederal republic inevitably also gives rise to certain tensions and sparks contestations of public power and authority. These contestations can be contained within reasonable bounds if the social system involves a sufficient dispersal of power and authority to yield a checks-and-balances effect similar to that observed between judicial and legislative powers, between competing civil society organizations, or between traditional nation-states. In addition, joint participation in a shared culture of liberal constitutionalism can secure a high level of voluntary compliance with norms of non-domination, negating the need for an all-powerful state.

Finally, a variety of independent arbitration and regulatory bodies can mediate the competing claims of citizen groups, associations, and communities. These institutions, at least within the context of the polyarchal republic, would be vested with a delimited or specialized form of authority that tracks their respective competencies and/or social functions, and is not derived from a grant of authority from "the people" at large, or some putatively sovereign institution uniquely claiming the right to represent the people as a whole. In this respect, it would resemble in certain respects the authority vested in medieval social institutions like universities, towns, and guilds (Grimm 2015), which, though partly resting on the force of custom, tradition, prestige, or social and institutional recognition, was also understood to be held in something like a trustee capacity, and constrained by the terms of the trust.

The argument for the confederal republic involves a claim about the empirical constitution of social reality, inasmuch as it claims that important tendencies within our emerging social order (e.g. transnational collective action problems, social mobility, the fragmentation of social order, and enhanced interdependency of state and civil society actors) render state-centered governance impracticable, and drive us toward more polycentric paradigms. However, the argument is not exclusively descriptive or pragmatic in character. It also involves a *normative* claim, to the effect that this more polycentric or polyarchal model of governance holds the potential to unleash vibrant and attractive forms

of loyalty, social participation, and civic engagement that have been left dormant for over a century, in the shadow of the “sleeping giant” of the sovereign people.

The newly emerging political order threatens to break the monopoly of states and political parties over prestige, power, and economic resources. It also reduces the capacity of the state to enforce a single vision of justice and well-being upon all citizens through its fiscal and regulatory power. It is thus hardly surprising that the polyarchal republic is frequently feared, denied, and resisted by political thinkers and practitioners, whether in the name of nationalism, public order, or justice. Nonetheless, ignoring or suppressing it, as I shall argue in this book, is neither politically viable nor desirable in the long run.

Although we must cultivate and protect certain fundamental values in the public square, such as the value of personal and associational freedom, the dignity of the person, and the imperative of interpersonal solidarity, whether through a shared civic and moral culture or through a framework of common laws and institutions, we must also recognize that legitimate public authority can be exercised in good faith by organizations that are not sovereign states, without the prior legitimation of states or state-sponsored bodies, and that supervision of the common weal is a joint social responsibility for which no single actor or institution can claim a unique or exclusive prerogative.

Admittedly, the confederated model of social order requires a high level of voluntary negotiation and cooperation and a widely entrenched commitment to constitutionalism, on pain of opening the door to tyranny or political chaos. Consequently, it is not a panacea for the problems of domestic and global governance in a world many parts of which lack a developed culture of freedom and constitutionalism. Nonetheless, I would contend that under the right social conditions, it offers a powerful and compelling alternative to monistic and statist conceptions of social order, and even where those conditions are lacking, it may serve as a regulative ideal for positive political, legal, and cultural reform.

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