

In: Disciplines of the City
Editors: J. Urabayen and J. León

ISBN: 978-1-53615-256-2
© 2019 Nova Science Publishers, Inc.

Chapter 1

**FROM POLIS TO METROPOLIS:
ON THE LIMITS OF CLASSICAL
APPROACHES TO GOVERNANCE IN
A FRAGMENTED SOCIAL LANDSCAPE**

*David Thunder**

Institute for Culture and Society,
University of Navarra, Pamplona, Spain

ABSTRACT

The tasks of governance in the modern world, or at least in many parts of it, must contend with a breathtaking range of associations inhabiting the same social and geographic spaces, with diverse cultural, religious, educational, artistic, and economic ends, and dramatically different internal governance structures, whether formal or informal. Thus, governance today is often a very messy business indeed, in which the watchword is probably not unilateral control but multi-lateral coordination. In this essay I wish to examine some of the challenges of governance in a highly complex and interdependent society, using

* Corresponding Author's Email: dthunder@unav.es.

moderate- to large-scale modern cities as a sort of laboratory to prime our imagination and explore some potential strategies for tackling these challenges.

Keywords: city, metropolis, social complexity, city governance, pluralism, confederalism, republicanism, freedom

INTRODUCTION

One of the features of social life that 20th and 21st century philosophers and anthropologists are especially sensitive to is the extraordinary variety of ways in which human societies can be organized, and the extraordinary breadth of goods that can be pursued by different social groups (Galston 2002; Muñiz-Fraticelli 2014; Levy 2015; Cerny 2010; Connolly 2007; Hirst 2013). This variety is both formal and substantive. Formal, insofar as the size, structure, and decision-making procedures of different social groups may differ quite dramatically; substantive, insofar as a variety of different values, missions, and ends may define the day-to-day life and culture of different social groups. For example, a small religious community living off the land can enjoy a relationship with nature, as well as with other members of the community, that is more intense and constant over time than, say, a community inhabiting a suburban neighborhood. Similarly, a company structured along broadly egalitarian and cooperative lines may pursue forms of creative synergy that are simply not available in more hierarchically structured enterprises.

Formal and substantive variation across different social groups need not present any special challenge for the theory and practice of governance if social groups are (a) quite culturally and morally cohesive; (b) of a manageable size – say, under 30,000; and (c) hermetically sealed off from one another, say, each inhabiting its own desert island, and bereft of the means or inclination to communicate with each other. For in such a case, the different spheres of governance, both territorial and demographic, may

be neatly mapped out in a one-to-one relation with each social group. In this scenario, each social group inhabits its own island, and therefore can govern itself according to its own values and customs.¹ Interpersonal tensions will naturally arise, but they arise in a self-contained geographic and social space in which cultural and institutional variation, it is presumed, is at a minimum, and in which the universe of institutional and political possibilities is severely constrained.

Once we assume that each island society is not only numerically modest in size, but also shares the same basic values and cultural horizon, then much of the challenge of governance will consist in deciding how to best honour shared values in the joint policies and rules of the society. In other words, governance will require some form of collective deliberation against the backdrop of shared values and ends, and differences among citizens can be tackled with that shared cultural framework in mind. This does not mean that all aspects of governance will be a walk in the park, or that such societies will be free from violence, enmity, and disorder, but it does mean that the structure of government is not likely to be very complex, and that many aspects of governance can be resolved without engaging in fundamental discussions about how political authority is distributed across different social groups and organizations – given that each island society, as already stipulated, is a single social group with a more or less shared horizon of values and ends.

Of course, what I have been presenting here is utterly fanciful when compared with the circumstances of governance in most real societies today, as well as in many other historical contexts. If we restrict our attention to the world we are now inhabiting, in particular post-industrialized societies such as those of Europe and North America, we immediately notice that social governance in many contemporary social contexts is an extraordinarily delicate and complex task, indeed a task whose complexity far outstrips that experienced by the monocultural island communities discussed previously. The tasks of governance in the modern

¹ Indeed, this is precisely the image evoked by Kukathas when he speaks of the “liberal archipelago” (Kukathas 2003) – an image that may be quite misleading in relation to modern political order, if my analysis is correct.

world, or at least in many parts of it, must contend with a breathtaking range of associations inhabiting the same social and geographic spaces, with diverse cultural, religious, educational, artistic, and economic ends, and dramatically different internal governance structures, whether formal or informal. Thus, governance today is often a very messy business indeed, in which the watchword is probably not unilateral control but multi-lateral coordination.

In this essay I wish to examine some of the challenges of governance in a highly complex and interdependent society, using moderate- to large-scale modern cities as a sort of sociological and philosophical “laboratory” to prime our imagination. I discuss the case of the modern city not because I think governance under conditions of complexity occurs exclusively in cities, but because cities probably offer us the most vivid and familiar exemplification of the challenges of governance under conditions of complexity. Furthermore, the example of the modern city is particularly telling because given the marked trend toward urbanization and rural depopulation in much of the world, it is likely that urban and suburban life will increasingly dominate the political geography of many parts of the world.

The essay will proceed in six stages. I begin by discussing the role of governance, broadly construed, in guaranteeing a certain minimum level of social order, cohesion, and justice, and its relation to other sources of social order, such as social norms, customs, and contract. Secondly, I discuss four features of post-industrialized societies, epitomized in the modern city, that endow them with an internal complexity that far outstrips that of the archetypal island communities discussed earlier, and make the task of social governance exceptionally difficult to manage: socio-economic differentiation; enhanced interdependency; demographic mobility; and rapid social change. Third, I explain why the classic model of municipal governance, in which a discrete set of rulers are nominated or elected to establish and maintain public order in the city, a model we find in the ancient Greek polis as well as in the city planning philosophy in vogue in 1950s America, is altogether inadequate and even destructive for the circumstances of social complexity characteristic of modern cities.

Fourth, I sketch out an alternative model of political order, which I call “confederal republicanism,” and argue that it offers promising conceptual resources for understanding how effective governance might be possible under conditions of enhanced complexity. Fifth, I show how the confederal model of governance appears to be better equipped than its traditional centralist counterpart to tackle the challenges of governing a large modern city. Finally, I unveil some of the mechanics of multi-lateral coordination and inter-associational arbitration that could mitigate the anarchistic tendencies of a confederated city.

GOVERNANCE AND SOCIAL ORDER

In an age deeply influenced by legal positivism and centralized administration, it is easy to assume that “the Government” is the primary guarantor of social order, and that anything that escapes its control is teetering on the edge of anarchy. Nothing could be further from the truth. Social order, by which I mean something like a situation in which individuals and groups are able to achieve significant degrees of flourishing and enjoy high degrees of mutual trust and beneficial cooperation, is the outcome of countless interpersonal and intergroup relations and interactions, far too complex and heterogeneous to scientifically predict, and involving too many unknowns to be susceptible to full centralized control, whether by a person, an institution, or a system of law. In other words, the sorts of outcomes we associate with a prosperous, functional, and just society are the fruits not of one unique factor, such as an efficient public administration or an effective legal system, but of many different factors, some easy to manipulate and control from a central fulcrum, and others too dispersed and unpredictable to be responsive to deliberate centralized control.

Even if we grant that this is true of social order in general, we may still accept that in certain historic situations, such as that of the island communities described earlier, it may be possible for a wise guardian class to arise that is able to exert an impressive level of control over social

outcomes. The rules, ordinances, and public example handed down by the guardian class may exert an overwhelming influence over the shape of their society, if we assume that the guardian class is controlling a very simple, agrarian economy, with an extremely limited range of institutions, associations, and activities.

On the other hand, even in one of our tight-knit island communities, the control of a guardian class will never be complete, because there are customs, social norms, and rules of social coordination that have evolved over many generations, and that play a decisive role in how people relate to each other and how they negotiate collective action problems.² The governing activity of the guardian class provides some form of adjudication and counsel to guide citizens in their day-to-day activities, but it complements and leverages, rather than displacing, the role of inherited ideas, customs, social norms, communal narratives, and *ad hoc* agreements and interactions, in managing the tasks of social coordination and guaranteeing some modicum of social order, that is, an environment of peace, amity, and sustainable cooperation among citizens and groups.

Based on the most simple example of social coordination we can imagine, that of a hermetic island community, we can infer that a functional social order, even in conditions that could be considered optimal from a ruler's perspective, is established and maintained not only by exemplary community figures and the deliberate governance or "steering" of a ruling class, but also by diffuse social norms and customs, agreements, and exchanges of goods and services. For convenience, we could say that these different sources of social order pertain to four distinct categories: first, the authority of influential role models whose behaviour, attitudes, or opinions are viewed as exemplary or worthy of imitation; second, intentional coordination by rulers (governance); third, the conventional wisdom of customs and social norms; and fourth, voluntary exchange. It seems to me that in all functional societies that embody some minimum of civility, peace, trust, and sustainable cooperation, these four elements –

² The cumulative character of coordination rules, customs, and many aspects of "popular wisdom," is not difficult to grasp but may be easily downplayed by a positivist picture of law and order. Two authors who understood the vital importance of inherited wisdom, whatever one might think of their other opinions, were Hayek (1978) and Burke (1990).

personal exemplarity, intentional coordination, conventional wisdom, and voluntary exchange – must act as driving forces of social order. Nonetheless, the precise challenges confronting those responsible for the intentional coordination of social order may differ dramatically across space and time. This essay will focus in particular on the challenges posed by the task of governing a large modern city.

The Challenges of Governing a Modern City

As we have seen, the tasks of governance, though unlikely to be effortless, are greatly simplified in the case of a hermetic island community of limited scale (let us imagine under 30,000), with a slow rate of social transformation and a high level of cultural, economic, and institutional homogeneity. Under these circumstances, many of the ends and values of governance can be taken for granted, and the lion's share of public deliberation is likely to be focused on discovering the most efficient means for realizing common projects. This situation is in stark contrast with that of many modern communities, which are profoundly complex and diversified, and deeply conditioned by their participation in the global economy.

The modern city is an excellent laboratory for priming our philosophical imagination concerning the challenges of governance in contemporary societies, for two reasons: first, because it embodies the conditions of socio-economic complexity, accelerated social change, and enhanced interdependency as fully, perhaps, as any other segment of the social landscape; and second, because there is a wide consensus that many societies across the world are urbanizing at unprecedented rates (e.g., Knox and McCarthy 2013), making the case of the city more central to social order today than ever before.

Large modern cities are typically characterized by the following four properties that entail a level of social and political complexity that far outstrips that of the island communities considered above: (i) first, the proliferation of organizationally, culturally, politically, and linguistically

heterogeneous groups which inhabit and make use of the same geographic and social spaces; (ii) second, the intensification of far-reaching chains of social, economic, cultural, and political dependency and communication (“globalization”); (iii) third, comparatively high rates of migration and mobility; and (iv) fourth, accelerated rates of social, economic, and technological transformation. Together, these four features of the modern city render municipal governance infinitely more complex and challenging than the governance of, say, our imaginary island community.

To understand why this is so, just consider some of the peculiar challenges raised by the conditions sketched out above for social, political, and economic governance. First, social spaces occupied by organizationally, politically, and culturally heterogeneous groups must be governed by common procedures, rules and customs that can be viewed as legitimate by all of the relevant stakeholders. But reaching a reasonable level of consensus on commonly binding procedures, rules, and customs is no easy task when the parties involved have been socialized into a variety of different groups, each with its own independent customs, procedures, values, and political culture. In such circumstances, individual citizens are likely to find their loyalties torn between the needs and interests of their immediate associations, and the needs and interests of the wider association of the city within which they are embedded. Any effective form of city governance must attempt to reconcile or balance these potentially conflicting loyalties, and convincingly mark out the spheres over which city authorities can legitimately override the jurisdictional claims of the plethora of social and economic groups that make up the warp and woof of the city.

Secondly, global interdependency puts the integrity or independence of city governments in question. For a body politic embedded in a global chain of dependency cannot be sovereign over its own affairs in the sense that it cannot exert unilateral control over its own social and economic policies, which are inexorably shaped by their dependency on external actors. Because modern commerce, trade, capital, and culture are often oblivious to territorial frontiers, the ability of a modern city to control its own destiny is profoundly conditioned by actors outside the community,

most notably perhaps, providers of capital and debt who condition domestic economic policies, and international media conglomerates who condition the exchange of information and the course of debate in the domestic sphere. To the extent that local economic policy is increasingly conditioned by global actors who have only a tenuous stake in the future of the communities they interact with, the notion that a community can govern its own affairs according to its own best lights seems to be undermined.

A third challenge posed for the effective governance of city life is high levels of migration and social mobility. Effective governance is only possible against the backdrop of a shared civic culture through which governmental procedures and outcomes can be responsive to public deliberation, and mutual trust and civic friendship can be gradually consolidated over time. But in a population with high levels of migration and social mobility, the contexts of cooperation may be too fleeting and short-lived, or too disembedded from a shared narrative, to ground robust bonds of civic friendship and mutual trust. Furthermore, if social order, under the influence of high levels of social mobility, migration, and a fluid labour market, is constantly in flux, it may be quite difficult for stable customs to emerge and take hold. Although it may be tempting to make positive law do the work of custom, this is hardly feasible, unless one thinks that a handful of legislators and legislative teams can keep up with the break-neck rates of social, economic, and technological change associated with life in a large and dynamic modern city.

The Classic Model of Governance and Its Limitations

The question is, what sort of approach to city governance might stand some chance of successfully adapting to these sorts of challenges? In the next section, I will propose a somewhat unconventional approach, that I believe stands a realistic chance of adapting to these challenges, an approach I call “confederal republicanism.” But before discussing this somewhat unorthodox approach, let us examine what sorts of resources a

more traditional approach might have to deal with the challenges of governance in a modern city. If the traditional approach is adequate, then the move to a new and relatively untested model may be difficult to justify. But if the traditional model is inadequate, then trying out new models of governance, even if they are relatively untested, may be no longer a luxury, but a necessity.

What I will call the “traditional” model of city governance is an ideal type, and as such, does involve a certain amount of stylization or simplification. Nonetheless, it is meant to capture the logic of centralized city planning and governance that has played such an important role in the history of modern cities, and has significant analogies with the system of governance typical of the ancient city-states. This traditional approach is premised on the idea that a certain set of rulers, with the support of either a certain class of citizens, or the citizen body taken as a whole, oversee the general welfare of the city, and take whatever measures they see fit to maintain public order and justice. On this view, rulers are a discrete, visible class of citizens, who jointly decide upon the fate of the city, operating through a more or less cohesive cluster of political institutions.

While this class of rulers was proportionately larger in democracies such as ancient Athens, in which all citizens had the right, in principle, to participate in the decisions of the city assembly, it was always a more or less unified and official organ of governance that oversaw public order and looked out for the common good. Even if that organ of governance was legitimated or constituted by the citizenry at large, it remained a more or less unitary institution. It is in that sense that we can legitimately assert that ancient city-states, no matter how democratic, had a centralized and more or less unitary system of governance.

The existence of a centralized organ of governance in a relatively small city (historians such as Hansen 2006) estimate that ancient Athens had approximately 30,000 citizens not including women, children and slaves) is not without its disadvantages, most obviously perhaps, the fact that factious groups and demagogues could easily leverage the assembly votes for their own private gain. The visibility and relative simplicity of

governing institutions made them peculiarly vulnerable to the wiles of powerful orators and factious machinations.³

But setting this important caveat aside, governmental centralization was at least workable in the context of a small city with an agrarian economy, a relatively homogeneous language and culture, a high level of militarization, and a form of social life that did not have elaborate civil society structures that could shape citizens' lives in competition with official political institutions and narratives. In a historical context in which a highly complex post-agrarian economy was unknown and no extensive network of civil society organizations had sprung up, the social and cultural fabric, though by no means uniform, was sufficiently even that a single class of rulers, or a single cluster of public institutions, might have sufficient knowledge and competence to single-handedly govern the social order.

There is no reason to assume that this traditional model of city governance, in which governance functions are more or less concentrated in the hands of a single class of rulers, will work well for every type and scale of city. In particular, it stands to reason that once a city grows beyond a certain level of scale and socio-economic complexity, the notion of its governance being implemented and overseen by a centrally controlled institution becomes much less plausible. The case of late 20th century and early 21st century post-industrialized cities with populations in excess of 100,000; high levels of cultural and/or ethnic diversity; dynamic, complex, and fast-moving economies; and relatively high levels of migration, poses peculiar challenges for the traditional centralist model of governance.

³ For one instructive account of the tensions between different factions and social classes in one ancient city, Athens, see Ober (1991). Madison points out the dangers of factionalism in small-scale democracies in Federalist #10: "a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."

Any functional system of governance must embody a level of competence, knowledge, and flexibility suited to the complexity of the social reality that it is attempting to govern. The traditional model of city governance, in which governmental expertise and know-how is concentrated in the hands of a centralized administrative body, patently fails to meet this test. It is built on the assumption that the social and economic order of a city ought to be responsive to the initiatives of a centralized, general-purpose steering organ. But this is a normative assumption that is essentially a piece of wishful thinking, possibly informed by models of governance more appropriate for the ancient Greek city-states or by models of governance that may work in small rural towns.

One of the most extreme manifestations of this wishful thinking about the power of centralized institutions to bring order to complex modern cities is the city planning movement that dominated many large American cities such as Philadelphia, New York, and Chicago in the 1950s and 60s. City planners tended to view the inherently complicated and unpredictable patterns of architectural, economic, and social development in large cities as symptomatic of a disorder that needed to be “tidied up” by experts. When confronted with the beneficial outcomes of relatively unplanned, bottom-up urban development, they viewed them as inexplicable anomalies because they could not be reconciled with the prevailing wisdom of architects and city planners of the time, namely that centralized city planning was the only way to bring order and progress to a large city. The paradigm of centralized planning and governance was so engrained in many people’s minds that it took them a long time to recognize its catastrophic consequences: in particular, the creation of slum neighbourhoods and centers of delinquency on a scale that was scarcely imaginable before the city planners got to work.

Some of the reasons for the abysmal failure of centralized, top-down city planning are eloquently documented by the grassroots journalist and campaigner Jane Jacobs. Of particular note is her observation that city planners failed to respect the accumulated wisdom and ways of getting along that ordinary citizens had developed over many generations. City planners tended to view busy streets and zones with residential and

commercial land inter-meshed as overcrowded slums; but they failed to ask those inhabiting such “slums” what they wanted or what they thought of their own living arrangements. City planners assumed that city life was harsh and unhealthy for residents of old buildings with high population densities; but they failed to notice the ways in which these apparently chaotic social structures constituted a delicate social ecology inhabited by thriving and dynamic communities. This blindness to the facts on the ground proved disastrous: city planners ended up tearing apart local communities and disembedding them from the institutions that nourished them, in well-intentioned but utterly misguided efforts to improve their lives based on “expert wisdom.”

Jacobs vividly describes the consequences of these misguided interventions:

“There is a wistful myth that if only we had enough money to spend...we could wipe out all our slums in ten years, reverse decay in the great, dull, gray belts that were yesterday’s and day-before-yesterday’s suburbs, anchor the wandering middle class and its wandering tax money, and perhaps even solve the traffic problem. But look what we have built with the first several billions: Low-income projects that become worse centers of delinquency, vandalism and general social hopelessness than the slums they were supposed to replace. Middle-income housing projects which are truly marvels of dullness and regimentation, sealed against any buoyancy or vitality of city life [...] That such wonders may be accomplished, people who get marked with the planners’ hex signs are pushed about, expropriated, and uprooted much as if they were the subjects of a conquering power. Thousands upon thousands of small businesses are destroyed, and their proprietors are ruined, with hardly a gesture at compensation. Whole communities are torn apart and sown to the winds, with a reaping of cynicism, resentment and despair that must be heard and seen to be believed.” (Jacobs 1992, 4-5)

While not all proponents of centralized governance are as arrogant and nonchalant about social reality as the American city planners of the 1950s and 60s, the catastrophic failures of centralized city planning should nonetheless serve as a chilling warning of the dangers associated with

traditional, centralized models of city governance. The failures of American city planners are not to be put down to some technical error, but a fundamental problem with the whole notion that one can unilaterally introduce order into a modern city from a single fulcrum, whether an economic Guru, a city-planning committee, or a democratic assembly. The patent failures of this model should come as no surprise, given the mismatch already noted between the complex, fast-moving, and heterogeneous activity of a modern city and the limited resources and knowledge base available to official city governments. We need to look beyond old ideas of governance associated with ancient city-states and small rural towns, if we are to develop principles of governance that are adapted to the breathtaking complexity and teeming life of a large modern city.

Toward a Confederal-Republican Model of Governance

In light of the severe limitations of traditional centralized models of city governance when applied to large modern cities, we need to look for a model that can take account of socio-economic diversity, adapt to changing needs on the ground, and achieve a more effective distribution of knowledge and expertise than is possible under traditional governments. Two clear lessons can be gleaned from Jane Jacobs' penetrating diagnosis of the disaster of the 1950s American binge in city planning: first, that official "Governments" do not enjoy a monopoly over the activity of governance, but coexist alongside other governing agents and institutions; and second, that all governmental institutions and agents, whether official or unofficial, are well advised to leverage and exploit the ordering power of community role models, popular wisdom and voluntary exchange, rather than attempting to impose order on society as though it were exclusively a product of their decisions.

Keeping these two insights in mind, one approach that could go some way toward addressing the challenges of governance under conditions of advanced socio-economic complexity is something I call "confederal

republicanism.” This approach builds on (a) ideas of liberty associated with the republican tradition, in particular freedom as rational self-direction mediated through shared decision-making institutions;⁴ (b) ideas of complexity social order and associative autonomy whose first systematic articulation we find in the work of the German jurist Johannes Althusius, in particular the idea of a political system that is built on agreements (*foedus*) between self-governing associations; and a range of studies demonstrating, whether from postulates of self-interest, or from empirical case studies, the economic benefits of “polycentric” systems of governance and public administration, by authors such as Ostrom (2015), McGinnis (1999), and Tiebout (1956). One of the core ideas behind this approach is well expressed by Althusius, when he says,

“[p]olitics is the art of associating (*consociandi*) men for the purpose of establishing, cultivating, and conserving social life among them [...] The subject matter of politics is therefore association (*consociatio*), in which the *symbotici* [those living together] pledge themselves each to the other, by explicit or tacit agreement, to mutual communication of whatever is useful and necessary for the harmonious exercise of social life.” (Althusius 1995, 17)

According to the confederal-republican approach, at least as envisaged here, citizens can opt in and out of a wide range of associations, each with its own functionally – and in some cases also territorially – limited authority, and these associations can enter into mutual pacts with each other, including pacts that delegate limited grants of authority to super-associations entrusted with coordinating the common affairs of many different associations.⁵ This fits with a broad understanding of a

⁴ Articulations of this tradition, apart from classical authors such as Aristotle and Cicero, include Daeger (1997), Honohan (2003), Rahe (1994), and Barber (2003).

⁵ Confederal republicanism could build on numerous historical efforts to imagine and apply polycentric, decentralized models of governance, including efforts by political economists to show how governmental competition and fiscal decentralization can make governments more efficient and responsive to citizens’ needs (Ostrom 2015; McGinnis 1999; Hirschman 1970; Tiebout 1956; Oates 1999; Buchanan 2000); defenses of associative and legal pluralism (Teubner 2012; Muñiz-Fraticelli 2014; Levy 2015); and attempts to develop “bottom-up,” federated or confederal accounts of political order, (Althusius 1995; Bookchin

confederation, as “an organization which consists of a number of parties or groups united in an alliance or league,”⁶ while the etymology of confederal, *con* (together) and *foedus* (league, treaty), suggests a complex and multi-lateral partnership rather than a consolidated union with power concentrated at the top.

Confederal republicanism is not just a set of principles governing institutional design, but a set of assumptions about the task of governance that need to be reflected in the mindsets of rulers and citizens. In particular, a confederal system, because it relies on multilateral collaborative ties between institutions and communities, requires that rulers make a good faith effort, where possible, to conciliate their own governance decisions with those of other governing bodies, whether those governing bodies are part of an official government apparatus, or are somehow embedded in civil society organizations. In addition to this collaborative and multi-lateral approach, it is in the interests of rulers, if they wish to be effective at their job, to leverage rather than usurp the role of community leaders, popular wisdom, and voluntary exchange in solving the coordination problems they confront.

The forms of authority available in a confederal system of governance, to the extent that they are not absolute or general-purpose, would be very different from the authority of a city government as traditionally conceived. In a confederal system, no authority would wield generalised or all-purpose sovereignty over the social sphere. However, to the extent that associational authority remains final and nongainsayable *within its own limited domain*, it could be considered “sovereign” in a limited or localized sense, analogous, for example, to the limited sovereignty of a medieval guild or university over its own affairs.⁷ A plurality of independent

2005), which are especially attentive to the role of a wide range of social groups, whether defined functional or territorially, in constituting shared political authority.

⁶ Oxford Dictionaries: <https://en.oxforddictionaries.com/definition/confederation>.

⁷ This, at least, is how medieval sovereignty is depicted in Grimm (2015), even though Grimm acknowledges that the terminology of sovereignty, if used at all by medievals, tends to be attributed absolutely to God, rather than to limited spheres of authority. One philosophical account of this limited conception of sovereignty, which trades heavily on the contrast with divine sovereignty, is the Calvinist theory of “sphere sovereignty,” developed by Kuyper (2012).

jurisdictions could coexist within the same geographic territory, and would be expected to respect each other's independence (just as the courts and parliaments are currently expected to defer to each other's proper jurisdiction). Some of these jurisdictions would be both geographic and functional – for example the jurisdiction of a municipality or district court. Others would be almost exclusively functional – for example, the jurisdiction of an international trade association, or the jurisdiction of the Catholic church with respect to the spiritual and ecclesiastical questions that fall within its orbit.

These independent associations would, of course, have to share a common civic culture and submit to certain common rules in order to cohabit the same social space. Furthermore, they would have to develop enforcement mechanisms for dealing with infractions of or disputes over commonly accepted rules, that could work in the absence of a sovereign state. Such mechanisms might include, among other things, voluntary arbitration courts and non-legal penalties such as loss of reputation for violating community norms.⁸ Furthermore, they would have to find a way to protect their own jurisdictional boundaries from possible incursions by neighbouring authorities, whether through political strategies, appeals to public opinion, or recourse to recognized mechanisms of legal arbitration. But some exercises of authority would remain contested even after all available legal and political channels for settling the stand-off have been exhausted. And because no single authority could claim absolute sovereignty over all other actors within a given territory, there would inevitably be an element of uncertainty and contestation, and the outer limits of social authorities could not be settled for once and for all.⁹

⁸ This is not the place to delve in depth into reasonable strategies available to communities for enforcing shared rules without recourse to sovereign authority. For two good treatments of the subject, see (Stringham 2015; Scott 2014).

⁹ The view that a plausible version of legal and associative pluralism entails the rejection of a single authoritative mechanism for resolving social disputes across the board, is shared by numerous pluralists, including (Levy 2015; Muñiz-Fraticelli 2014).

Notwithstanding this indeterminacy, there is no reason to assume a priori that a nonsovereign, confederal political order would be infeasible. Indeed, social and political coordination already occurs extensively at the transnational level and in private organizations without recourse to a sovereign regulator (Stringham 2015; Rosenau and Czempiel 1992; Dietz 2014). Social coordination can be achieved in many contexts through reliance on custom, informal social norms, private and institutional contracts, and forms of arbitration that are either voluntary or that derive their authority from social and professional prestige, independently from any sovereign imprimatur.

Finally, the confederal, republican approach entails a normative vision of how associations ought to operate in order to benefit their members and surrounding communities. A sound social organization, on this view, needs to be (a) genuinely *participatory* in the sense that implicated parties have meaningful input into the organization's development and decisions; (b) genuinely *self-governing* in the sense that the organization can make binding collective decisions on issues affecting its members that are not constantly second-guessed or manipulated by third parties; (c) *welfare-enhancing*, in the sense that the organization is responsive to the needs and interests of stakeholders and affected parties both inside and outside the organization; and (d) *public-spirited*, in the sense of being disposed toward voluntary collaboration with neighbouring organizations, when such collaboration can serve a wider or more encompassing public interest.

The self-governing and participatory character of organizations that make up the warp and woof of a confederal republic serve a dual function: on the one hand, they ensure that governance and social policies actually track the real interests and needs of citizens, by maintaining channels of communication and decision-making that are open to the perspectives of affected parties; and second, they give citizens a meaningful opportunity to shape the social order they inhabit, which, from a republican perspective, has its own intrinsic value as a critical dimension of rational self-direction.

Confederal Republicanism and the Challenges of Governing a Modern City

Earlier, we canvassed three formidable challenges associated with the task of governing a modern city: first, the difficulty of elaborating shared decision procedures, rules and customs for organizationally, politically, and culturally heterogeneous groups; second, the difficulty of building up shared loyalties and community norms in a society marked by high levels of demographic mobility; and third, the surrender of collective sovereignty to global political and economic actors. It is worth adding that the first two of these factors pose challenges for the task of social governance because they undermine three crucial sources of social order that rulers ordinarily count on in their day-to-day governance, namely the authority of community role models; popular wisdom embedded in customs, social norms, and shared narratives; and voluntary exchange between citizens. What I want to suggest here is that confederal republicanism, though it cannot eliminate these difficulties, can go further than traditional models of city governance in alleviating them.

Let us begin with the problem of coordinating a wide range of diverse social and economic groups. This problem has structural, epistemic, and political components. Structurally, the problem is that a single governmental institution is unlikely to be structurally or institutionally well-suited to the governance needs of all of the social and economic groups active in a large city. Epistemically, the problem is that a single class of rulers, or a single bureaucracy, is unlikely to embody the full range of knowledge and skills required to govern a wide range of social and economic activities. Politically, the problem is that a single governmental institution, partly due to its epistemic and structural shortcomings, is unlikely to be perceived by the groups under its jurisdiction as morally legitimate or deserving of their allegiance.

The solution I am here proposing to this massive coordination problem is essentially the dispersal of governance functions across the relevant organizations, so that they can take up much of the epistemic, institutional, and political burden that a central municipal authority cannot realistically

assume. Permitting a broad range of civil and economic organizations a high degree of governmental autonomy permits individuals with shared governance needs to pool their resources and expertise in shared structures of collective governance. Because those structures aim to promote a specific set of interests shared by their members, rather than attempting to promote the public good generically, they can concentrate their energies on a finite set of problems and can hone a finite pool of expertise to those problems. Because these governance structures are geared toward solving a few well-defined coordination problems, affected parties can have a tangible grasp of why such governmental structures matter for their everyday lives, and they can have a strong incentive for supporting and maintaining them over time.

This bottom-up approach to city governance has several notable advantages for the coordination of organizationally, culturally, and economically heterogeneous groups: First, it assigns governance functions to individuals and groups who are directly involved in the spheres being governed, and thus are more likely to have both the motivation, knowledge, and skill set required to competently discharge the assigned function, benefiting all affected parties. Second, bottom-up governance puts greater pressure on citizens of many different walks of life to participate actively in the resolution of social problems, thus training them over time to take responsibility for their own lives – a *sine qua non* for freedom as rational self-direction, from a republican perspective. Finally, bottom-up governance relieves city authorities of the duty of micromanaging the city's day-to-day affairs and regularly running the risk of exceeding their epistemic competence and moral authority.

So far, I have shown how confederal republican principles can assist us in addressing the challenge of coordinating the activities of heterogeneous groups. Now, I would like to briefly consider the second challenge, that of building up shared loyalties and community norms in a society marked by high levels of demographic mobility. The confederal approach can help meet this challenge in at least two ways: first, by embedding important governance structures directly within voluntary associations and professional guilds, we permit associations to develop an institutional

memory and knowledge base that can survive a relatively high turnover in the population interacting with the institution. Local associations, to the extent that they assume the tasks of self-government, can (a) cultivate role models capable of transmitting relevant virtues and know-how to interested parties; and (b) become invaluable storehouses of institutional and cultural memory that survives changes in leadership. Centralized governments, acting alone, are insufficient repositories for collective wisdom, i.e., customs, norms, principles of equity and decision-making, and communal narratives, pertaining to the governance and coordination of a large city.

Another way the confederal approach mitigates the challenge of instilling a sense of community cohesion is by fomenting sentiments of grassroots loyalty. It seems intuitively plausible that a higher level of associational autonomy, insofar as it permits its members to participate in more meaningful ways in shaping the life of the association, is likely to foster more intense sentiments of associational loyalty and belonging. This can offset the problem of demographic mobility by encouraging citizens to invest in the future of their shared institutions and adopt more than an instrumental and calculating attitude toward them. Only if citizens feel a strong bond with the associations they belong to, are they likely to be motivated to throw in their lot with their associations, and turn down opportunities to sell their labour to a higher bidder in another region or city.

Now, what are we to make of the third challenge confronting city governance, namely the surrender of collective sovereignty to global political and economic actors? We have reached such a high level of global interdependency that the idea of a city becoming collectively self-sufficient seems rather utopian – and for some, perhaps dystopian. Nonetheless, one can take steps to mitigate excessive dependency on global financial markets and on political actors outside the city, so that a city's political and economic decisions are less enslaved to global financiers and political priorities and values imposed by national or international political actors.

Once again, enhanced associational autonomy can play a critical role in tackling this challenge. To the extent that local associations exert greater levels of control over their own internal decisions, missions, and policies,

they may be able to respond to economic and political actors on the national and global stage in ways that reflect their own priorities, at least to a certain extent. Some associations would want to maximize their income and would be prepared to sell their rights of self-government to multinational corporation at the “right” price; other associations would place their internal missions and ideals higher than GDP and economic growth. By allowing different associations leeway to adjust to global markets and outside political actors in different ways, a confederal system would loosen the grip of global markets and outside governments over the affairs of the city.

Whereas in a highly centralized system, outside actors have easy access to city planners and city managers and thus have direct leverage over the entire city, in a highly decentralized, confederal system, where capital and income is controlled and channelled from many different sources, both investors and external political actors will have great difficulty using capital – arguably a more important tool of control than military force, at least within Western societies – to control the destiny of an entire city, or buy off its rulers. In short, a complicated and overlapping governance infrastructure, in spite of the fact that it may reduce efficiency in certain aspects of governance, may, in the long run, be one of the best protections against the arbitrary diktats of internal managerial classes and external political and economic giants.

The Confederal Approach to Jurisdictional Disputes and Inter-Associational Coordination

Of course, the organizations of a city – whether a taxi-driver union, an architectural guild, a neighbourhood association, a parish, a police force, a cultural institute, a museum, or a park maintenance company – cannot have absolute control over their internal affairs, and must find a way of reconciling their own missions with the claims of other organizations and the public interest of the city they co-habit. Certain aspects of Althusius’s social ontology can give us helpful clues about how a plethora of diverse,

self-governing organizations might create a shared social order without installing a Leviathanesque government with the power to effectively disband organizations at will, monopolize the public sphere, and channel citizens' earnings to the pet projects of city planning gurus and ruling elites.

Althusius's multi-layered social ontology makes reference to the family, the collegium (guild or professional association), the universitas/politeuma (city), the province, and the "universal association" of the commonwealth (respublica). According to Althusius, one must carefully distinguish between the "private" concerns that strictly fall within the shared prerogatives and interests of the members of a nested organization, and the "public" concerns that pertain to the shared prerogatives and interests of a more encompassing social organization, within which it is nested. For example, many aspects of the curriculum created by a Home Schooling Association are logically matters that concern its members and are not of sufficient importance to the wider society to justify external interventions in the association. However, if a Home Schooling Association dedicated itself to advocating criminal behaviour or violent forms of religion, these decisions patently impinge on the legitimate interests of the city or nation that hosts the Home Schooling Association, in particular the interest in maintaining security. Thus, the internal prerogatives of a Home Schooling Association ought to be conditioned by the legitimate interests and prerogatives of larger social organizations.

Of course, the difficulty with this view is that the shared interest of any large organization is contestable, and may be manipulated or misrepresented in order to justify arbitrary interventions in organizations, under the pretext that they have supposedly violated a public interest. Nonetheless, it seems to me that some distinction between public and private interests must be drawn, at least tentatively, if we are to place the freedoms and prerogatives of associations on a moral rather than purely conventional or realpolitik footing. There ought to be a presumption in favour of permitting local organizations to run their own affairs, and this presumption should only be overridden in instances where a strong case

can be made that a compelling interest of a wider association, such as the city or nation at large, needs to be defended. I am not suggesting that reason will always prevail in jurisdictional disputes; but I am suggesting that we ought to take into consideration some sort of assessment of the public interest and its requirements, rather than relying exclusively on “might is right.”

The notion that the compelling public interest of a more encompassing organization may legitimately be given primacy over the prerogatives and interests of organizations nested within it is a limiting principle for justifying interventions that may be resisted or rejected by local organizations. However, it cannot be a general principle of social coordination, because it is most relevant for situations in which organizations are at cross-purposes with one another, or relate to each other in exclusively competitive terms. This sort of hyper-competitive situation does not favour the emergence of a strong social consensus on what the public interest entails, so the more generalized it becomes, the more public regulation loses its moral legitimacy.

Social coordination, then, must rest primarily on a *collaborative* rather than competitive basis. In the specific case of a modern city, its constitutive organizations and their representatives must do their best to come to an agreement (*foedus*) on the sorts of regulations, laws, and decision procedures that can reconcile their own internal interests with the interests they share with other organizations and individuals who co-habit the city. Here, one must distinguish between those regulations, laws, and decision-procedures that are city-wide and more or less uniform, e.g., building ordinances; and those regulations, laws, and decision-procedures that are inter-associational but adaptable to many different sorts of activity and relationship, e.g., contractual relationships, resident association rules, and voluntary arbitration courts.

In a complex society such as a medium to large city, collective action problems, whenever possible, should be resolved from the ground up rather than from the top down, so that social problems are tackled, in the first instance, by those parties who have the knowledge base, the moral authority, and the motivation to diligently work toward a solution. In other

words, we should apply a priority rule, which could be seen as one way to cash out the principle of subsidiarity as it has evolved in the Catholic tradition, in which those most closely affected by a problem, and with some plausible moral standing to address it, be the ones responsible for addressing it.

For instance, if a social problem is confronted uniquely or predominantly by a particular association, it should fall to the leadership and membership of that association to resolve the problem and, where practicable, assume the risks and consequences of the solution they select. Different industries, for instance, face a plethora of regulatory challenges that industrial actors have much greater knowledge and motivation to resolve than distant government actors. If a social problem affects the relations between a finite group of associations, then it should fall to those associations and their leadership to work out inter-associational arrangements that are satisfactory to all parties involved. For example, if noise levels in bars are becoming bothersome to local residents, the first approach to a solution should be a frank negotiation between representatives of the bars in question, and local resident associations. Finally, if a social problem is so general that it affects the public interest of most citizens, or urgently requires resolution but has reached an impasse at the local level, it can be referred to city authorities, duly constituted and approved by representatives of a wide range of civil and economic associations in the city.

Maria Cahill offers a useful explanation of how a doctrine of subsidiarity, rightly understood, should guide interactions between large and small associations:

“authority is differentiated and its various forms are incommensurable, since the type and scope and extent of authority exercised in a family is fundamentally not the same as the type and scope and extent of authority exercised in a trade union. Moreover, the type and scope and extent of assistance offered by a particular subsidiary unit to a particular primary unit will be specific to the kinds of units involved. [For instance], [t]he assistance that the state, as subsidiary unit, will offer to a family or a commercial enterprise or a city council will differ precisely

because the assistance will be addressed to those specific groups, recognizing their organic authority, and ordered to the good of the family, the commercial enterprise and the city council, respectively.” (Cahill 2017, 213-214)

According to this bottom-up approach, those responsible for oversight of city order should defer, whenever possible, to the existing structures and decision procedures of functionally organized associations, especially in the case of associations whose membership is voluntary; and when a significant city-wide decision needs to be made, city authorities should negotiate and deliberate with representatives of a wide spectrum of associations affected to achieve maximum public “buy-in” before proceeding with major reforms or policy changes.

CONCLUSION

Confederal republicanism, with its bottom-up and pluralist approach to social and political order, has the potential to break the monopoly of states and political parties over public authority, power, and economic resources, unleash the energy and initiative of a wide range of social and political actors, and permit governance functions to be assumed voluntarily by those actors with the most relevant motivation, knowledge, and skills. However, it is not without its difficulties: First, the confederal approach to city governance can only work if the population of a city has the type of education and mentality that can support a high level of voluntary negotiation and cooperation and a widely entrenched commitment to constitutionalism. Second, once one renounces unilateral control over the body politic, organizational jurisdictions will multiply and often overlap. In such an environment, potentially destructive “turf wars” of various sorts are bound to crop up. Last but not least, there is the danger of hyper-privatization – where citizens retreat into private organizations and lose touch with the idea of a shared, city-wide good.

These sorts of difficulties might be tackled by an effective educational system with a high level of buy-in by local association; well designed city assemblies that can incorporate the voices of a wide range of relevant associations into deliberations that affect the future of the city at large; and an effective partnership between public and private arbitration courts for peacefully adjudicating interjurisdictional disputes. In any case, the bottom-up model of city governance proposed here is sufficiently different from existing approaches that its institutionalization will need to be carefully conceptualized in light of past experiences with decentralized governance, and is probably best implemented, at least initially, through limited pilot projects, from whose successes and failures researchers and city authorities might learn a great deal.

REFERENCES

- Althusius, Johannes. 1995. *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples*. Indianapolis: Liberty Fund. First Published 1614.
- Barber, Benjamin. 2003. *Strong Democracy*. Berkeley: University of California Press. First Published 1984.
- Bookchin, Murray. 2005. *The Ecology of Freedom: The Emergence and Dissolution of Hierarchy*. Chico, CA: AK Press.
- Buchanan, James M. 2000. *The Limits of Liberty: Between Anarchy and Leviathan*. Indianapolis: Liberty Fund.
- Burke, Edmund. 1999. *Reflections on the Revolution in France*. Oxford: Oxford University Press. First Published 1790.
- Cahill, Maria. 2017. "Theorizing subsidiarity: Towards an ontology-sensitive approach." *International Journal of Constitutional Law* 15 (1):201-224.
- Cerny, Philip G. 2010. *Rethinking World Politics: A Theory of Transnational Neopluralism*. Oxford: Oxford University Press.

- Connolly, William E. 2007. "Pluralism, Multiculturalism and the Nation State: Rethinking the Connections." *Journal of Political Ideologies* 1 (1):53-73.
- Dagger, Richard. 1997. *Civic Virtues: Rights, Citizenship, and Republican Liberalism*. Oxford: Oxford University Press.
- Dietz, Thomas. 2014. *Global Order Beyond Law: How Information and Communication Technologies Facilitate Relational Contracting in International Trade*. London: Bloomsbury Publishing.
- Galston, William. 2002. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice, Liberal Pluralism*. Cambridge: Cambridge University Press.
- Grimm, Dieter. 2015. *Sovereignty: The Origin and Future of a Political Concept*. New York: Columbia University Press.
- Hansen, Mogens Herman. 2006. *Polis: An Introduction to the Ancient City-State*. Oxford: Oxford University Press.
- Hayek, Friedrich A. 1978. *Law, Legislation and Liberty*. Vol. I-III. Chicago: University of Chicago Press.
- Hirschman, Albert O. 1970. *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge: Harvard University Press.
- Hirst, Paul. 2013. *From Statism To Pluralism: Democracy, Civil Society And Global Politics*. New York: Routledge.
- Honohan, Iseult. 2003. *Civic Republicanism*. New York: Routledge.
- Jacobs, Jane. 1992. *The Death and Life of Great American Cities*. New York: Vintage Books. First Published 1961.
- Knox, Paul L., and Linda M. McCarthy. 2013. *Urbanization: An Introduction to Urban Geography*. Essex: Pearson Education Ltd.
- Kukathas, Chandran. 2003. *The Liberal Archipelago: A Theory of Diversity and Freedom*. Oxford: Oxford University Press.
- Kuyper, Abraham. 2012. *Lectures on Calvinism*. Seattle, Washington: Createspace. First Published 1898.
- Levy, Jacob T. 2015. *Rationalism, Pluralism, and Freedom*. Oxford: Oxford University Press.

- McGinnis, Michael D. 1999. *Polycentricity and Local Public Economies: Readings from the Workshop in Political Theory and Policy Analysis*. Ann Arbor, MI: University of Michigan Press.
- Muñiz-Fraticelli, Victor M. 2014. *The Structure of Pluralism*. Oxford: Oxford University Press.
- Oates, Wallace E. 1999. "An Essay on Fiscal Federalism." *Journal of economic literature* 37 (3):1120-1149.
- Ober, Josiah. 1991. *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. Princeton: Princeton University Press.
- Ostrom, Elinor. 2015. *Governing the Commons*. Cambridge: Cambridge University Press.
- Rahe, Paul Anthony. 1994. *Republics Ancient and Modern*. Vol. I: *The Ancien Régime in Classical Greece*. Chapel Hill: University of North Carolina Press.
- Rosenau, James N., and Ernst-Otto Czempiel. 1992. *Governance Without Government, Order and Change in World Politics*. Cambridge: Cambridge University Press.
- Scott, James C. 2014. *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. Boston: Yale University Press.
- Stringham, Edward Peter. 2015. *Private Governance, Creating Order in Economic and Social Life*. Oxford: Oxford University Press.
- Teubner, Gunther. 2012. *Constitutional Fragments: Societal Constitutionalism and Globalization*. Oxford: Oxford University Press.
- Tiebout, Charles M. 1956. "A Pure Theory of Local Expenditures." *Journal of Political Economy* 64 (5):416-424.