

A Short Prospectus for a New Book:

**Political Order After the Sovereign State:
A Perfectionist Case for Consociational Governance**

David Thunder
Researcher & Lecturer,
Institute for Culture & Society, University of Navarra
dthunder@unav.es www.davidthunder.com

In spite of its continuing centrality to the practice of politics in the West, the narrative of the sovereign, self-governing people is now in a state of profound crisis. This crisis has two fundamental aspects: first, it is becoming more difficult to *effectively apply the powers imputed to the sovereign State*, in a host of areas from corporate taxation and welfare provision to the regulation of emerging technologies; and second, it is becoming more difficult to *justify sovereign power and authority to the citizen body*, who are growing increasingly disillusioned with their public institutions. The less effective the powers of the State are, the more difficult it is to legitimate them; and the less citizens believe in the State's authority, the more difficult it is for the State to wield its powers effectively.

The crisis of efficacy and legitimacy confronting the sovereign State represents a good reason to look for an alternative approach to political order. With this in mind, *Political Order after the Sovereign State* seeks to develop an alternative narrative of political order to that of the sovereign, self-governing people and the sovereign State that serves at their pleasure.

Existing critiques of the sovereign State as a source of political order usually fall into one of four categories: they claim that the sovereign State (i) is an inadequate instrument for solving transnational problems; (ii) violates individual liberty or property rights; (iii) is economically inefficient or exploitative; or (iv) undermines the authority and functionality of local associations and communities. My critique falls into the last of these four categories, highlighting the tendency of sovereign rule, i.e. general-purpose, supreme governance over an extended territory, to systematically erode the authority and functionality of rival social groups, without which rounded forms of personal and social flourishing become impossible.

The book's argument has two parts. The first part makes the case that sovereign authority, by its very nature, tends to weaken a wide range of social institutions upon whose integrity and survival free and flourishing communities depend. The second part builds up a preliminary case for an alternative paradigm of political order: the consociational republic.

I rest my case against sovereign rule on a careful analysis of the logic of sovereign authority and its implications for the normative orders of rival associations and their corresponding goods. My argument makes use of an innovative conceptual tool for analyzing political and social order, namely, the notion of a *normative order*. More than just a legal system, a normative order is a more or less cohesive cluster of public signs, whether rules, narratives, social norms, role models, or customs, that coordinate the activities of an association in such a way that its members may realize the ends for the sake of which the association exists. Put simply, a normative order is a sort of institutional and cultural framework that guides members of an association to jointly achieve an association's distinctive ends.

Every normative order is justified by its success at achieving certain human goods that correspond to it. But the human good is extraordinarily complex – so complex, that it can only be tracked by a rich panorama of diverse associations, constituted by normative orders devoted to diverse dimensions of the good. The normative order of the State, precisely because it is armed with the badge of sovereignty, tends to assume a hegemonic status with respect to rival normative orders, remaking them in its own image and likeness. Insofar as the sovereign State succeeds at redeeming its authority on the ground, it effectively breaks down what I call the *social ecology of freedom* – that is to say, the complex web of overlapping institutions and cultures without which the full panoply of human goods cannot be successfully pursued.

The paradox of sovereign rule is that it is inscribed into a narrative that claims to put the people in control of public power and in control of their collective life, yet ends up generating a political system, which, on account of its centralizing and homogenizing tendencies, weakens the intricate and differentiated social infrastructure of freedom and consequently debilitates people's capacity to live free and flourishing lives. Indeed, the principle of popular sovereignty widely taken for granted by contemporary political theorists, citizens, and public officials, is in reality a trojan horse that promises political freedom but instead delivers a form of constitutional domination that may be aptly described as a species of "soft despotism."

Having exposed the damaging effects of sovereign rule on the social ecology of freedom, I build up a preliminary case for a post-sovereignist, polycentric paradigm of political order, that of the *consociational republic*. I contend that a just and well-ordered society depends upon forms of social organization and self-government not reducible to the culture and institutional structures of the sovereign State. My argument attends carefully to local sources of authority, whether in the domains of economy, civil society, or politics as conventionally construed, that make meaningful, participatory forms of community and self-government possible.

I articulate the basic principles of a freedom-fostering system of social governance, which I call "consociational republicanism," in recognition of its affinities with classical republican ideas of self-government. Consociational republicanism is a critical reformulation of certain themes to be found in the confederalism of 17th century German jurist Johannes Althusius, as well as the doctrine of subsidiarity later developed by Catholic thinkers. It rests on the claim that the type of freedom that is worthy of a republic of equal citizens, namely, the capacity for rational self-direction in the service of personal and communal flourishing, can only thrive in a society in which associations of citizens have the legal and political capacity to institute, cultivate, and defend their own distinctive normative orders, and to adapt those orders to inter-associational values and needs, wherever possible through cross-community negotiation and cooperation rather than through unilateral state regulations.

Consociational governance entails a robust dispersal of the functions of political and social governance across a wide range of self-governing associations specialized in different tasks. Associational governance is effective and desirable when it is (a) coherently oriented to pro-flourishing purposes, (b) knowledgeable and competent, (c) accountable to its constituents, (d) free from arbitrary external interference, and (e) of a participatory and collegial character. Under these circumstances, associations may successfully harness their normative orders to diverse dimensions of human flourishing.

There is a strong case to be made for attributing robust powers of self-government to local associations. In particular, members of associations have the strongest incentive and knowledge base to tailor governmental processes and decisions to associational purposes, because they have a unique familiarity with and stake in the mission of the association. Consequently, internal governance authorized and conducted by members of the association themselves is preferable, other things being equal, to externally imposed governance.

In a consociational republic, no authority would wield omnicompetent sovereignty. However, in order to peacefully cohabit the same social space, associations would need to embrace a common civic culture and submit to certain common rules, as well as developing multilateral coordination schemes, such as formal and informal arbitration procedures, and overlapping political and legal jurisdictions of the sort we find in confederal polities.

Under the rule of the sovereign State, political parties, technocratic elites, and bureaucratic agencies have a vested interest in obstructing any transfer of power to the periphery. Under consociational rule, the quasi-monopolistic hold of the sovereign State over regulation and governance would be decisively broken, and citizen associations, municipalities, and regional associations would be enabled to assume a much wider gamut of governmental functions and to experiment with many more participatory models than is currently possible in most Western societies, injecting new energy and vitality into citizenship and public life.

TABLE OF CONTENTS

PART I – FRAMING THE PROJECT

1. Introduction

- 1.1 The Plural Sources of Social Order
- 1.2 The Quest for Civil Order and Its Complex, Multi-Perspectival Character
- 1.3 The Quest for Civil Order Viewed Through an Individualist Lens
- 1.4 The Construct of the Sovereign State as an Ideological Correlate of Individualism
- 1.5 The Hegemonic Status of the Sovereigntist Imagination in Contemporary Political Philosophy
- 1.6 The Social Ecology of Freedom
- 1.7 What an Individualist Social Ontology Misses About the Sources of Freedom and Flourishing
- 1.8 Central Contribution and Core Claims
- 1.9 Related Scholarship
- 1.10 Overview of the Argument

PART II – FREEDOM, FLOURISHING, AND THE GOOD SOCIETY

2. The Freedom to Flourish: An Ethical, Cultural, and Institutional Analysis

- 2.1 On The Inadequacy of Negative Accounts of Freedom
- 2.2 The Freedom to Flourish
 - 2.2.1 Deliberation and Choice as Critical Ingredients of a Flourishing Life
 - 2.2.2 Embodied and Social Character of Flourishing
 - 2.2.3 The Complexity of Human Flourishing
 - 2.2.4 Universal Requirements of Human Flourishing
- 2.3 Relevance of the Freedom to Flourish to a Normative Theory of Social and Political Order
- 2.4 The Ethical Basis of the Freedom to Flourish
- 2.5 The Cultural Basis of the Freedom to Flourish
- 2.6 The Institutional Basis of the Freedom to Flourish
 - 2.6.1 Just and Pro-Flourishing Associational Purposes
 - 2.6.2 Meaningful and Mission-Relevant Associational Roles
 - 2.6.3 Participatory Governance
 - 2.6.4 Constitutionalism and Division of Powers
 - 2.6.5 Polycentric, Consociational, and Collegial Governance
- 2.7 How Much Participation in Associational Governance is Required for the Freedom to Flourish?
- 2.8 The Limits of Associational Autonomy
- 2.9 Freedom, Flourishing and Social Complexity

3. The Defining Characteristics and Proper Functions of Political Institutions

- 3.1 The Defining Characteristics of Political Institutions
- 3.2 The Complementarity of Political and Social Institutions
- 3.3 Limits of Standard Statist Conceptions of Political Institutions
- 3.4 Social Flourishing as the Proper Goal of Political Institutions
- 3.5 Two Levels of Institutional Analysis
- 3.6 Toward a Defensible Version of Political Perfectionism
 - 3.6.1 Ethical Constraints on Political Perfectionism
 - 3.6.2 Institutional Constraints on Political Perfectionism

4. The Social Ecology of Freedom

- 4.1 Why a Normative Theory of Politics Requires a Broad Account of Social Order
- 4.2 The Concept of the “Well-Ordered Society”
- 4.3 The Concept of a “Normative Order” and its Relation to Human Flourishing
- 4.4 Four Essential Ingredients of a Well-Ordered Society
 - 4.4.1 Freedom from Domination
 - 4.4.2 Widespread Opportunities for Social Participation and Public Service
 - 4.4.3 Participatory Governance
 - 4.4.4 Production and Distribution of Public Goods

- 4.5 Plural Goods and Plural Normative Orders
- 4.6 The Quest for Civil Order in a Complex and Differentiated Social Order: *Unum ex Pluribus*

PART III –THE FATE OF FREEDOM UNDER SOVEREIGN RULE

5. The Ideology and Practice of the Sovereign Rule of the People

- 5.1 Justifying Social and Political Authority and Power: A Perennial Problem
- 5.2 Justifying Social and Political Power and Authority in a Democratic Era
- 5.3 The Emergence of Sovereign Rule in the Modern Era
- 5.4 The Democratization of Sovereign Authority
- 5.5 The Social Ontology of Popular Sovereignty
- 5.6 The Narrative of Popular Sovereignty in Crisis

6. The Erosion of Freedom Under Sovereign Rule

- 6.1 The Problem of Social Order Viewed Through the Eyes of an Individualist
- 6.2 The Problem of Social Order Viewed Through the Eyes of a Pluralist
- 6.3 The Corrosive Effects of Sovereign Rule on the Social Ecology of Freedom
- 6.4 The Corrosive Effects of Sovereign Rule on the Practice of Self-Government
- 6.5 Why Constitutionalism Cannot Restrain the Soft Despotism of Sovereign Rule
- 6.6 Is the Critique of Sovereignism Relevant to Federated Polities?
- 6.7 Do the Benefits of Sovereign Rule Outweigh Damages Inflicted on the Freedom to Flourish?

PART IV –BASIC PRINCIPLES OF CONSOCIATIONAL GOVERNANCE

7. Principles of Consociational Governance

- 7.1 The Sources of Order in a Complex Society
- 7.2 Social Order as an Unplanned Outcome
- 7.3 Social Order as a Shared Project
- 7.4 The Distinctive Contribution of Political Governance to Social Order
- 7.5 Governance and Public Order in the Consociational Republic
 - 7.5.1 Structure and Ends of Political Governments
 - 7.5.2 Structure and Ends of Nonpolitical Governments
 - 7.5.3 Constitution of Polycentric Networks of Political Governance
 - 7.5.4 Constitution of Polycentric Networks of Nonpolitical Governance
 - 7.5.5 The Distribution of Military and Police Power in the Consociational Republic
- 7.6 The Political Culture of a Consociational Republic
- 7.7 Sovereignist Versus Consociational Approaches to Governance
 - 7.7.1 Value of Self-Government
 - 7.7.2 Social and Political Infrastructure of Self-Government
 - 7.7.3 Identity of the Self-Governing People
 - 7.7.4 Sources of Political Legitimacy
 - 7.7.5 Trade-Offs of Good Governance

8. Objections and Replies

- 8.1 Is The Doctrine of Sovereign Rule a Relevant Threat in Our “Post-Sovereign” Era?
- 8.2 Is a Consociational Republic a Threat to Equality?
- 8.3 Is A Consociational Republic a Threat to Liberty?
- 8.4 Is Consociational Republicanism the Death of the *Res Publica*?
- 8.5 Is Decentralized Authority Consistent with Political and Economic Stability?
- 8.6 Is Decentralizing the Means of Coercion Consistent with Citizens’ Security?
- 8.7 Is a Consociational Republic Economically Competitive?
- 8.8 Is a Consociational Republic Militarily Competitive?
- 8.9 Is a Consociational Republic Culturally Cohesive?
- 8.10 To What Extent is a Consociational Republic Achievable in the “Real” World?

Conclusion

Bibliography