



The Polycentric Republic

A Theory of Civil Order for
Free and Diverse Societies

David Thunder

ROUTLEDGE 

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“This very original work pushes back against the centralized state, relocating the political in many diverse communities which together give order to a composite, bottom-up republic. Thunder seeks to rethink civil order in ways that better accommodate the goods of community life, and develops stunningly new ways of thinking about the virtues of a polycentric political system. This work is not easily captured by convenient ideological notions such as ‘left’ and ‘right’. Both sides will be challenged and have much to consider.”

Douglas den Uyl, *Vice President Emeritus and Benjamin A. Rogge Resident Scholar, Liberty Fund Inc., co-author of Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics (2005)*

“This book is a methodical effort to articulate an alternative governance doctrine, based both on contemporary developments in political philosophy, and on insights from the new institutionalist revolution which has taken place in the second half of the 20th century. It is not only a work of intellectual synthesis but also a work of theoretical and institutional imagination. Moreover, it is a real contribution to the applied-level efforts to respond to the acute crisis of governance afflicting 21st-century societies.”

Paul Dragos Aligica, *Senior Research Fellow in the F.A. Hayek Program for Advanced Study in Philosophy, Politics, and Economics at George Mason University, author of Institutional Diversity and Political Economy: The Ostroms and Beyond (2014).*

“*The Polycentric Republic* reanimates a fine tradition of theorizing about the possibility of a non-sovereign, pluralist political order. In reviving the critique of sovereignty and articulating a promising alternative to the sovereign State, Thunder artfully synthesizes insights from contemporary social science with a neo-Aristotelian account of human flourishing that draws sustenance from the ground-breaking work of Alasdair MacIntyre. This book is a ‘must read’ for anyone looking for a hopeful alternative to the political status quo in our time of growing political troubles.”

Kelvin Knight, *Reader in Ethics and Politics at London Metropolitan University, author of Aristotelian Philosophy: Ethics and Politics from Aristotle to MacIntyre (2007)*

THE POLYCENTRIC REPUBLIC

The Polycentric Republic presents a compelling and innovative critique of modern social contract theory. It reveals how the social contract theory systematically neglects the interests and prerogatives of non-State associations and legitimates an imposing sovereign State that jeopardizes the freedom and integrity of communities and associations under its rule.

Drawing on neo-Aristotelian virtue ethics, institutional theory, and political history, the author invites us to reimagine civil order in a way that is more friendly to the diverse interests and prerogatives of non-State communities and organizations, from churches, schools, and universities to farming co-ops, businesses, villages, and towns. Building on MacIntyre's diagnosis of the moral and institutional failures of the modern State, this book offers a historically informed and institutionally rigorous critique of the pathologies of sovereign power. In addition, it proposes a novel reinterpretation of federalism as a complex, emergent order created through bottom-up, inter-group cooperation constrained by the rule of law but consistent with a wide variety of independent communities and ways of life.

The Polycentric Republic is essential reading for anyone interested in rethinking State-centric approaches to governance and civil order and exploring the merits of non-Statist, pluralist approaches, be they citizens, policy-makers, or students of political science, political philosophy, law, or political economy.

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PREFACE

The account of the polycentric republic developed in this book is an interpretation of civil order infused by a deep appreciation for the fact and value of social and institutional pluralism, and a firm rejection of any pretension to house the diversity latent in modern societies within a unitary political structure such as that of the sovereign State as it has come to be understood in the modern era. This work aims to make three fundamental contributions to our understanding of civil order: first, to highlight the damage the idea of sovereignty has done to our capacity to appreciate and honour the value of social pluralism as a basis for the emergence and cultivation of free and flourishing communities and associations; second, to develop the rudiments of an alternative account of civil order, friendlier to the complex social infrastructure that permits each of us to pursue our own flourishing and that of our loved ones, friends, colleagues and fellow citizens; and finally, in the context of this account, to highlight the potential for theories of federalism and social pluralism to be enriched by engaging more deeply with each other's premises, in particular as these affect non-territorial associations.

The work you have in your hands is the fruit of over eight years of reading, reflection, and conversations about the pros and cons of the modern sovereign State as a guiding paradigm for the constitution and justification of political power and authority. One of the inspirations for this venture was my first book, *Citizenship and the Pursuit of the Worthy Life* (2014), in which I addressed the question, "is constitutional democracy a viable social context for the pursuit of a worthy human life?" My answer was a cautious "yes": generally speaking, citizens may pursue human excellence within the context of a modern constitutional democracy without renouncing their civic roles. Yet this by no means rules out the possibility of reforming modern

constitutional orders to bring them closer in line with the requirements of human flourishing. I concluded the book by underlining that none of its arguments “should be taken to deny the possibility that constitutional democracy as it stands could eventually be replaced by...a very different type of political order that escapes the limits of our current moral and political imagination.”¹

My reflections on the ethical limits of modern democratic citizenship convinced me that modern democratic states left a lot to be desired from the perspective of those who wish to live up to their full human potential in every facet of their lives. To be sure, most citizens of the West enjoy a lot more freedom of thought, religion, and association than their counterparts in, say, China, and our material standard of living is far superior to that of our ancestors. But in many Western nations, citizens’ capacity to build and sustain communities and associations hospitable to a free and flourishing way of life is hampered by an overbearing and expensive State with a near monopoly over police power, public finances, law-making, and all manner of public regulations. Citizens’ resources are coercively siphoned towards projects approved by politicians vying for re-election, and they are often disempowered by the law from even having a meaningful say over the education of their own children. The impediments modern democratic life poses to the quest for human excellence and flourishing demand a deeper diagnosis, in order to set the stage for the development of a more ethically inspiring and empowering alternative. This is precisely what I have undertaken in the present work.

For many years, I have observed the over-reaching tendencies of the State in diverse sectors of society, from universities and schools to churches and business practices, sometimes well-intentioned and other times malicious. I have had first-hand experience in the academic sphere of State as well as super-state (EU) regulations imposing absurd and burdensome bureaucratic hurdles for career advancement, research support, and accreditation that wasted a lot of people’s time and made certain worthwhile pedagogical and research projects either impossible or demoralizing. I have had friends in different sectors of the economy, from farming and philanthropy to accounting and education, who lamented the irrelevant, time-consuming, and counterproductive bureaucratic hoops they had to jump through in order to stay “compliant” with State regulations. These pathologies are not the idiosyncratic vices of a single government, but rather, a standard feature of many modern States. One of the intuitions driving the argument of this book is that these harms are caused by a misallocation of governmental authority: States have assumed governmental functions that exceed their reasonable remit and

1 David Thunder, *Citizenship and the Pursuit of the Worthy Life* (Cambridge: Cambridge University Press, 2014), 192.

competence, while non-State organizations have been weakened in governmental functions they have special competence to discharge. My goal in writing this book was to better understand why authority was being systematically misallocated, and what a better allocation of authority might look like.

This book was not originally conceived as a historical inquiry, but as an analytic argument against the sovereign State drawing on plausible assumptions about human nature and behaviour. However, it soon became clear to me that a proper diagnosis of the governmental dysfunctions of the modern State, in particular its tendency to disrupt and overwhelm the normative orders (i.e. the distinctive missions, norms, values, and guiding narratives) of rival associations and communities, would not be possible on a purely philosophical, ahistorical plane; on the contrary, a penetrating diagnosis of the deficiencies of the modern sovereign State would require attention to the legitimating ideologies that actually made its existence possible in the first place.

One of these ideologies, in particular, seemed to illuminate the distinctiveness of the modern State when compared to its predecessors, and appeared to condition political theory and practice to an extraordinary degree, namely, the State's claim to wield a species of comprehensive civil authority derived from the "sovereign" authority of "the people" over its own destiny. It is this narrative of popular sovereignty, a narrative we see reflected in the political theories of influential thinkers like Hobbes, Locke, and Kant, that provides ideological legitimation for the far-reaching authority modern States claim over their citizens' lives. It became evident to me as I researched this book that any convincing deconstruction of the authority of the modern State required a deconstruction of this profoundly influential narrative.

Close attention to the narrative of popular sovereignty opened my eyes to the fact that many modern accounts of the social contract (whether conceived as an actual agreement or as an eye-opening thought experiment) put the spotlight on the individual and the territorial State as the parties to the contract, while giving scant attention to local political and social organizations such as municipal governments, churches, universities, and trade associations. The standard social contract story as it has come down to us from thinkers like Hobbes, Locke, Kant, and Rawls, endorses a supreme and overarching State authority legitimated by the self-interested consent of individuals. According to this story, the social contract is created by a collection of free and equal individuals, whose embeddedness in non-State associations and groups is treated as practically inconsequential for the justification of civil order and the distribution of public authority. This narrative, which seems to permeate the theory and practice of politics of our time, naturally attributes supreme authority over civil life to one entity, the State, governing in the name of another, "the people." Who, after all, in a universe of socially

disembedded individuals, could possibly bring order and stability to social life, if not the State?

The attribution of sovereign authority to the State, on behalf of “the people,” leaves the freedom of corporate bodies to govern their own affairs on a weak footing, since non-State organizations have no standing to negotiate the terms of the social contract that is supposed to be binding upon them. While local and regional communities and organizations obviously do influence politics *de facto*, their exclusion from the founding narrative of democratic societies puts their claims on a precarious normative and constitutional footing, especially when pitted against the rival claims of the “sovereign people” and the sovereign State serving at its pleasure.

But why should corporate freedom matter in a society in which individual rights and liberties seem to reign supreme? For me, or anyone else who sympathizes with Alasdair MacIntyre’s account of community life and its internal order,² the value of communal autonomy is crystal clear: for it is only if communities and organizations are free to exercise practical wisdom in pursuit of the goods that make their shared life intelligible that they can thrive as the sorts of communities and organizations that they are, and successfully service their members’ needs. No external agent can hope to successfully direct the inner life of human communities and associations, with their distinctive social practices and bodies of knowledge, often tacit, about how to manage and direct their common affairs. Many aspects of such knowledge, as James Scott carefully explains in his book, *Seeing Like a State*, cannot be effectively translated into terms that a remote technocrat can understand and master, without being lost in translation.³

In light of these considerations, it emerges that the signal failure of the sovereign State is not just its appropriation of excessive power and authority over the individual citizens within its territory, but its incapacity to adequately recognize, let alone accommodate, the reasonable autonomy claims of social and political groups under its sway. But if this is so, then what sort of political system could do a better job at allowing non-State communities and associations, from universities and business ventures to towns and cities, to exert independent control over their own inner life without allowing such autonomy to spiral into anarchy? As defenders of the modern constitutional State rightly warn, the State has no monopoly over tyranny or oppression. Consequently, arming local communities, associations, or organizations with unrestricted autonomy could lead us down a path of local tyranny, not to

2 See, for example, Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981). For a broader view of the evolution of MacIntyre’s political and social thought, see Alasdair MacIntyre, *Ethics and Politics: Selected Essays* vol. 2 (Cambridge: Cambridge University Press, 2006).

3 James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1999).

mention the potential for these perfectly autonomous groups to impose harm upon other individuals and groups, or even to engage in violent and anti-social behaviour. If we are to grant greater autonomy to local associations and political units, how can such local powers be disciplined and held in check?

I argue in this book that the answer to this challenge lies in a group-friendly re-reading of the social contract that situates the prerogatives of social groups, whether territorial or non-territorial in character, within the wider normative order of a society that is not under the thumb of a sovereign State. In order to re-imagine the social contract along more group-sensitive lines, I needed to develop a political theory that made room not only for the inner life of social groups, but also for the emergence of order from inter-group interactions. MacIntyre's conception of community life provided a useful account of the inner life of social groups, in particular the way their internal norms and practices support their shared goods. But MacIntyre's social theory, however illuminating in other respects, did not provide a useful account of the institutional structures of a complex society composed of many diverse, overlapping, and competing communities, associations, and organizations. For that, I looked to the federalist tradition, with its notion of a *foedus*, treaty, or contract between diverse social units that require some form of shared government yet wish to retain substantial control over their inner life.⁴

As I delved into the literature on federalism, it soon became clear to me that many strands of modern federalism had become so fixated on territorial relationships that the non-territorial dimension of the federal pact, underlined by early modern authors like Johannes Althusius, had fallen by the wayside.⁵ But a full restoration of the dignity of social groups beyond the State required the restoration of the integrity and prerogatives not only of non-State territorial associations such as municipalities, but also of non-State *non-territorial* associations such as schools and universities. Thus, what was required, and what I have sought to develop in this book, is a form of federalism with three fundamental features: first, the definitive rejection of centralized State sovereignty; second, the recognition of a presumption of autonomy in local (territorial) political institutions regarding matters that predominantly affect their own citizens; and third, the recognition of a presumption of autonomy in local *non-territorial* organizations and institutions over their internal affairs.

4 Numerous representatives of this tradition are cited in the course of the book. One discussion of federalism I found especially illuminating is Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa, AL: University of Alabama Press, 1987).

5 See, for example, Johannes Althusius, *Politica: An Abridged Translation of Politics Methodically Set Forth and Illustrated with Sacred and Profane Examples* trans. S. Carney Frederick (Indianapolis: Liberty Fund, 1995/1614).

This project should hopefully resonate, at least partially, with a variety of scholarly discussions of social and institutional pluralism, whether MacIntyrean discussions of politics and social order,⁶ the political value pluralism of Galston and Walzer,⁷ the constitutional pluralism of authors like George Tully and Neil Walker,⁸ normative and institutional theories of federalism,⁹ or the account of “polycentric” governance and coordination developed by institutional theorists Elinor and Vincent Ostrom and their successors.¹⁰ I take this cross-disciplinary convergence as an advantage since it opens up a rich field of interlocutors with whom my pluralist theory of civil order might enter into a fruitful conversation.¹¹

6 See, for example, Daniel Edward Young, “A Dead End in Alasdair MacIntyre’s Political Thought? Reconsidering Social Institutions, Pluralism, and the Liberal Tradition,” *Journal of Religion, Culture & Democracy* (Dec. 2022).

7 See William Galston, *The Practice of Liberal Pluralism* (Cambridge: Cambridge University Press, 2005) and Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1984).

8 See James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995) and Neil Walker, “Late Sovereignty in the European Union,” in *Sovereignty in Transition*, ed. Neil Walker (Portland, Oregon: Hart Publishing, 2003).

9 See, for example, Bruno S. Frey and Reiner Eichenberger, *The New Democratic Federalism for Europe: Functional, Overlapping, and Competing Jurisdictions* (Northampton, MA: Edward Elgar Publishing, 2004); Vincent Ostrom, *The Meaning of American Federalism: Constituting a Self-Governing Society* (San Francisco: ICS Press, 1991); and Elazar, *Exploring Federalism*.

10 See, for example, Elinor Ostrom, *Governing the Commons* (Cambridge: Cambridge University Press, 2015/1990); Vincent Ostrom, Charles M. Tiebout, and Robert Warren, “The Organization of Government in Metropolitan Areas: A Theoretical Inquiry,” *American Political Science Review* 55, no. 04 (1961); and Paul D. Aligica, *Institutional Diversity and Political Economy: The Ostroms and Beyond* (Oxford: Oxford University Press, 2014).

11 For a selection of contemporary scholarship that sympathetically grapples with social complexity and pluralism and its implications for social order from ethical, institutional, sociological, and legal perspectives, see David Thunder and Pablo Paniagua, eds., *Polycentric Governance and the Good Society: A Normative and Philosophical Investigation* (New York: Lexington Books, 2024).

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book (in chronological order) are: the “Trust and Common Good” colloquium hosted by the Programme for the Foundations of Law and Constitutional Government at Oxford University (10/6/2016); the “Civic Constellation II: Debating Democracy and Rights” project at the University of Málaga (2/12/2016); the political theory colloquium at the University of Notre Dame (27/1/2017); Oxford University’s Programme for the Foundations of Law and Constitutional Government, Faculty of Law (12/6/2017); Princeton University’s James Madison Program, Department of Politics (22/9/2017); the Association for Political Theory conference at the University of Michigan (14/10/2017); the Manchester Political Theory Workshop (MANCEPT) at University of Manchester (11/9/2018); the Department of Political and Social Science at Pompeu Fabre University, Barcelona (23/10/2018); the Political Theory Symposium in the Hochschule für Politik, Technische Universität of Munich (15/7/2019); the Faculty of Global Studies at Ánahuac University, Mexico (18/12/2019); the Centre for the Study of Governance and Society in the Department of Political Economy, King’s College London (23/1/2020); a zoom conference on “evaluating self-governance,” hosted by the Department of Political Economy at King’s College London (11/20/2020); the European Consortium of Political Research (online presentation) (30/8/2021); the University of Leiden’s Faculty of Law (online presentation) (2/9/2021); the law student association Justus Lipsius at the University of Leiden (10/2/2022); an interdisciplinary forum at Vrije University in Amsterdam (22/2/2022); the annual conference of the International Society for MacIntyrean Enquiry at the University of Navarra (1/7/2024); the closing conference of my *RESPUBLICA* project, at the University of Navarra (20/10/2023); the DRES (Droit, Religion, Entreprise et Société) research unit of the Université de Strasbourg (11/01/2024); and an international conference on “the social ontology of sovereignty,” held at the University of Navarra (14/3/2024).

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Pamplona, 2nd July 2024

1

INTRODUCTION

1.1 The Over-reaching Regulatory Ambitions of the Modern State

Since the age of monarchical absolutism, when King James I (1566–1625) described himself in a speech before the English Parliament as “God’s lieutenant on earth,”¹ political theorists and actors have expended a great deal of energy spelling out the need for a central government to establish a fully integrated public order and oversee social, political, and economic life across a vast territory. Modern States have sought to give institutional expression to this ambition, employing a small army of government agents, acting in the name of “the people,” to intervene on a regular basis in the activities of citizens, regulating the most intricate details of our lives, be it our professional tasks, the education of our children, health and safety standards in the workplace, fair employment practices, healthcare, pensions, the production and distribution of cultural artefacts, philanthropic activity, the regulation of industry and science, the management of public health, or the accreditation of educational institutions. Like it or not, the most conspicuous source of public order in the post-industrialized West is the State. It seems to tower above the social fabric as a unique and unrivalled benefactor of order and civility.²

1 See David Wootton, *Divine Right and Democracy: An Anthology of Political Writing in Stuart England* (Indianapolis: Hackett Publishing Company, 2003), 107. The speech is dated March 21st, 1609.

2 In certain respects, one could argue that the State is rivalled by multinational corporations such as Google and Meta/Facebook in its raw *influence* over social and economic life. But it remains unrivalled in the authority that is accorded to it to *formally and legitimately regulate* social life.

Yet if one begins to scratch beneath the surface, one finds that social order is in fact governed by an extraordinarily diverse and wide-ranging array of institutions, norms, and governance structures, many of which are not creations of the State, and many of which are not even subject to State regulation in their day-to-day operations. Social order is generated by a rich array of interpersonal and inter-group cooperative schemes, whose complexity could not possibly be mastered, designed, or comprehensively regulated by any discrete individual or institution.³ The source of social order, contrary to some popular wisdom and contrary to what is assumed by many modern political philosophers, is not in fact the State, or at least not predominantly the State, but rather, a complex web of associations, from schools and universities to financial institutions, philanthropic associations and townships,⁴ some existing parallel to one another, and others overlapping, some enjoying close forms of cooperation, and others aggressively competing with each other for adherents; associations whose normative orders, whether partially codified, as in the laws of a municipality, or largely informal, as in the rules of a university department, are always configured by some shared understanding of group purposes and group life.

Nevertheless, a large swathe of the theory and practice of politics in Western democracies seems to be strangely inattentive to the vast panoply of social structures and activities beyond the State that bring order, intelligibility, and meaning into people's lives. It is not that political theorists or practitioners deny the existence of civil society and the market or the existence of what is commonly referred to as a "private sphere" of activity and initiative. Rather, there seems to be an inability or reluctance to acknowledge that (a) a peaceful and orderly society is a sort of *emergent order* that cannot be simply produced by a top-down programme, depending at least as much on group life outside State structures as on the structures of the State; and (b) attempts

3 On the insusceptibility of social order to central planning, Hayek is especially illuminating. See, for example, Friedrich A. Hayek, *Individualism and Economic Order* (Chicago: University of Chicago Press, 1996/1948), Chapter 4, "The Use of Knowledge in Society": "The peculiar character of the problem of a rational economic order is determined precisely by the fact that the knowledge of the circumstances of which we must make use never exists in concentrated or integrated form but solely as the dispersed bits of incomplete and frequently contradictory knowledge which all the separate individuals possess." It is worth noting that much of this dispersed knowledge is crystallized in local customs, institutions, and traditions.

4 Throughout the book, I will use the terms "social group" and "association" interchangeably to refer to any set of persons whose activities are coordinated, however loosely, around shared goals, and I will use the terms "community" and "organization" to exemplify the rich semantic variation latent in the broader concept of a (structured and purposeful) social group or an association. "Community" connotes a genuine friendship or substantial affective bond and some degree of integration of life projects, whereas "organization," while potentially acting as a vehicle for an intimate bond or an ethically inspiring life project, is also consistent with forms of cooperation requiring minimal emotional bonding, geared toward narrow purposes like manufacturing or sales.

by the State or its agencies to micro-manage social order with a view to advancing policy objectives like social justice, environmental protection, disease control, and education are liable to backfire by weakening the capacity of social groups to competently regulate their own affairs and adapt social ideals to the needs and circumstances of their members on the ground.

Instead, many Western political theorists and practitioners seem to espouse an exaggerated and hubristic conception of the power of the State to create a better society, and an underestimation of the risks of State-imposed interventions for affected individuals and groups. The illusory and dangerous character of the ambition to control large societies from a central fulcrum was brought home quite vividly by the response of national governments to the COVID-19 outbreak in 2020–23. Once a public health emergency was declared, concerted efforts were made by public officials to harness the technocratic, administrative, and police resources of national States (or, in the case of the United States, sub-national States in conjunction with the federal government) to the task of controlling viral spread. Although some States, such as Sweden, largely limited themselves to managing their hospitals and care homes and providing medical advice to citizens, most Western States undertook aggressive policy interventions which, however well-intended, largely by-passed the social capital and knowledge of local associations, hospitals, care homes, and communities, and produced a dramatic cascade of unintended harms in local communities, including bankruptcy, unemployment, an unprecedented epidemic of depression, the paralysis of many essential hospital services, and the transfer of large amounts of wealth from street-level businesses to multi-national corporations like Amazon and Netflix that benefited enormously from prolonged lockdowns.⁵

Besides the hubristic ambitions of modern States to introduce order into highly complex and diverse societies through various forms of central planning, the structure of most Western States makes highly concentrated power, central planning, and technocratic governance all but inevitable. The institutional centrality of the national governments of Western States across a wide array of policy domains, from public finance and commercial

5 For one thoughtful account of how well-intended pandemic interventions produced a cascade of far-reaching “collateral” harms, by one of the United Kingdom’s official scientific advisors, see Mark Woolhouse, *The Year the World Went Mad* (Muir of Ord, Scotland: Sandstone Press, 2022). See also Jonas Herby, Lars Jonung, and Steve H. Hanke, “A Literature Review and Meta-Analysis of the Effects of Lockdowns on COVID-19 Mortality,” *Studies in Applied Economics* 200 (2022), published by Johns Hopkins Institute for Applied Economics, Global Health, and the Study of Business Enterprise, which concluded that “(while) lockdowns have had little to no public health effects, they have imposed enormous economic and social costs where they have been adopted.” See also Bardosh, Kevin, “How Did the COVID Pandemic Response Harm Society? A Global Evaluation and State of Knowledge Review (2020-21)” (May 14, 2023). Available at <http://dx.doi.org/10.2139/ssrn.4447806>.

regulations to education and healthcare, means that national governments are structurally committed to regulating religiously, morally, culturally, and economically heterogeneous societies through uniform policies and laws. Contentious issues such as language policy, education policy, taxation, and healthcare are battled out in national parliaments and elections. Inevitably, the outcomes leave large sections of the population deeply dissatisfied and polarize entire nations between competing political programmes and values, whether Republicans vs. Democrats in the United States, Brexiteers vs. anti-Brexiteers in the United Kingdom, or socialists vs. conservatives in Spain. The end result is that national parliaments can push through policies and laws with slim majorities that leave a large contingent of citizens feeling alienated and unrepresented, thereby eroding the perceived legitimacy of national governments.

1.2 Principal Claims

This book pushes back against centralizing trends in modern theories and practices of politics, advancing a hard-hitting moral and philosophical critique of the sovereign, centralized State, such as that implicitly presupposed by many modern political theorists such as Hobbes, Locke, and Rawls,⁶ and sketches in its stead a radically different ideal of civil order, that of the “polycentric republic.” I contend that the human good is sufficiently complex and multi-faceted that it must be supported by a wide plurality of self-organizing social groups and practices. Human beings cannot thrive, or realize their full human potential, without what I call the “social ecology of flourishing,” that is, a plurality of diverse associations – be they civil society organizations, businesses, or territorial communities such as municipalities – with distinctive norms, social practices, and institutional structures and with effective rights of self-regulation, and I argue that this precludes a social order in which one actor or institution exerts supreme or sovereign authority over all others.

The argument of the book may be summed up in four propositions about top-down, Statist conceptions of civil order: (a) first, that such conceptions are falsely legitimated by a reductively individualistic picture of the parties to the social contract, blind to the standing of a wide variety of non-State communities and associations as legitimate stakeholders of the social contract; (b) second, that top-down conceptions of civil order are ineffective

6 See Thomas Hobbes, *Leviathan* ed. Curley Edwin (Indianapolis: Hackett Publishing Company, 1994/1651), John Locke, *Two Treatises of Government* ed. Peter Laslett 3rd ed. (Cambridge: Cambridge University Press, 1988/1689), John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press of Harvard University Press, 1971), and John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

at mediating political conflict in morally, religiously and culturally diverse societies; (c) third, that top-down conceptions of civil order entail a scheme of governance structurally incapable of servicing the vital needs and interests of the persons and communities it is meant to serve; and (d) fourth, that monocentric Statism is surpassed, both normatively and explanatorily, by a more complex, pluralist, and group-sensitive account of civil order resting on a “bottom-up” interpretation of federalist principles, which I will refer to as the “polycentric republic.”

The polycentric republic is a polity constituted by a flexible and evolving framework of rules and customs that favour cooperation across heterogeneous social groups and the gradual emergence of a shared horizon of meaning, norms, and values. The shared normative horizon of the polycentric republic would naturally vary according to the opinions and choices of its stakeholders. But in order to host free and flourishing communities, it would have to include the rule of law, respect for the integrity of both territorial (e.g. cantons and municipalities) and non-territorial (e.g. churches and schools) associations, and respect for basic rights such as property, bodily integrity, freedom of religion, freedom of contract, and freedom of movement.

Such a polity is “polycentric” inasmuch as it is governed by a wide range of diverse organs of social and political governance engaged in mutual cooperation, none exerting supreme and general-purpose authority over all of the others. The terms “monocentrism” and “polycentrism,” understood as value-neutral categories, capture a wide spectrum of possible governmental arrangements. For example, monocentrism, which entails a unique controlling centre exerting its authority unilaterally over the rest of the system, is consistent with a highly regimented system affording very little discretion to local units, but it is also consistent with a system affording substantial discretion for local units to develop their own policies, subject to the permission of a central government. Similarly, monocentric rule is consistent with a sovereign government constrained by a charter of fundamental rights, but it is also consistent with a totalitarian system with few constitutional constraints.

Along similar lines, polycentrism, while inconsistent with the existence of a single actor exercising unilateral sovereign authority over all others, is consistent with many different constitutional forms, enumerations of basic rights, and conceptions of judicial authority. Polycentrism is consistent with relatively thin cooperative schemes, involving a small range of policy domains, or relatively thick cooperative schemes covering a broad scope of policy domains, provided coordination schemes are agreed to or instituted by the coordinated units on a voluntary, multilateral basis.

Some conceptions of civil order may lean much closer to the monocentric end of the spectrum while still allowing a certain degree of polycentric governance. If the general tendency is to assign a single sovereign

decision-maker to oversee the civil order, within certain constitutional constraints, while reserving a limited range of governmental functions for local decision-makers, then the system as a whole is predominantly monocentric in character. Conversely, if the general tendency is to assign final decision-making authority to local decision-makers while carving out some limited prerogatives for a central regulator, then the system as a whole is predominantly polycentric in character. For the purposes of this book, I will use the terms monocentrism and polycentrism to refer to civil orders that are predominantly, even if not absolutely, monocentric or polycentric in character.

The “polycentric republic” constitutes a *republic* in the sense that cooperation across associations (both territorial and non-territorial) generates an emergent horizon of values, norms, and governmental practices that citizens and groups can identify with and feel loyal to. A polycentric civil order emerges through bottom-up cooperation, rather than simply being imposed by design. Diverse social groups, or their recognized representatives, come together to broker a mutually acceptable civil order in accordance with a method of negotiation that prioritizes the governmental prerogatives of local actors – a method I call “bottom-up federalism” – in the hopes of reaching a series of multilateral social pacts (*foedus* and *foedera*) that can bind the constituents of each represented group into a shared scheme of governance without disabling the groups in question from regulating their own inner life. Local governmental pacts would typically constitute local territorial governments (say, a municipal government or a township authority), and these, in turn, could authorize suitable representatives to negotiate pacts among local governments, which could crystallize into regional and/or national governments.

A more vivid picture of the polycentric republic will be provided later in the book. But we should not expect such a picture to spell out any detailed blueprint of political order: on the contrary, the account must be sufficiently abstract and open-textured to be robust against the varying and evolving needs of diverse societies and to allow full scope for human freedom, practical wisdom, and creativity. Otherwise, it becomes a fruitless exercise in ahistorical, socially abstracted central planning and design, which would completely contradict one of the main premises of this book, namely, that we need a bottom-up approach to the creation of social order.

A book that brings into question the desirability of a State that exercises sovereign authority over civil order may easily be misunderstood in a world in which the very concept of civil authority is often unthinkingly conflated with supreme and overriding State authority over a national territory, while the mere act of questioning the scope of State authority is all too easily confused with an outright denial of the necessity of some degree of centralized regulation of civil life. However, rethinking the proper scope of State authority need not lead us down the path of anarchy, either intellectually or practically. Questioning the wisdom of attributing to a State government

sovereign authority over civil life leaves room for a variety of alternative conceptions of civil authority and certainly does not automatically commit us to embracing anarchism.⁷

Nor is it historically warranted to assume that any compromise in the principle of state sovereignty inevitably leads us down the path of social anarchy or chaos, given the fact that real-world federated political systems such as the present-day Swiss Confederation (with historical roots in the Swiss confederacy that began to crystallize in the 14th century) and the Hanseatic League of northern European towns and cities which thrived between the 14th and 16th centuries, clearly entail a dispersion of public authority and power among substantially independent political units with overlapping jurisdictions, and have shown themselves to be remarkably resilient.⁸ Even the present-day United States, in spite of the impressive accumulation of political power at the centre, still retains a significant division of authority between the federal and State levels, and it is still understood, from a legal perspective, that the federal government does not wield overriding authority or have the last say in all domains of governance.

Finally, it is worth noting that my critique of the sovereign State is, at bottom, a critique of the use of monocentric governmental structures to govern and regulate highly complex and diverse societies. This critique not only affects top-down State administrations, but also top-down, monocentric styles of governance exercised at the municipal, regional, or international levels. The critique of monocentric governance may also be extended to governance within large and complex economic organizations, but for the purposes of this book, I shall focus on the pathological effects of the monocentric State and State-like associations rather than non-State associations. If I do not devote much attention to municipal and global manifestations of mono-centrism, it is because the figure of the sovereign State, more than either municipalism or cosmopolitanism, has decisively configured the theory and practice of politics in Western societies and defined their underlying tendencies over the past three centuries – and

7 Anarchism might be understood as a doctrine of political authority built on individual self-determination constrained exclusively by a principle of non-aggression. See, for example, Murray N. Rothbard, *For a New Liberty: The Libertarian Manifesto* (Auburn, Alabama: Ludwig von Mises Institute, 2006). Alternatively, anarchism may be interpreted as a doctrine of political authority assigning relatively unrestricted rights of social and economic regulation to the governments of local communes. See, for example, Murray Bookchin, *The Ecology of Freedom: The Emergence and Dissolution of Hierarchy* (Chico, California: AK Press, 2005/1982). The cornerstone of the polycentric republic is the freedom to flourish, which can only be realized within a well-balanced and diversified social ecology. The freedom to flourish and its social requisites are favoured by governmental restraint and the wide dispersion of power and authority. These guiding principles are certainly not reducible to the principle of non-aggression.

8 For a good overview of the historical origins and evolution of the Hanseatic League, see Donald J Harreld, ed. *A Companion to the Hanseatic League* (Leiden: Brill, 2015).

arguably longer, given the importance of the figure of the “sovereign” monarch in the 16th and 17th centuries.⁹

1.3 The Hegemonic Status of the Sovereign State in Modern Political Theory and Practice

The image of the sovereign State benignly regulating an undifferentiated sea of individuals seems to hover in the background of political inquiry, conditioning everything yet almost as invisible as the air we breathe. Centralized solutions to coordination problems are widely assumed to be preferable to decentralized solutions, whether at the national or international level, in relation to a host of issues, from terrorism and environmental protection to public finances and education to healthcare and disease control. Indeed, in the course of presenting parts of this book to academic audiences, I have frequently encountered a deep suspicion of decentralized authority.

People’s imagination seems to be primed to detect the risks, rather than potential payoffs, of decentralizing governance (a recurring example of the evils of decentralized governance is the racist policies of local governments in the American “deep south” prior to the 1950s and 1960s civil rights movements). The legitimacy and reasonableness of nationally centralized control of governmental functions, on the other hand, are all too frequently taken for granted in a rather uncritical fashion, as if national governments were somehow less susceptible than their local counterparts to despotic tendencies, in spite of the fact that national governments have repeatedly abused and oppressed populations, whether through wars of conquest abroad or the persecution of ethnic, religious, or ideological minorities at home. This deeply engrained bias against decentralized governmental arrangements may well be a testament, on the one hand, to the difficulty of thinking beyond the political and constitutional settlements we have inherited, and on the other, to the enduring legacy of the image of the sovereign State as an essential source of order in a disorderly world, or what one author, Preston King, has termed “the ideology of order.”¹⁰

9 In this book I will focus heavily on the cultural, juridical, and administrative colonization of associations *within the territorial boundaries of the nation-State*. But Western States evidently also have a long history of colonizing societies *beyond the territorial limits of the State*, not infrequently in ways that disregarded the reasonable customs, norms, and languages of the colonized. Colonization and wars of conquest, insofar as they rely on the logic of non-consensual, top-down social planning, are both inconsistent with the reasonable autonomy of their target populations, and ill-adapted to local needs and interests. As such, they may unleash profoundly destructive social pathologies such as the sectarian polarization of the Hooties and Tutsus in Rwanda.

10 Preston King, *The Ideology of Order: A Comparative Analysis of Jean Bodin and Thomas Hobbes* (New York: Routledge, 2013).

In its most extreme, Hobbesian form, the notion that the State exerts sovereign authority over civil life is likely to meet with widespread rejection because it seems to place the State above the law and above constitutional constraints. But the general idea that there is a single corporate actor uniquely equipped with an extraordinarily wide scope of authority and power to regulate social life across an extended territory and that this is obviously the right arrangement for establishing order and justice in our midst, exerts an immense influence over the theory and practice of politics in the West. Even if the Leviathan State is tamed by legal and constitutional constraints, the authority the modern State claims over society remains uniquely formidable, and the notion of a sovereign or quasi-sovereign State establishing social order across its territorial jurisdiction relentlessly shapes the imagination of political theorists and jurists, citizens, and public officials, especially in countries with strong and more or less “functional” State institutions.¹¹

A striking 20th-century instance of this monocentric, top-down conception of civil order is John Rawls’s theory of justice. In *A Theory of Justice* (1971), Rawls stipulates that the principles of justice will apply to a single, self-contained society operating on a scale comparable to that of a modern nation-State, conceived fundamentally as a collection of individuals submitting their public affairs to the regulations of a single, overarching State government. While he acknowledges the existence of diverse associations and cultures within the jurisdiction of the State and recognizes that different conceptions of the good and different social and economic positions may be in competition with each other, Rawls’s theory of justice largely bypasses the embeddedness of individuals in multiple and overlapping communities and their subjection to multiple and overlapping structures of social and political governance. Social order is flattened out to enable a single theory of justice to be developed for the basic structure of a single society viewed as a collection of individuals conceived as independent parties authorizing a single, overarching social contract, rather than as members of, or representatives of, a plurality of heterogeneous and overlapping social and legal orders. This is true of the Rawls of *Political Liberalism* no less than the Rawls of *Theory of Justice*.¹²

In an atmosphere saturated with this State-centric “ideology of order,” certain questions get thrown into sharp relief, while others get cast into the shadows. Some of the questions that dominate the agenda of contemporary

11 When I say, “functional,” I mean in the narrow sense that State institutions more or less successfully advance many of their professed objectives and are not destabilized by problems of violence, partiality, and sectarianism. From the perspective of citizens who seek to live flourishing lives in association with their peers, State institutions operating according to the logic of political sovereignty are highly *dysfunctional*, as I argue at some length in Chapter 5, “How Sovereign, Monocentric States Erode the Social Infrastructure of Human Flourishing.”

12 See Rawls, *A Theory of Justice* (1971) and Rawls, *Political Liberalism* (1993).

political philosophy are: How can we establish social justice and public order through the policies and laws of the State? (the unique responsibility of the State for such matters is often barely argued for). How are we to limit the potential abuses of the powers of the State without depriving it of governmental efficacy? How are we to legitimate the governmental power and authority of the State? How can we use the power and authority of the State to protect citizens against abuse and oppression by third parties? And how can we better democratize State institutions or better implicate ordinary citizens in their workings?

Questions that do not fit within the frame of monocentric, Statist thinking are usually relegated to the shadows or left up to specialized fields of law, economics, or political science like federalism, public administration, or institutional economics. They include: what are the comparative costs and benefits of relatively centralized and decentralized systems of social, political, and economic governance? What exactly is the proper relation between “official” territorial governance and governmental activity undertaken by non-State actors within the jurisdiction of territorial governments? What forms of popular legitimation are possible for exercises of public power whose natural constituents are not captured by the territorial demos of the State? What sort of constitution or normative framework could best define the proper relation between municipal, regional, and national political institutions and their respective *demos* (a question relegated to studies of “federalism,” considered a specialized field of political philosophy and law)? And finally, which forms of adjudication and conflict management are possible in a social space in which no single actor wields supreme, general-purpose authority as the final arbiter of social disputes?

1.4 Scholarly Contribution

Unfortunately, much modern political theory is plagued by an excessively abstract and individualistic approach to social reality, with its reductive characterization of civil order and public policy as the product of *the* State in the singular and its habitual focus on equal and independent individuals in abstraction from the complex social infrastructure and overlapping loyalties that enable them to live meaningful, happy, and full lives. John Rawls’s heavily state-centric theory of justice,¹³ which views the parties to the social contract in abstraction from their loyalty to plural and overlapping communities and organizations, and pays little attention to the fact and value of social, institutional, and governmental pluralism, is a paradigmatic example of such an approach. By placing the life and aims of social groups at the

13 Rawls, *A Theory of Justice*.

heart of my theory of civil order, I hope to correct this tendency to abstract away from the central role of social groups in conferring meaning and purpose on human life.

My account of the polycentric republic draws inspiration from ideas present in a variety of intellectual traditions, including neo-Aristotelian virtue ethics, neo-Roman republicanism, the English pluralists and their successors, legal and constitutional pluralism, federalist political theory, and Ostromian institutional economics. Let me begin by registering my intellectual debt to Alasdair MacIntyre. The account of group life I rely on in this book is deeply indebted to MacIntyre's neo-Aristotelian vision of communities and social practices. I have also learned much from MacIntyre's critique of modern States and their tendency to corrupt community life with the logic of bureaucracy and public administration.¹⁴

MacIntyre's critique of the modern State has had a substantial influence in academic circles, and has been echoed, in different ways, by other thinkers discontent with modern political regimes, such as Michael Sandel, Robert Bellah, and Amitai Etzioni.¹⁵ Yet neither MacIntyre nor other critics of the modern State's deleterious impact on community life have centred their critique of the State on its sovereigntist legitimating narrative, and while many broadly communitarian scholars have discussed the importance of local, face-to-face communities, none of them has proposed an alternative account of civil order more friendly to local communities, yet also suitable for a large-scale, interdependent society. This book seeks to fill in these gaps in the literature by unpacking the pathological impact of the principle of State sovereignty on the social ecology of free and flourishing communities and sketching an account of civil order with the potential to guide cross-territorial coordination, without suppressing or disabling the social practices upon which free and flourishing communities depend.

MacIntyre is noticeably reticent about specifying the types of political institutions, beyond the internal structures of local communities, that might support a free and flourishing human life, appearing to view this matter as too bound up with unpredictable historical contingencies to be susceptible to an interesting theoretical answer. For example, in *Ethics and Politics*, MacIntyre admits that every one of the five essays in the volume "adopts a

14 See, for example, Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981). For a more mature statement of MacIntyre's views on modern politics, cf. Alasdair MacIntyre, *Ethics in the Conflicts of Modernity* (Cambridge: Cambridge University Press, 2016).

15 See Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press, 1982); Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley: University of California Press, 1985) and Amitai Etzioni, *The Spirit Of Community: The Reinvention of American Society* (New York: Touchstone, 1993).

negative and critical stance to the dominant norms, values and institutions of the contemporary social order.” He goes on to observe that

[w]hat may seem to be missing is any statement of an alternative to that order, an alternative that would give expression to some conception of a social and political order that, by embodying the precepts of the natural law, would direct us towards the achievement of our common goods and educate us to become citizens who find their own good in and through the common good. But it is important that the construction of such an alternative cannot begin from any kind of philosophical or theoretical statement...only in the struggles, conflicts, and work of practice and in the attempt to find in and through dialogue with others who are engaged in such struggles, conflicts and work an adequate, local and particular institutional expression of our shared directedness towards our common goods.¹⁶

I share MacIntyre’s reticence about offering simplistic, formulaic responses to the quest for a type of civil order that can make room for free and flourishing communities. After all, this is clearly a question whose answer hangs on contingent matters that must be grasped prudentially and on a case-by-case basis. But respect for experience and practical wisdom does not preclude us from stating general principles to orient institutional development. Perhaps it is partly because of MacIntyre’s own reticence to move from negative critiques of the prevailing civil and economic order to positive proposals, that little work has been done in fleshing out the political-institutional implications of MacIntyre’s neo-Aristotelian conception of flourishing communities and social practices.¹⁷ This book seeks to fill this void by making explicit what sort of country-wide political-institutional framework could support, or at least accommodate, the sorts of face-to-face communities, social practices, and role models that Alasdair MacIntyre insists are necessary for the full development of human reason and the successful cultivation of human virtue.

16 Alasdair MacIntyre, *Ethics and Politics: Selected Essays* vol. 2 (Cambridge University Press, 2006), p. xi.

17 One edited volume that begins to do this, with a strong focus on philosophy but limited attention to institutions, is Paul Blackledge and Kelvin Knight, eds., *Virtue and Politics: Alasdair MacIntyre’s Revolutionary Aristotelianism* (Notre Dame, IN: University of Notre Dame Press, 2011). Matías Petersen, in his book, *Political Economy, Institutions and Virtue: Alasdair MacIntyre’s Revolutionary Aristotelianism* (New York: Routledge, 2024), advances a MacIntyrean and Ostromian case for a polycentric social order with a close affinity to the polycentric republic. However, Petersen’s argument engages more closely than mine with the Ostromian tradition and with modern economic orders, and my argument pays closer attention to the threat posed by the principle of sovereignty to social pluralism, and to the potential for federalism to inspire a post-sovereigntist civil order.

Specifically, I propose a bottom-up method of social coordination capable of accommodating the integrity and governmental prerogatives of communities and organizations that seek to embody diverse dimensions of human excellence and flourish in their day-to-day lives. Bottom-up federalism, unlike top-down statecraft, puts the life and prerogatives of social groups at the centre of its narrative of civil order and allows for the peaceful co-existence of a wide range of diverse associations that are (i) governed in their internal life by their own direct participants, rather than by distant onlookers; and (ii) guided in their internal life by rules and purposes that reflect the special goods they aim at, rather than responding predominantly to the logic of external actors, which often militates against locally intelligible goods and virtues.

Besides its contribution to debates about the threat modern social structures pose to local communities, goods, and practices, the ideal of the polycentric republic sketched out in this book also has the potential to enter into a fruitful conversation with several other bodies of scholarship that converge around the notion that we must rethink monocentric or State-centric approaches to the governance of society. For example, the argument against the monocentric State should resonate with scholars who have followed in the footsteps of Elinor and Vincent Ostrom,¹⁸ two of the leading lights among institutional critics of political and administrative monocentrism. The Ostroms persuasively argued that a highly centralized form of governance and public administration is unlikely to successfully cater to the diverse needs and interests of its constituents and does a poor job at effectively harnessing local knowledge and know-how to the solution of complex and multi-layered social problems, from the supply of public goods like policing and security, to the regulation of fishing and grazing.

The approach of this book shares the Ostroms' preference for polycentric solutions to complex coordination problems. However, I strengthen the Ostromian case against monocentric governance by spelling out in greater detail than they do, how the risks of centralized political rule are exacerbated by the extraordinary breadth of authority attributed to the modern sovereign State, as well as the relative invisibility of non-State corporate actors and their governmental prerogatives in the standard social contract story told by

18 See Elinor Ostrom, *Governing the Commons* (Cambridge: Cambridge University Press, 2015/1990); Vincent Ostrom, Charles M. Tiebout, and Robert Warren, "The Organization of Government in Metropolitan Areas: A Theoretical Inquiry," *American Political Science Review* 55, no. 04 (1961); Vincent Ostrom, *The Meaning of American Federalism: Constituting a Self-Governing Society* (San Francisco: ICS Press, 1991). Elinor Ostrom makes explicit reference to the dominance of statism and "Leviathan" over "policy textbooks" in a well-known article: "Leviathan is alive and well in our policy textbooks. The state is viewed as a substitute for the shortcomings of individual behavior and the presumed failure of community" (Elinor Ostrom, "Crowding out Citizenship," *Scandinavian Political Studies* 23, no. 1 (2000), p. 5).

modern political theorists like Hobbes, Locke, Kant, Rousseau, and Rawls. In addition, I provide a more explicit ethical and anthropological grounding for the flourishing-enhancing potential of a pluralist, polycentrically governed social order. Finally, the elaboration of a polycentric theory of civil order – concretely, a bottom-up, federated republic – articulates in a more systematic way the sort of political arrangement that can best accommodate Ostromian ideals of polycentric order.

My account of bottom-up federalism draws on important elements of federalist thought eloquently expressed by Daniel Elazar, most notably the notion of a social pact that integrates groups without destroying their identity and inner constitutions.¹⁹ Whereas many existing accounts of federalism, including Madison's and Tocqueville's,²⁰ focus heavily on the division of power among territorial governments, my account is more explicit about the need to respect the governmental prerogatives of *non-territorial* groups and associations, such as schools, universities, churches, agricultural co-ops, and business ventures, and the need to give them a voice within the social contract or pact that underwrites territorial governance, whether that pact is understood as a conceptual device for imagining how civil authority might be justified, or a real-world negotiation of civil order.

Finally, there is a rich and wide-ranging social science and philosophy literature that invokes some version of social pluralism to challenge traditional sovereigntist, top-down conceptions of State authority, from the English pluralists' defence of the prerogatives of corporations beyond the State such as churches and guilds²¹ and Paul Hirst's attempt to rethink the welfare State in ways that better accommodate associational goods²² to Jacob Levy's critique of "rationalist" and homogenizing conceptions of State authority,²³ James Scott's searing critique of the "high modernist" State and its social

19 "Unum ex pluribus" or non-destructive integration is a recurring theme in federalist thought. Elazar is one student of federalism who articulates the federalist aspiration to preserve the integrity of the federated units with particular clarity. See Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa, AL: University of Alabama Press, 1987).

20 See, for example, Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (Dublin, Ohio: Coventry House Publishing, 2015/1787) (most famously, papers 10, 14, 37, and 51) and Alexis de Tocqueville, *Democracy in America*, trans. and ed. by Harvey C Mansfield and Delba Winthrop (University of Chicago Press, 2000/1840), esp. vol. 1, part 1, chaps 3, 5, 8, and 9.

21 See John N. Figgis, *Churches in the Modern State* (HardPress Publishing, 2013/1913); G. D. H. Cole, *Social Theory* (Leopold Classic Library, 2015/1920); and Harold J. Laski, "The Pluralistic State," *The Philosophical Review* 28, no. 6 (1919).

22 See Paul Hirst, *Associative Democracy: New Forms of Economic and Social Governance* (Boston: University of Massachusetts Press, 1994).

23 Jacob T. Levy, *Rationalism, Pluralism, and Freedom* (Oxford: Oxford University Press, 2015).

engineering ambitions,²⁴ and William Galston's defence of the right of associations to cultivate ways of life at odds with rational autonomy as understood by liberal theorists.²⁵ But few defences of pluralism rest their case, as I do, on a neo-Aristotelian account of human flourishing and its social requisites. Furthermore, while each of these authors pushes us to rethink the traditional scope of state authority, few of these defences of social pluralism explain in detail, as I do in this book, what the critique of State authority and the vindication of the governmental prerogatives of social groups entails for how we ought to structure and constitute political institutions.

Of course, there are some notable exceptions. For example, both Chandran Kukathas and Rasmussen and Den Uyl welcome social pluralism and are quite explicit about the need for a radical alternative to the modern State as we know it. Neither of these accounts, however, offer a satisfying picture of civil order. Kukathas derives a radical theory of freedom of association from the freedom to pursue one's life in accordance with one's conscientious beliefs about what gives life meaning and value. The type of society entailed by this vision, according to Kukathas, may be represented metaphorically as a "liberal archipelago," a series of contiguous islands with near-total internal autonomy and full freedom of exit.²⁶ But this metaphor is hopelessly disconnected from the real conditions of a complex and interconnected society because the liberal archipelago fails to capture the interpenetration and interdependency of diverse social groups in spaces like towns and cities.

Rasmussen and Den Uyl advance a perfectionist, neo-Aristotelian argument in defence of a libertarian political order. They depart from two basic premises: first, that free choice or autonomy is an indispensable constitutive ingredient of a worthwhile human life; and second, that the human good admits of a rich variety of interpretations that can only be adequately arrived at through the exercise of prudence, informed by the actor's own personal projects, commitments, talents, and circumstances. In light of these two premises, the only way to honour the demands of human flourishing in the political arena, in their view, is to govern society with extremely permissive "meta-norms" such as the principle of non-aggression, property rights, and freedom of contract, leaving it up to individuals to fill in the gaps and build up a flourishing life according to their own best lights rather than under the guidance of a coercive, paternalist State.²⁷

24 James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1999).

25 William Galston, *The Practice of Liberal Pluralism* (Cambridge University Press, 2005).

26 See Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* (Oxford: Oxford University Press, 2003).

27 The most complete statement of their argument can be found in Douglas B. Rasmussen and Douglas J. Den Uyl, *Norms of Liberty: A Perfectionist Basis for Non-Perfectionist Politics* (University Park, PA: The Pennsylvania State University Press, 2005).

I share Rasmussen and Den Uyl's concern with the danger of intrusive State regulations pre-empting the complex prudential choices of citizens, which cannot be successfully delegated to remote State officials. However, Rasmussen and Den Uyl are not especially forthcoming about the structural and institutional implications of their libertarian "meta-norms" of non-aggression and freedom of contract, especially in terms of multi-level structures of governance and the complex dynamics of inter-group interaction. Their analysis focuses so heavily on the sovereignty of individual choice that the standing of social groups as integral elements of the civil order almost disappears from view. Presumably, Rasmussen and Den Uyl would not deny that individual ethical life is profoundly conditioned by group life and that human associations depend on each other and on a variety of mediating social structures in order to achieve their goals. However, their perfectionist account of a libertarian State does not grapple in a convincing way with the need to accommodate and respect the complex and multi-faceted social ecology that conditions our ability to live free and flourishing lives. The intricate social ecology of a free and diverse society will play a pivotal role in the account of the civil order to be developed in this book.

1.5 Brief Overview of the Argument

The introduction offers a preliminary statement of the argument of the book and highlights its distinctive contribution to debates about the sovereign State and discussions of pluralist, decentralized polities. In Chapter 2, "The Freedom to Flourish: The Cornerstone of the Good Society," I drill down into the concept of a flourishing life, drawing on classical Aristotelian concepts like rational dominion over the passions, rounded development of human excellence, rational deliberation and choice as constitutive of a good life, and the socially embedded character of the quest for the good. I argue that the human good is heterogeneous and multi-faceted, involving a wide range of diverse dimensions, from physical nutrition and health to friendship and knowledge, and may be pursued in many different ways according to the unique circumstances, preferences, and choices of different individuals and groups. Finally, I suggest that the freedom to flourish – the ability to pursue and enjoy a flourishing life, guided by one's own rationally informed and uncoerced choices and sense of meaning and purpose – is the cornerstone of a good society.

In Chapter 3, "The Social Ecology of Human Flourishing," I discuss the critical importance of a healthy social ecology as a necessary context for the pursuit of human flourishing. Central to such an ecology are the social practices through which groups of persons advance their personal and communal purposes; the normative orders that bring structure and intelligibility to these practices; and civil governments and civil orders, which play a special role in

the coordination of territorially defined populations and the groups that make them up. Anticipating my ideal of the polycentric republic, I argue that a healthy civil order ought to promote and protect the freedom to flourish, but must always defer, to the extent practicable, to the voluntary, localized and practice-based normative orders that already guide citizens' conduct, use methods of governance that are responsive to relevant stakeholders' wishes, and mitigate the risks of concentrated power.

In Chapter 4, "The Sovereign State and Its Homogenising Narrative of Order," I discuss the emergence of narratives of sovereign authority and rule during the age of monarchical absolutism, and their democratization in the 17th and 18th centuries. I show how the flattened conception of social order associated with monarchical absolutism paved the way for contractarian justifications of political power, which disregarded the standing, prerogatives, and special interests of a wide range of local associations, and were profoundly inattentive to the intricate social ecology upon which people depend to advance their interests and live meaningful, flourishing lives. Finally, anticipating the objection that the concept of State sovereignty is passé, I point out ways in which the sovereigntist narrative continues to shape our understanding of politics and suggest that the State prerogatives flowing from this narrative have far-reaching consequences for citizens' lives, even in a globalized and interconnected world.

In Chapter 5, "How Sovereign, Monocentric States Erodes the Social Infrastructure of Human Flourishing," I argue that forms of civil authority that are understood to be "sovereign" or supreme and more or less comprehensive, with an extensive territorial jurisdiction, tend to homogenize the plural social infrastructure of human flourishing in damaging ways. I make the case that the logic of sovereign rule, insofar as it shapes the life of national political institutions and the self-understanding of citizens and public officials, ends up colonizing and homogenizing the life of social groups and corporate entities operating within the ambit of the sovereign ruler with normative orders alien to their missions, putting in jeopardy the integrity of associational life and the goods it aims at.

In Chapter 6, "Six Rejoinders on Behalf of the Sovereign State," I consider six possible rejoinders a defender of the sovereign State might make to my case that sovereign rule exerts a toxic influence on the social ecology of human flourishing. The objections I respond to are: (i) that the homogenizing rule of the State, even if it inflicts certain costs on society, is an unavoidable consequence of the state's duty to ensure accountability for the use of public finances; (ii) that I neglect analogous forms of social homogenization originating outside the state, most notably in the free market economy; (iii) that the amount of social and institutional diversity present in liberal democracies is an empirical refutation of my argument against the homogenizing State; (iv) that liberal democracy already has built-in mechanisms for countering

the State's despotic tendencies, most notably democratic accountability, constitutionalism, and a range of governmental checks and balances; (v) that my argument is only relevant to hyper-centralized States, not federated states; and (vi) that the harms associated with the sovereign rule, though real, may be compensated by the benefits of centralized political authority for human well-being and justice.

In Chapter 7, "The Polycentric Republic: A Rough Sketch," I sketch out my ideal of the polycentric republic. The polycentric republic is less a fixed institutional framework than an emergent and evolving horizon of shared interests, values, customs, and rules which citizens and groups develop by cooperating with each other in good faith and negotiating a mutually acceptable civil order. I propose a method for coordinating the interactions of individuals, families, non-territorial associations (e.g. universities), and territorial associations (e.g. municipal communities) within an extended territory, which I call "bottom-up federalism." The core notion of federalism is the *foedus*: a voluntary pact or agreement between persons and groups to endorse a shared scheme of governance that preserves the identity, integrity, and dignity of the pacting groups and their members. Building on this core federalist ideal, I propose a method of negotiating civil order that is respectful towards the social ecology of human flourishing, voluntaristic, tolerant of the reasonable governmental prerogatives of a wide range of human associations, and favourable to the dispersion rather than concentration of power and authority.

Any theory advocating the robust dispersal of authority across a plurality of social and political actors is likely to meet with stiff resistance in mainstream academic as well as non-academic circles, particularly among those citizens and scholars who, for whatever reason, happen to espouse some version of the monocentric, sovereigntist narrative of civil order associated with dominant strands of the modern social contract tradition. With this in mind, I bring the argument to a close in Chapter 8, "Objections and Replies," by addressing seven important objections that may be brought against the polycentric republic as an ideal of civil order, besides those already addressed in the course of the book.

Specifically, the objections I seek to defuse or at least weaken are: (i) that an ideal of governance oriented towards human flourishing might easily degenerate into some form of totalitarianism; (ii) that a culturally and politically fragmented republic may permit conditions of socio-economic inequality that are undesirable from the standpoint of social justice; (iii) that the polycentric republic may permit so much local autonomy that it ends up accommodating petty tyrants who hold local populations under their yoke; (iv) that the degree of political and cultural fragmentation permitted by the polycentric republic may permit citizens to withdraw into social and political enclaves, bringing an end to any substantive ideal of *res publica* or of a shared

republic; (v) that the degree of political and cultural diversity and discord permitted by a polycentric civil order may erode much of the social and political stability secured by a powerful overarching State; (vi) that the degree of divergence in domestic economic policies permitted by a polycentric civil order may render local economies less competitive on the world stage than they would be if their economic policies were controlled by a sovereign State; and (vii) that the idea of a federal republic constituted by polycentric, robustly dispersed governmental power, even if attractive on paper, is too far removed from our existing political practices to gain any foothold in the real world.

* * *

This book is intended as a primer for a federalist, polycentric conception of civil order that engages intensely with the fact and value of social pluralism and its implications for large-scale political coordination. It accepts MacIntyre's argument that modern bureaucratic States have a corrosive effect on the structures and values of face-to-face communities, in particular, their ability to promote rounded forms of human virtue and flourishing, but offers a more explicit and developed institutional alternative to the modern State than anything MacIntyre and his intellectual successors have offered to date. While my account overlaps in significant ways with the libertarian-perfectionist conception of civil order championed by Rasmussen and Den Uyl, it pivots away from the sovereign individual to consider how a civil order can preserve the complex and multi-level social ecology that supports human flourishing in a large modern society.

Being a primer rather than a fully worked-out theory, the book aims to express the leading ideas and principles of the polycentric republic, show how they sit together, and anticipate some of the most obvious objections that could be levelled against them. But it cannot, of its nature, offer an exhaustive treatment of the ideal of the polycentric republic or answer the full range of objections a sceptic might bring; nor can it spell out in detail all of the potential implications of the ideal for the organization of diverse spheres of social life, such as education, health, finance, economic enterprises, and markets. Rather, I aim to say just enough to convey to the reader how a multilateral alliance of heterogeneous associations enjoying more substantial governmental prerogatives than they could enjoy under a sovereign State, could plausibly constitute a functional and attractive republic of the sort that not only satisfies the exigencies of public order but also accommodates the aspiration of its citizens to live a flourishing and worthy human life.

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