

# Two concepts of political order

## Traditional and pluralist perspectives<sup>1</sup>

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#### Summary

Over the past decades, two clusters of developments have been identified as challenges to the actual power of the sovereign nation-state as well as to relatively simple and easy models of the state assumed in political science and political philosophy. Analyses of and answers to these developments, internationalization (including e.g. globalization) and dehierarchization (including e.g. multilevel governance), still presume the continued unity of a society underneath increasingly fluid political structures. It is however reasonable to assume that changes in the political sphere are in some ways reflections of and in others reflected in changes in the social sphere. I therefore introduce a new framework for modelling social and political cooperation, reflecting the historical contingency of the sovereign nation-state. Behind this framework lies a different conception of order. In this pluralist rather than traditional understanding of political order, the building blocks are individuals and their voluntary and involuntary associations.

#### Keywords

Pluralism, political order, state, sovereignty

#### 1. Introduction

Contemporary political theorists rarely assume, as Rawls once did, that political theory can take the culturally homogeneous society with closed borders as a ‘simple’ reference point, and subsequently develop ideal theories which one may expect to be modifiable, with just a few technical tricks, to suit the complexities of real existing, far more complicated societies. Yet at a more fundamental level the alternative view of society as complex (as offered by e.g. multiculturalism, feminism and globalism) shares with the classic ‘simplistic’ view the crucial and problematic assumptions that political order *as such* is natural, that it is desirable, and that it does not really need to be justified explicitly.

In this article, I shall argue that it is prudent to distinguish further between two concepts of political order. One is the more or less traditional view illustrated by contemporary (both mainstream and critical) political theory but also by the way political scientists sometimes tend to conceive of the sovereign state. Here, deliberately oversimplifying, order is hierarchically imposed, top-down, regardless of whether it is legitimized bottom-up – or even independent of actual popular consent. Unity or the desire for unity and cooperation are seen as normal, while secession, dissociation or autonomy are the phenomena that need to be explained.

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While this concept of order may be historically accurate on a very large scale, given humanity's tribal past, it is less accurate today than it was 200 or 20,000 years ago; moreover, there is reason to believe that it is a morally undesirable concept of order.

What I am going to defend is an alternative, pluralist way of conceptualizing order, polity and society – moving away in particular from the sovereign nation-state to a more ecumenical model that does justice to the role of individuals as moral agents, and as building blocks, origins and sometimes creators of society and polity. The state, the nation and sovereignty are historically and philosophically contingent phenomena, and the (hypothetical) alliance they form in the shape of the sovereign nation-state is even more contingent, a phenomenon that perhaps even exists only in the minds and books of social scientists and philosophers. If reality no longer fits this model, a new one is required. What I offer is a framework for developing such a model – that is, not a model in itself, but a framework for developing one.

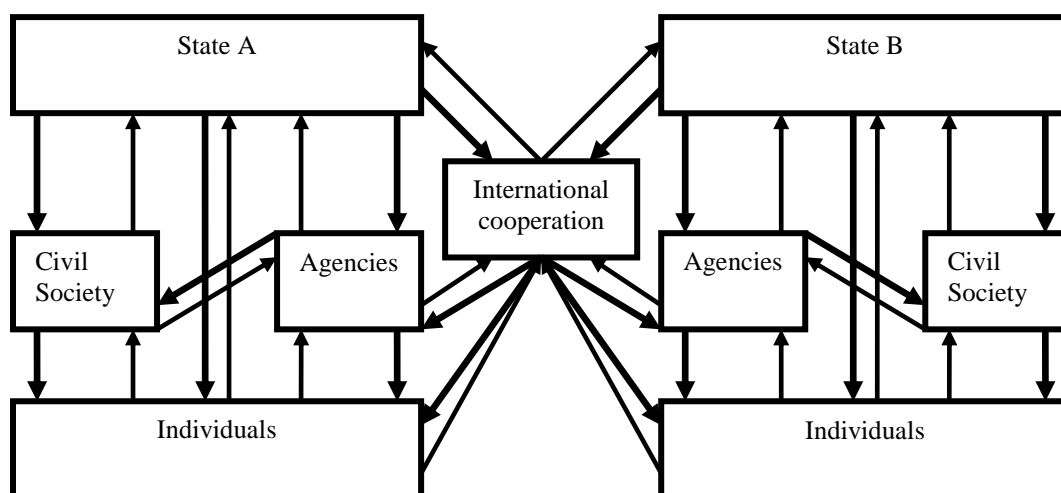
On the pluralist view, oversimplifying this perspective as well, order is created bottom-up, voluntarily or involuntarily, by individuals and their (in)voluntary associations, in response to the perceived needs and interests of an order's constituent parts. Here it is synchronization, streamlining, cooperation and order that need to be explained and justified. Both concepts will be briefly illustrated by alternative readings of the political and constitutional history of the Netherlands, although many other histories and polities qualify as illustrations – among them the USA and Indonesia before and after independence, China since before the First Emperor, and especially the artificial states of sub-Saharan Africa.

One reason to argue for the pluralist view is that it enriches normative political theory, while (as already claimed) its alternative is a morally undesirable concept. The pluralist concept far better suits other assumptions of multicultural, feminist, social liberal and (obviously) libertarian political theory – in general, all heirs of the Enlightenment – than the traditional view, which might even be seen as a contradiction of Enlightenment ideals of human flourishing. Although it is of secondary concern here, I believe that the pluralist view may be relevant to empirical political science as well, as it could help develop alternative explanations and (motivational) understandings of e.g. 'failed states' and of the continued wide-spread resistance to the European Union.

## **2. The Traditional State**

Political science and political theory make assumptions and of course have to make assumptions about the existence and nature of the state and of society. Those assumptions could always count on critique, both within and across disciplines, but today they are under heavier fire than ever before. Over the past two decades, two clusters of developments have been identified as challenges to the actual power of the sovereign nation-state, and thereby also as challenges to the viability of the relatively simple and easy models of the state used in political science and political philosophy (see Figure 1).

Figure 1 Classic sovereign nation-state



(Source: Wissenburg 2008) Arrows up represent demands, arrows down commands

In ‘mainstream’ liberal Anglo-Saxon political theory, for starters, the dominant mode of thinking was, for a long time, the one expounded by John Rawls: we simply assume, for the sake of argument, the existence of a closed, not too deeply divided society and of a sovereign nation-state, and then develop and test principles of social distributive justice. At the very least, the state operates here as a constant – the question is not what it is, whether it is, or whether it should be, but what it should do. Even today, mainstream political theory still constructs at least one of the two, state or society, as a kind of *ceteris paribus* condition for the debate on morality in politics. In the philosophical debate on multiculturalism, for example, a degree of fragmentation of society is recognized, yet it is assumed that a desire will remain in all parties to preserve an overall structure of cooperation, an overarching society – and the state is still presumed to be one and indivisible. In the debate on global justice, between the cosmopolitan and what Thomas Nagel (2005) calls the political conception of justice, the parties disagree on whether peoples or nations form societies, or whether the world population as a whole does so or should do so. Yet in either case, the state, be it national or global, is again presumed to be sovereign and undivided.

The debate on the state in empirical political science has gone through at least three or four partly overlapping phases over the past 20 years alone. First, after the fall of the Wall in 1989, particularly scholars of International Relations discussed a series of phenomena that I would collectively call ‘internationalization’. These include:

- (1) cooperation between states, institutionalized through the creation of common administrative or executive organizations with differing degrees of political autonomy;

- (2) cooperation (military, commercial or other) regulated by treaties and administered by treaty organizations;
- (3) economic, social and cultural globalization and migration;
- (4) the application of national law to citizens staying and acting abroad (the most familiar examples concern paedophiles) or even the application of national law to non-citizens for crimes committed abroad against non-citizens (e.g. in Belgium crimes against humanity);
- (5) the growth of international law in general and international criminal law in particular;
- (6) governance, or 'governance without government': the phenomenon of states or departments participating in an executive or regulatory body as equal partners of other participants (NGOs, international organizations, corporations, etc.);
- (7) the European Union.

All these phenomena and more constitute an internationalization of cooperative structures, and one of the aspects of internationalization discussed was its effect on the power of the sovereign nation-state, in other words, the question whether a rift existed or grew between legal sovereignty on the one hand, the claim to external non-interference and internal absolute power, and on the other actual political sovereignty, the ability to satisfy this claim.

A second and more or less simultaneous debate existed in comparative politics and administrative science on what can be called dehierarchization: the redefining of central government, voluntarily or involuntarily and by itself or by others, as no longer simply the highest source of authority and power from which all rules for and all power of lower institutions emanate(s). The state would become, at least occasionally but according to some increasingly, just one of the boys: a partner along with other social actors, sometimes perhaps stronger but never completely overpowering, and either not having or delegating or renouncing power. Examples are:

- (1) the recognition by states of the authority of pre-state institutions within their domain (e.g. pre-colonial kingdoms in Africa and Asia, clan-like authorities on the Arabic peninsula)
- (2) border-crossing regional authorities such as Euregions
- (3) depoliticization of power: the state retreats from certain policy areas (misleadingly referred to as deregulation – misleadingly since rules, rights and duties do not disappear but merely originate in other spheres within society. )
  - (3a) in Muslim countries: the sometimes informal transfer of executive and judicial responsibilities from the state to organized religion,
  - (3b) in the West, a transfer of power to civil society and,
  - (3c) more recently, one of the defining characteristics of Third Way social policy, to the private sector (privatization); or
  - (3d) the sharing of power with other authorities: multilevel governance
- (4) the separation of nation and state: regional autonomy
- (5) sub-politics (as described by Ulrich Beck 1997), where new political issues tend to be dealt with more and more in arenas other than the state, or with the state playing only a minor role – and where these issues either never even reach the agenda of the state, or are dealt with by others, pre-empting the state
- (6) again, the European Union.

The (often complexly related and interwoven) processes of dehierarchization and internationalization together constitute what I call political pluralization: the emergence of 'polities' other than the state, where polity stands for any form of social organization (e.g. arenas and institutions) within which (among other things) politics takes place.

The third and fourth phase in the development of the agenda of contemporary political science seem to occur more or less simultaneously again: some political scientists combine dehierarchization and internationalization and ask what it means for the power of the state, others, working on the interface of law, legal theory and political theory, take political pluralization as the background for a debate on the meaning, viability and possible reformulation of the concept of sovereignty (cf. e.g. Ilgen 2003; Prokhovnik 2007; Walker 2003).

Now, two observations can be made about the development of the agendas of political theory and empirical political science. First: analyses of and answers to internationalization and dehierarchization still presume the continued unity of a society underneath these increasingly fluid political structures. Society operates as a *ceteris paribus* condition.

Secondly, political science and political theory have a problem that goes beyond normality, a problem that touches on their identity, on the object of research that defines their self-understanding. The political science model of the Westphalian sovereign state, or worse, nation-state, no longer seems to reflect reality (if ever it did), and political theory refers to an apparently non-existent or not too really real-existing entity.

It is against this background that it becomes reasonable to consider an alternative, more realistic, model of politics and society in which the sovereign nation-state is a purely legal fiction, lacking both political and moral sovereignty, that is, lacking both the actual power and moral authority to top the hierarchy of commands and rules in society. Ours is instead a world in which power is exercised and moral authority claimed, with equal force, by *multiple* actors next to or even competing with the state.

### **3. State and Society**

The discrepancy between the concepts and the reality of the state is not the only problem for the traditional view of political order. Throughout the past twenty years, it seems that the unity of society remained a stable point of departure for political science and political philosophy, even when dehierarchization or multiculturalism became objects of research. The political superstructure of society may change, it may sever parts of society from the whole, adopt portions of other societies or even serve to the needs of several societies at once, but the building block remains “society”. Society may not be a concept as ideologically coloured as romantic, liberal and racist notions like nation or people are, yet as specifically communitarian versions of multiculturalism illustrate, it is still sufficiently morally ‘burdened’ to raise the suspicion that it is a political construct emanating from a political agenda, rather than a natural phenomenon. More importantly, its moral and scientific desirability as an assumption in most work in the field is unquestioned – but no assumption should ever remain unquestioned.

I would like introduce two assumptions at this point: first, that society itself is fragmenting just as much as the state is – and that is assuming undivided societies ever existed; after all, even France is a dream, and Iraq a nightmare. Secondly, I assume that there are causal and teleological links between political pluralization and social pluralization. For the record, by ‘undivided society’ I mean a bordered network of social, repeated, perhaps even relatively permanent cooperative relations among individuals forming voluntary and involuntary

associations, including the network of relations among those associations. The term polity refers to a part of this network: the sub-network of political cooperative structures and associations where the rules and conditions for social cooperation are defined.

It is not unreasonable to assume that changes in the political sphere can in some ways be reflections *of* and in others reflect *in* changes in the non-political social sphere. Change does not come out of the blue and it often goes unnoticed, it sometimes even has effects. One might even say that making this assumption is kicking in an open door the size of a small continent. But from this it follows that it may also be true that political pluralization reflects on and is a reflection of a pluralization of society, that is, that it reflects on and is a reflection of the creation of new ‘communities’ or spheres of social interaction.

Society continually wipes out, splits off, gives birth to or adopts cooperative associations and clusters of cooperative associations, some more vital than others, and some so vital that we sometimes talk of societies splitting up in two – think of Hutus and Tutsis – or of societies merging into one – think of the 13 originally un-United States. Where societies split or merge, political structures adapt; they sometimes even precede secession or integration. Yet social and political pluralization may be concurrent but they are not necessarily congruent – political pluralization may go one way, say, away from unity, while counteracting social pluralization may go the other. Note that I do not wish to claim that all social pluralization is explained by political pluralization or vice versa – both may have other causes.

A couple of examples may clarify the variety in origins of and responses to pluralization. First, there are instances where politics or political pluralization follows society, but where changes are non-congruent. A process like this seems relatively unlikely to happen in democracies, where politicians are after all slaves to polls, elections and the unpredictable preferences of the population. Still, the decision by some national governments not to repeat the experiment of putting the European Constitution to the vote via a referendum shows that exceptions exist. Other examples of non-congruent pluralization processes are the many attempts of the Yugoslav and post-Yugoslav governments to keep the state or states together, or – again in democracies as well – policies aimed at integration, citizenship, language skills and dress codes while Muslim immigrants appear to prefer increased segregation.

Secondly, there are instances where politics follows society and the directions of both processes are congruent: the disintegration of Belgium comes to mind, but also the creation of a common market in Europe in response to demands from producers and traders.

Thirdly, society sometimes follows politics in a congruent way – that at least seems to have been one of the aims of the whole process of European unification, and it seems to be the practice where consumers respond in their behaviour to the creation of a common market and to the introduction of the euro.

Finally, society can follow politics and do so in a non-congruent way. Again, we would expect that to be rare in democracies and again, exceptions exist – the rejection of the European Constitution by the French and Dutch voters comes to mind, as do responses by some Muslim groups to integration policies.

In other words: just like the sovereign nation-state, the concept of a unified and undivided society cannot remain an unquestioned assumption. It may not be true that “there is no such

thing as society”, as Margaret Thatcher supposedly once said, but it is certainly true that no one set of clearly delineated, undivided societies exists. More subtlety is required.

#### 4. Pluralist order

One way to start designing more adequate models of political order, society and polity, or more precisely social and political cooperation, is bottom-up: we start with the individual in relation to other individuals, and move up from their networks through networks of voluntary and involuntary associations to the highest level, whatever that level may be. It is this bottom-up approach that I want to defend here. Whether the bottom-up creation of order is a process aimed at order, a process with order as a by-product, or a process in which order is a property of an emerging system – representing three very different explanatory models in e.g. comparative politics – will not be discussed here: it distracts from the main objective of sketching the outlines of a pluralist alternative to the traditional concept of order.

Two major reasons to opt for the bottom-up approach have to do with the methodology of political science. In so far as it is dominated by American and behaviorist traditions, it has a classic bias for explanation rather than interpretation, for *erklären statt verstehen*. This means first of all that individuals tend to be reduced to puppets on abstract economic, social, cultural, psychological strings. Yet we are sometimes agents. A behaviorist attitude fails to acknowledge this, therefore fails to understand what is really happening in politics. Also, it has by implication a bias for in a cultural way conservative, herd-managing political ideologies (including Marxism) and is therefore biased against reform- and agent-oriented political theories including liberalism. It is, in other words, by no means as politically impartial as one would want a good scientific paradigm to be.

A third reason has to do with the dominant mode of thinking in political theory: the liberal Rawlsian paradigm. The liberal approach to political morality stresses the importance of the individual as a moral agent, and the importance of values like individual liberty and equality among individuals, partly as preconditions for moral agency. There is no space to explain here precisely how a philosophical paradigm that uses terms so typical for liberal political parties and ideologies, came to be embraced by republicans, social democrats and even communists but oddly enough not by classic liberals. In broad strokes, it has to do with the fact that this (Rawlsian) kind of liberalism aims to be as impartial as possible, in a way, a methodological rather than political liberalism. It is precisely for this reason that it seems inconsistent for philosophical liberalism to rely so heavily on varieties of the old sovereign nation-state and not to seek to develop an understanding of legitimate social and political institutions built on voluntary or rational cooperation among individuals.

Central to the liberal tradition is the debate on the protection of liberal democratic values, which is to be judged from the perspective of the individual – and then we have to ask: what kind of cooperation is possible and legitimate? Instead, the agenda of the majority of political theorists these days, including Rawlsians, is focused on the formulation of reasonable agreement under ideal, *herrschaftsfreie* conditions, and on formulating principles and rules of conduct derived from that agreement. The existence of society and state is taken for granted – but ultimately all initial assumptions have to be justified as well, and that makes the individual and (potentially) individual choices the point of departure: liberal political theorists cannot infinitely assume that individual X’s ending up in this or that society or group is an amoral given historical fact only, unlike X’s born and bred capacities and disabilities that *are*

considered morally relevant. Modern political theory cannot ignore the first question of classic contract theory: why should any individual, in his right mind and under conditions of free and deliberate choice, opt for the construction of this rather than that particular network of individuals and these particular customs, habits, rules, principles, convictions etc., rather than others.

We could add a fourth reason for a bottom-up reconstruction of the concepts of polity and society: continental and particularly post-modern social and political thought, including feminism, points to the fragmentation of individual identity. We are gendered, sexual creatures with professions, hobbies, convictions, diseases and so on, and in each of these activities we are subjects of different discourses, and each of these constructs our identity slightly differently, resulting in fragmented individuals. One could argue that this post-modern condition is merely a fad of rich, well-educated westerners with too much time on their hands, but that would not be fair – that would only explain the consciousness of fragmentation, not its reality for those who are not conscious of it but do live fragmented lives. A better response is perhaps that despite our different roles, we can create one personality for ourselves by prioritizing and ordering the value and truth systems of the discourses of which we are part. Even without the adoption of a full-fledged postmodern perspective, we can accept that some sort of individual fragmentation is part of life.

This brings me to a fifth reason to focus on the individual first: the place in our lives of civil society and the voluntary and involuntary associations of which it is made up. The British political pluralists of the 1900s to 1920 – Laski, Figgis, Cole and others, who by the way also inspired modern thinkers like William Connolly and William Gaston (2005, 2006) – feared and rejected sovereignty more than anything (cf. Nicholls 1975; Hirst 1989). They argued that all that individuals sign up for is the rules of the voluntary associations they join, not those of the involuntary association, the sovereign state, that claims they joined it. Any moral legitimacy the state enjoys must be derived from the voluntary allegiance of and contributions made to the voluntary associations of civil society. In place of the all-powerful state, then, pluralists defended a state that at best operated as an arbiter, *primus inter pares*, among the voluntary associations from which individuals could derive their identities and through which they could give meaning to their lives.

If we ever want to understand why moral and political legitimacy so often conflict, we have to start with a model of society that allows us to perceive individuals and associations as creators of legitimacy, not merely as panel members. This implies that, like the British pluralists, we understand sovereignty as a legal fiction and stress the independence, power and legitimacy of voluntary associations against the Leviathan. In the words of William Galston, we should reconsider and reject ‘the understanding of politics (...) that tacitly views public institutions as plenipotentiary and civil society as a political construction possessing only those liberties that the polity chooses to grant and modify or revoke at will’ (Galston 2005: 23).

## **5. A Pluralist Framework**

For the five reasons given above and others, it is prudent to consider an alternative conception of the polis, a new model of social and political cooperation reflecting the historical contingency of the sovereign nation-state and other types of political order (cf. Wissenburg 2008).



Its building blocks are individuals and their voluntary and involuntary associations. Individual A will share more networks (say, a church, two environmental NGOs, a Star Trek appreciation society and a social network on internet) with B than with C (say, only church and environmental NGOs), while B and C are connected with each other through further associations, and so on. Some clusters of individuals, united by membership of one association, may be more or less congruent with other clusters defining other associations; a first step towards the creation of an overlapping ‘super’ association. Some non-congruent associations may serve the same purpose, and see this as grounds for (or experience this as the cause of – the precise function of order is, as indicated above, irrelevant for our purposes) a merger or (think of sports leagues) the creation of an association of associations. Other (super-)associations (or their members) may constitute, join or be absorbed into still higher super-associations regulating one or more aspects of the interactions between the constituent parts – as illustrated by e.g. protection schemes like state and mafia.

On the bottom-up pluralist approach, it is no longer the state that commands directly or through institutions and the citizen who requests directly or through associations, a model that makes the individual a function of the whole. In the pluralist framework, ‘state’ and other imaginable political institutions are functions of networks, of voluntary and involuntary associations, which in turn are functions of individual cooperation.

That does not mean that I would wish to defend the slightly ridiculous idea that every association is voluntarily chosen or created ex nihilo. Associations are formed against the background of or even out of already existing institutions, and that is – in the real world – only rarely done voluntarily. If one wants to interpret the pluralist framework as a model of social cooperation based on free choice, the pluralist framework can only be interpreted as a constant ‘becoming’ rather than something that can be, let alone is already, achieved.

The pluralist framework is not an alternative model but literally a new point of view for developing models, including alternatives for the classic state model. It is a framework for modelling, a meta-model, not a model itself. Theoretically speaking, and that is purely theoretically speaking even on the edge of the age of quantum computers, theoretically then, one would first map each individual’s memberships of associations, then map overlaps between individuals, then add associations of associations, and on the basis of that map describe the more dense clusters of associations and individuals as cooperative social structures or as polities, and generalizing on that basis again, formulate models. With a bit of luck, political scientists may even, among those clusters, find some that closely resemble states, nations and even sovereign units. With even more luck, they will find other, new models emerging.

An obvious next question is whether a pluralist conception of order cannot just describe but also help explain and perhaps even help to morally assess the long-term persistence of institutions including the state – a phenomenon that seems at odds with the constructivist individualism of the pluralist view of order. A creative misinterpretation of Jean Bodin’s conception of sovereignty may help us out here. Bodin’s *Six Livres de la République* (1583/1961) is, at first sight, the classic illustration of the polis as a republic. Yet a further analysis of Bodin’s key concept city (*cité*) allows a surprising new interpretation based on the letter of the text.

There is, for Bodin, diversity within the republic: the *cité* can consist of several villages and towns with shared customs, the republic of several *cités* and provinces with diverse customs.

The subjects of a republic may be citizens with rights specific to the city, bourgeois with rights specific to a particular class of fortified settlement, simple villagers with villager's rights, or parishioners with parish rights (Bodin 1961: 76). A cité may even consist of a union of formerly independent entities – Bodin mentions Bern and Fribourg as two examples of a union between three constituent parts, viz., two towns and a university. In other words: a republic is a union of cités, each of which may be constituted out of different and overlapping cooperative schemes.

With this pseudo-Bodinian understanding of the cité in hand, it is a lot easier to square the existence of political superstructures with the pluralist idea that individuals already always co-exist in voluntary cooperative structures. Like those 'basic' cooperative structures, superstructures are based on agreements, agreements that may be spontaneous or deliberative, culturally or historically evolved or a-historically designed. Like all cooperative enterprises, they will last as long as the foundation of the agreement lasts. What distinguishes superstructures is that they cover not individuals but cooperative schemes, the members of which are not necessarily always the same sets of individuals. In so far as cooperative schemes overlap the same individuals (and thereby their interests or reasons for cooperation), those individuals have a stake in coordination by means of a superstructure, and the more cooperative schemes a superstructure covers, the more it will tend to be stable, even more stable than its constituent parts. Other things being equal (those other things being e.g. the capacity to actually coordinate more and more forms of social interaction), the more 'reasons for cooperation,' or in Michael Walzer's terms, the more social spheres a superstructure covers, the more stable it will be.

Individual allegiance to a superstructure is, then, ideally and in an a-historical, justificatory context, a matter of a cost-benefit analysis. The costs of a worker's income tax may be outweighed by the advantages that same individual gets as respectively a commuter, human, parent and citizen from the roads, hospitals, schools and legal systems taxes help to build. Of course, the term cost-benefit analysis is used very loosely; the factors determining allegiance are not simply costs and benefits measured by one single standard; they consist of all the different types of reasons on which the different types of cooperation rest, as well as on the kind of value attached to each of those reasons. Likewise, the prospect of being ruled by a heathen or a fanatic, no matter how beneficial that ruler may be in all other respects, may be incompatible with the foundational values on which a community is based; a shared religion, a shared ethical conviction, a shared dietary preference even may be a *conditio sine qua non* for cooperation rather than a mere calculable factor.

Note that the possibility of legitimate stable superstructures does not automatically imply the inevitability, necessity or even overall advantage of the existence of a state. On the pluralist view, cooperative structures and superstructures are justified bottom-up, by and through the structures of social cooperation among individuals. Nothing precludes that one individual joins multiple superstructures or accepts them as authoritative in one area but not another; nor that a set of individuals participating in several but not all cooperative structures within that set share the same superstructure(s); nor that a cooperative like a town or a university participates in two or more superstructures and recognizes neither as absolute; nor, finally, that superstructures will form a state. Individuals participate in cooperatives, cités and superstructures, together forming one gigantic metropolis including all but hermits – yet the links between cooperatives can be structured differently for each single individual. Both in theory and in practice, all of the state's tasks can be performed by distinct and separate agencies: legislation and adjudication can be split, as can the execution of security policy,

economic policy, health policy etc. There is no *intrinsic* reason why a state-like superstructure could not privatize its army or even its whole civil service; nor why the same institution that collects taxes should also spend them, nor why the same agency that collects and disposes of household garbage should also support the arts. There is no need even to think of actually existing states, let alone societies, as monoliths – to think of them both as multi-dimensional interconnected networks would be more accurate.

On the pluralist view then, cooperatives and superstructures are tradeoffs between the separate interests and considerations of individuals as well as between those of cooperative schemes made up of individuals. Throughout most of history in most places, in so far as they were to any degree voluntary, they were built and sustained with the methods of power politics, terror and violence; where agreement and not will alone played a role, it was mostly in the form of a traditionally shared faith, popularity, myths like blood and soil or tribe/nation and xenophobia, or simply the absence of all means and opportunity to critically reflect on life.

In some places though, like modern liberal democratic societies and societies touched by an enlightened form of communitarianism, people matter. The inevitable result of cooperative schemes, especially of the creation of superstructures, is an uneven distribution of power among people and their associations (cf. Beck and Grande 2004), hence uneven starting positions in the pursuit of a good life. Differences in intelligence, education, health, economic and social capital, and simply available time inhibit participation and adequate representation. Ideally, a truly sovereign (i.e., all-coordinating) nation-state can circumvent this problem, but only when it is a direct democracy in which all members are at least equally rational, equally intelligent and equally well informed. Reality does not offer this option; alternatives for a politically pluralized world are needed here. As long as superstructures allow or promote the execution of individuals' plans for a good life, and as long as individuals are presented adequately, they will command allegiance, while loss of the fetish polity, loss of one's herd identity and incommensurability will at worst be minor problems. But how is that possible without introducing yet more cooperative structures and rules?

## 6. An Historical Illustration<sup>3</sup>

If we think of political pluralization not as a development towards a utopian or dystopian anarchic goal, but simply as a process of devolution and reinvention of order, in which relatively stable superstructures can still unite other cooperative ventures, then we seem to move a lot closer to what students of the various forms of political pluralization believe is happening in today's world. To make sense of the multi-faceted character of processes of state-transformation, internationalization and dehierarchization, many an author has turned to historical comparisons. Some, for instance, have argued that we are entering an era of 'new Medievalism' (Bull 2002). I would like to offer a different simile. One could argue that the present global political system, regional systems like the European Union and even individual states themselves show striking resemblances to the Dutch Republic of 1572-1795, famed by Locke, Descartes, Bayle and countless others as an example to the world in liberty, equality, tolerance and justice.<sup>4</sup>

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<sup>3</sup> The first part of this section is an abbreviated version of a similar section in Wissenburg (2008).

<sup>4</sup> Being exemplary does not imply perfection. The Republic at least excluded and sometimes oppressed and persecuted Jews, Catholics, deviant forms of Protestantism, women, homosexuals, non-whites and so on.

Indeed, the history of the Republic and its successors, the Batavian Republic and the Kingdom of the Netherlands, are almost perfect illustrations of the presence of the two competing and contradictory concepts of order, and of the way the dialectic of those same concepts can help us understand other political histories as well, such as the processes of creation of the USA, its constitution and those of its member states; or the creation of post-colonial states in Africa and Asia.

The Dutch Republic (1568-1795) consisted of seven provinces united by a very limited number of institutions such as the Estates General, which survived the provinces' secession from their Habsburg overlord (the king of Spain), and an even more limited number of newly designed national institutions. Each of the provinces had its own unwritten constitution and its own Estates (parliament) with representatives of the nobility and the cities, each of the Estates being composed in accordance with provincial law, the members elected in accordance with local law; each province had its own legal and tax systems, each its own armies, each its own rules for religious tolerance (or absence thereof), each its own system of land ownership and definitions of nobility. The same applied to the cities and communities: each its own degree of autonomy, each its own rules and definition of citizenship, etc. Over time, some but not all provinces or cities shared institutions. The provinces of Utrecht and Holland, for instance, shared the same chamber of accounts, and some but not all accepted the same person as stadholder, i.e., commander in chief of the army and acting head of state (read: province)<sup>5</sup> – and from time to time some or all had eliminated the position of stadholder altogether.

The similarities between the old Dutch Republic and today's political reality are interesting and perhaps even striking, but the reason why I introduced this simile is not the Republic's rise or greatness, but its fall. In 1795, after barely surviving a liberal revolution eight years earlier, the highly politically pluralized Dutch system finally collapsed, to be replaced first by a revolutionary liberal, centralized sovereign nation-state, the Batavian Republic (1795-1801), then by the increasingly more 'classic' Batavian Commonwealth (1801-1806), Kingdom of Holland (1806-1810) under Napoleon's brother Louis, and (after an interlude under Napoleonic rule) in 1813 a kind of Ancien Régime restoring old elites and institutions within the framework of a centralized monarchy.

The reasons why the Republic and its successor fell may shed some light on the prospects for political pluralization today. As usual, the reasons are many, some are less public or obvious than others, they are all intertwined, and their relative impact is open to debate. I shall limit myself here to those that one finds more or less clearly expressed in the Constitution of the Batavian Republic of 1798 (Rosendaal 2005). The most striking feature of this constitution is the very first sentence in which 'the Batavian<sup>6</sup> People' constitute an indivisible state – no talk of provincial identities there. This was a response to what the revolutionaries saw as the inability of the Provinces to protect and promote the shared Dutch (Batavian) values expressed elsewhere in the constitution – enlightenment values like liberty, equality, religious tolerance and careers and opportunities open to all. In the years before 1795, the revolutionaries (then called Patriots) had already tried to overthrow the ruling coalition that

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<sup>5</sup> Usually, but not always, the stadholder was a member of the Orange family, which slowly developed into a dynasty; the provinces finally made the position of stadholder hereditary. For a classic history of the Republic, see Israel (1995).

<sup>6</sup> The term refers to a Germanic tribe whose capital is presumed to form the heart of the present city of Nijmegen. Since the early 17th Century, progressive Dutch historians presented them as the mythical ancestors of all the (Northern) Dutch, thus creating an identity above and beyond provincial allegiances. See e.g. Smetius (1999).

consisted of an ever weaker Orange dynasty,<sup>7</sup> economically ever less important provincial nobles and an increasingly intolerant Protestant clergy. The 1798 constitution banished the Oranges and their supporters, abolished aristocratic prerogatives, separated church and state, gave equal rights to Catholics, Jews and Protestant dissenters, and even implicitly made room for atheists. It also redrew legal borders: the various constitutions of Provinces and cities were abolished, provinces and communities themselves replaced by departments and cantons operating under one national government. Representatives were now chosen by all tax-paying citizens rather than by those whose local position gave them the medieval prerogatives of nobles or burghers.

The Batavian revolution is the exact opposite of political pluralization, i.e., political standardization and centralization, but it still fits the description of a cooperative venture (in this case, cooperatives including superstructures) based on a deliberative overlapping consensus and aimed (explicitly) at human emancipation; the liberal values expressed in the constitution are easily interpreted as expressing the reflective equilibrium among reasonable individuals at the time. As compared to the latter-day Republic, its institutions promised not only emancipation of the oppressed and exploited, but also more efficiency and effectiveness.

Both the chaotic history of the Batavian Republic, where elites had been restructured but not replaced and where they organized counterrevolution upon counterrevolution, and the post-Napoleonic restoration of 1813, supported by the victors over France, show however that power and reason are different things. In the 1814 constitution, the old prerogatives of nobility and patrician burghers and the old borders between provinces were restored, a Protestant state church was (re-)established and other faiths again excluded from public service, general suffrage was abolished and all references to human rights were deleted. Only the Batavian centralization of (now monarchical) authority at the level of the nation-state was maintained, although the Estates General were split in a House of Lords and a House of Commons in 1815. It took almost two centuries of slow but steady reform for the liberal values of 1798 to be almost<sup>8</sup> restored: since 1983, the Dutch constitution again affirms the equality of all and separates church and state.

Unlike the constitution of 1798, the 1814 constitution is a clear case of political pluralization – one that, however, does not qualify on the emancipation criterion. It expressed a *modus vivendi*, particularly between old and new elites, rather than an overlapping consensus. Even so, the *modus vivendi* was based more on the relative power of the old elites (backed externally by the Vienna Concert partners and internally by Orangists and low church Protestants) than on a deliberative agreement on basic values; unlike the liberal revolutionaries of 1795, the Orangists did not confuse (constitutional) form and substance (i.e., the actual distribution of power).

The corruption and demise of the Dutch Republic and the history of its successors illustrate a number of points that have been mentioned before, but perhaps have not been stressed sufficiently yet. First and foremost: political pluralization may be *a priori* legitimate, it is not *necessarily* legitimate. Whether or not political pluralization is commendable depends not just on whether it implies an improvement in the administration of cooperative ventures relative to the *status quo ante*, but also on the point of view from which improvement is defined. It

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<sup>7</sup> Though it had strong foreign supporters. Robespierre (2007: 84) aptly described William V, the last stadholder, as ‘not so much the prince of the Batavians as the subject of his wife, and consequently of the Berlin court’.

<sup>8</sup> The position of the head of state is still hereditary. The one true gain on the 1798 constitution is the explicit recognition of the existence of women.

depends, in other words, on political feasibility on the one hand, on moral superiority on the other. Each case of political pluralization will be assessed differently not only in its specific context but also depending on the assessor's specific theory of the good society. Secondly, a reorganization undoing political pluralization is, by the same token, not necessarily undesirable, though it turns out to be no more of a guarantee for basic human rights or other emancipation values than a 'fuzzy', politically pluralized constellation.

## 7. Conclusion

If we could use alternative conceptions of order, alternatives for the classic models of closed societies and sovereign nation-states, as I argued we do, there are of course more ways to go about constructing such models. The pluralist framework is just one of them, but it has important advantages over other methods – particularly the most popular one, that of amending existing models.

Note that this is also how the model of the sovereign nation-state came into being: it is an amended version of something older – the Hobbesian Leviathan, in which the king's head has been replaced by an X or by 'the government'. Hobbes' model in turn is a simplified version of mediaeval models of the polity as a body politic, a metaphorical body, used by authors like John of Salisbury and Christine de Pizan to present prescriptions as if they were conclusions from common sense descriptions. If we go back even further, we will probably discover that the model of the body politic finds its roots in Aristotle, whose model will seem to be an inductively construed generalization of Greek political ideology and self-perception in the years before Alexander – a self-perception that was, by the way, remarkably blind to phenomena like annexation and colonization.

The problem with amending models to suit a new time is that they rarely question the fundamental assumptions behind the original model. New models for the polity derived from the model of a sovereign nation-state will involuntarily but necessarily reify the sovereign nation-state, which is a model, not a real-existing thing.

Amending that model means never asking whether society and polity are really hierarchically organized or really still or really predominantly hierarchically organized, *or* whether the perception of such relations is not perhaps evolving over time and in particular areas into what contract theory once proposed: the leader, the government, parliament as delegates and ministers, as servants and creations of their constituencies, perhaps even as unruly slaves. And those are questions that should be posed – the polity exists, after all, only in the minds of people, and it is not the self-perception of politicians that explains patterns of obedience and legitimacy, but the continuity or discontinuity of the rulers' perceptions of their subjects and the people's perception of their would-be superiors.

Amending the model of the nation state also means never asking how representative the old model was in the first place – whereas we should: the sovereign nation-state can neither be found in the treaties of the Peace of Westphalia nor in the reality of most countries and territories. These are just two of the hidden assumptions behind the old model that simply amending it would keep hidden.

The model of the sovereign nation-state is morally, ontologically and epistemologically biased, and any heir to the model will be so too. That is not to say, though, that the pluralist

framework, and behind it the concept of pluralist order, are in turn totally innocent, totally neutral and impartial. The pluralist concept of order does have both political associations and political implications – and while associations are relatively unproblematic, implications are not.

The pluralist framework and the pluralist concept of order were developed to offer more room for an adequate understanding of political pluralization, and it does indeed help us to better describe and perhaps even understand some of the effects of political pluralization. Those effects could not be observed or described in the terms in which they must be described, without associating oneself with a roughly liberal or humanist view of life – but association is not the same as acceptance, let alone approval. The pluralist concept of order symbolized by this framework is certainly more in line with non-communitarian, Enlightenment-oriented conceptions of the good life and the just polity: it highlights the artificiality of order, its origins in individual, often conscious and even at times strategic action. It therefore allows us to observe aspects of the impact of political pluralization that a communitarian might not see – but it does not oblige us to appreciate them, in any sense of the word.

As illustrations, I mention three such effects (for details see Wissenburg 2008). A politically pluralizing world is a world where individuals can count less on all-embracing systems of rules to organize their lives – the result being, at least potentially, impossibility, loss of identity and loss of polity. Impossibility is the existence of two rules that physically exclude one another: I cannot exercise my absolute freedom of movement with you exercising your absolute right of property to your car at the same time in the same place. Where, in a politically pluralized world, two powers claim authority through such impossible rules, absurdity and sometimes chaos results. Loss of identity for the citizen is the result of voluntary or involuntary membership of more than one polity, each claiming allegiance and each offering a valuable cooperative surplus – and each thereby offering the citizen conflicting ultimate sources of political self-understanding and -definition. Loss of polity, finally, is the flip side of that coin: the inability of the citizen to determine which power is morally entitled to, and (usually more important) politically capable of, setting the rules in different spheres of social interaction.

At the level of the individual citizen, understanding society and polity bottom-up from a pluralist perspective on order helps to bring out what from an Enlightenment perspective would be the dark side of these three effects of pluralization. While on the up side, political and social pluralization offers room for individual emancipation and for the realization of individual moral autonomy, the down side is that emancipation and autonomy depend on the willingness of powerful associations and powerful individuals to promote emancipation. A more communitarian commitment would lead to a totally different assessment, viz., one of political pluralization as disruptive, as fragmenting individual and collective identities.

At the level of systems, the introduction of the pluralist concept of order allows us to understand political order (structures and institutions) as the result of a dialectic between the advocates of two ideals of order, the traditional top-down and the pluralist bottom-up concepts. In addition to offering grounds for normative assessments of real existing orders, both assessments of a justificatory and of a critical nature, a dialectical view offers workable and not immediately unlikely explanations and interpretations of the institutional and political structure of societies. We saw this in some detail in the case of the Netherlands, but a similar case can be made for other attempts to create order. When we add the pluralist perspective, the evolution of the United States is no longer a process of a central government imposing

itself on pristine territory, but a struggle between defenders of centralized versus fragmented government, rationality and efficiency versus traditional rights and freedoms. Likewise, on a pluralist view of order, the creation of ‘new’ (post-colonial) states in Asia and Africa becomes much less the artificial imposition of order and much more a continuation of an ancient conflict between centralizers and traditionalists. And likewise, a pluralist perspective helps to highlight an otherwise obscure factor contributing to the continued resistance against the EU Constitution (even after it was renamed a treaty and even after it was accepted): because of its interpretation of subsidiarity as top-down rather than bottom-up decision making on whether a policy issue should be dealt with at the central European or at a lower level.

Understanding order as artifice, as the pluralist perspective stipulates, helps to see that it is not just disorder and secession that need to be explained, but that order and unity are equally problematic and at least equally in need of explanation. The introduction or rather rediscovery of this face of pluralism was long overdue. Understanding the evolution of political systems as a dialectic of centralization and fragmentation against the background of a pluralist concept of order adds a perspective on order that is not just plausible, workable and informative but in addition also – it seems – less biased, more balanced and neutral.

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