

ORGANIZED BY
The REPUBLICA Project, 'Religion and
Civil Society' Group. Institute for Culture
and Society, University of Navarra



ics
Universidad
de Navarra

SPONSORED BY
Fundación Ciudadanía
y Valores and Proeduca
Summa S.L.

PROEDUCA
CIUDADANÍA Y VALORES
FUNDACIÓN

Governance and Order in a Complex Society

AN INTERNATIONAL
COLLOQUIUM

JUNE 10TH AND 11TH

University of Navarra,
Pamplona, Spain
Aula M07 of
Amigos Building

MORE INFO:

<https://bit.ly/3M2xyZh>
dthunder@unav.es





About the colloquium

Since the age of monarchical absolutism, 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 national territory. Whether that unifying impulse is expressed in terms of monarchical absolutism or the sovereignty of the demos, the trend over the past four centuries has been toward the formation of a political order which tended over time to assert the primacy of national power and authority in a host of areas of governance from industrial regulation, taxation, and public finances to welfare, security, public health, and policing. These centralizing impulses have arguably reached their apex in the mid to late 20th century with the growth of the modern welfare State and the development of ever more sophisticated institutions of national bureaucracy. Many modern thinkers assume that national societies must be governed from a single pivotal institution or a handful of such institutions, rather than polycentrism, which assumes that the functions of social governance can and ought to be robustly dispersed across a wide array of cooperating and competing institutions.

Objectives

This colloquium aims to explore the challenge of governance under conditions of complexity in a way that does not uncritically accept the notion that vertical, top-down mechanisms such as the sovereign State can unilaterally solve coordination problems in a complex social order. While we are cognizant of the impressive body of literature that has accumulated around the concept of polycentric governance, our hope in this colloquium is to offer a broad-ranging exchange around the problem of governance and complexity that is not confined to the methodology or topics of political economy, and seeks to theorise problems of governance under conditions of complexity in ways that are open to larger philosophical questions such as what makes for a good and meaningful human life, how social and institutional differentiation advances human welfare, what sort of political theory can most adequately grasp and direct the governance of a complex society, and what sort of ethical culture is necessary to cope with problems of social complexity and pluralism in a civil manner.

Conference programme

All sessions will be held in Aula M07 of Amigos on the main campus of the University of Navarra, Pamplona.

Each speaker will be given **up to 20 minutes** to present an outline of his or her argument, followed by 40 minutes of Q&A.

Friday, June 10TH

9.30h	Registration
10.00h	David Thunder – Introductory Remarks
10.30h	Mark Hoipkemier – Is an Architectonic Pluralism Possible?
11.30h	Coffee Break
12.00h	Pilar Zambrano – Polycentricism and the Intelligibility of the Law
13.00h	Lunch
14.30h	Julian Müller – The Ethos of Polycentric Democracy (In Light of Lessing’s Ring Parable)
15.30h	Maria Cahill – Two Approaches to Subsidiarity
16.30h	Coffee Break
17.00h	Juan Pablo Domínguez – State Supremacy, Doctrinal Concord and Religious Toleration in the Enlightenment
18.00h	Break
20.15h	Conference presenters meet in lobby of Blanca de Navarra
21.00h	Dinner for Conference Presenters and Dinner Guests

Saturday, June 11TH

10.00h	Pablo Paniagua and Kaveh Pourvand – The Twilight of Democracy? Polycentric Democracy as Political Stability
11.00h	Coffee Break
11.30h	David Thunder – How Social Complexity Supports the Freedom to Flourish
12.30h	Concluding Discussion
14.00h	Lunch in Museo

Participants



Mark Hoipkemier

University of Navarra

Dr. Mark Hoipkemier is assistant professor of politics, philosophy and economics at the University of Navarra. (Ph.D., Notre Dame - 2017). His research is primarily concerned to clarify the concept of common goods and apply it to contemporary challenges. He recently finished a book manuscript, entitled *Beyond Price: The Market, the Corporation, and the Common Good*, which applies Aristotelian pluralism to our two dominant economic institutions. Though we normally think of markets and firms only as vehicles of private interest, in fact they involve us all also in morally-formative shared projects oriented to common ends, which we ignore only at the price of injustice. Mark's next big project, of which this essay is a part, is to give a fuller account of the Aristotelian pluralism as a theory of the common good. This research will draw on Aristotle and his modern readers, including Charles Taylor, Yves Simon, and Alasdair Macintyre.



Pilar Zambrano

University of Navarra

Dr. Pilar Zambrano is associate professor of law at the University of Navarra, Spain. She graduated in Law from the Catholic University of Buenos Aires, Argentina, in 1995; and obtained her PhD in Law from the University of Navarra, Spain, in 2004. Since 2004 onwards she has deployed two distinct but intertwined lines of research, one dealing with the problem of objectivity in legal interpretation in the age of pluralism; and the other with human dignity and the right to life. Among many other publications, she authored the books, *La inevitable creatividad en la interpretación jurídica. Una aproximación iusfilosófica a la tesis de la discrecionalidad*, Universidad Nacional Autónoma de México (UNAM), México, 2009; and *La disponibilidad de la propia vida en el liberalismo político*, Ábaco, Buenos Aires, 2005, 310 págs; and more than 50 chapters of books and papers, in journals such as *Ratio Iuris*, *Rechtstheorie*, *Jurisprudence*, and *Doxa*.



Maria Cahill

University College Cork

Dr. Maria Cahill is a Professor of Law at University College Cork, Ireland. She teaches and researches in the areas of constitutional law and constitutional theory. She is a graduate of Trinity College, Dublin (LLB) and the European University Institute (LLM, PhD). She has been a visiting scholar at the Institute for European and Comparative Law at the University of Oxford in 2015 and at Melbourne Law School in 2019, and served as a member of the UK Independent Human Rights Act Review panel in 2020. She has published in journals such as the Cambridge Law Journal, the International Journal of Constitutional Law, and the American Journal of Jurisprudence on topics such as constitutional amendability, European integration and subsidiarity. Her current research focus is on multidisciplinary and comparative approaches to freedom of association.



Juan Pablo Domínguez

University of Navarra

Dr. Juan Pablo Domínguez is Research Fellow at the Institute for Culture and Civil Society (ICS), University of Navarra in Pamplona, Spain. He obtained his PhD in History at the University of Navarra in 2010. He has been Postdoctoral Fellow at the Yale's Council for Latin American and Iberian Studies (2015) and Academic Visitor at the Universities of Oxford and Cambridge (2012 and 2013). He is specialized in European intellectual history, and has published academic articles and chapters on the history of historiography, the Enlightenment, the idea of religious toleration and the image of Spain. In 2017 he edited a special issue of *History of European Ideas* on "Religious toleration in the Age of Enlightenment."



Julian Müller

University of Hamburg

Julian F. Müller is a fixed-term Assistant Professor (Wissenschaftlicher Mitarbeiter) at the Department of Philosophy at the University of Hamburg. Prior to that Julian was a postdoctoral research fellow at the Political Theory Project at Brown University and research associate at the Peter Loescher Endowed Chair of Business Ethics at Technical University of Munich (where he also obtained his doctoral degree) and a visiting scholar at the University of Arizona. At University of Hamburg, he teaches classes in political philosophy, political epistemology, metaethics and applied ethics. The main themes of his research are: democracy, truth and disagreement. His doctoral dissertation - published under the title *Political Pluralism, Disagreement and Justice: The Case for a Polycentric Democracy* (Routledge)- won several research prizes. He has published numerous books, book chapters and peer-reviewed articles in journals such as *Philosophical Studies*, *European Journal of Political Theory*, *Journal of Business Ethics*, and *Jahrbuch für Recht und Ethik*.



Pablo Paniagua

King's College London

Dr. Pablo Paniagua is an economist and a Research Fellow at the Centre for the Study of Governance and Society. He is also a Senior Researcher at Fundación Para el Progreso and an Affiliated Scholar at the Ostrom Workshop at Indiana University Bloomington. He received his M.Sc. in Economics and Finance from Milan Polytechnic and his Ph.D. in Political Economy from the University of London. His research focuses on governance and institutional analysis. He has authored over 20 articles, essays, and books dealing with various aspects of the political economy of money and banking and the governance of social dilemmas. His work has appeared in peer-reviewed journals including *Journal of Institutional Economics*, *Journal of Evolutionary Economics*, and *Economy and Society*, among several others. His most recent book, *Atrofia: Nuestra encrucijada y el desafío de la modernización*, was published by RIL Editores in 2021.



Kaveh Pourvand

The University of Arizona

co-author with Dr. Pablo Paniagua

Dr. Kaveh Pourvand is a political theorist and currently a Postdoctoral Research Associate at the Centre for the Philosophy of Freedom, University of Arizona. His research covers contemporary liberal thought, collective political agency, the ideal/non-ideal theory distinction within political philosophy, the relation between normative principles and feasibility, and distributive justice. Prior to joining the Freedom Center, he taught at King's College London and obtained his PhD from the London School of Economics. His work is set to appear in *Critical Review of International Social and Political Philosophy and Social Philosophy and Policy*.



David Thunder

University of Navarra

Dr. David Thunder is a researcher and lecturer in political and social philosophy at the University of Navarra's Institute for Culture and Society. His principal research interest is the social and institutional conditions under which people can pursue flourishing lives individually and in community. David's academic writings include *Citizenship and the Pursuit of the Worthy Life* (Cambridge University Press, 2014), *The Ethics of Citizenship in the 21st Century* (edited volume, Springer, 2017), and numerous articles in international peer-reviewed journals. His current book project, *Civil Order After the Sovereign State*, advocates replacing the principle of State sovereignty adapted from monarchical absolutism with a more pluralistic and decentralized conception of civil order, sensitive to the governmental role of non-State organisations in many different spheres of life.

Abstracts

1. Is an Architectonic Pluralism Possible?

Mark Hoipkemier

University of Navarra

I argue in this essay that classical proponents of The Common Good can and should be political pluralists. It is a staple of Aristotelian doctrine that the political community is “architectonic.” It includes and oversees all aspects of overall human flourishing, which is, in some sense, the proper goal of politics. But in what sense? All too often, by its proponents and critics alike, The Common Good as a political goal is read in a monistic and global way, which includes “the good of all people and of the whole person” (CDSC 165). This morally-monolithic stance seems to license totalitarian meddling in every dimension of supposedly “private” life, and is notably fuzzy about how such a complex goal could be equally shared by all. I sketch a more precise account of common goods as the just goals of any form of common action, which I call “Aristotelian pluralism.” The relational human goods anchored in families, schools, teams, or businesses can only be achieved and enjoyed by the members of each community. Such goods in their fulness are not common to all citizens. The common goal shared by citizens is, rather, the public order among various human goods and projects. This order does concern all life’s domains (in fact, and properly so), so politics always embodies some overall vision of the human good. Yet locally-shared goods are not rightly subject to political scrutiny in every detail, but only insofar as their role in this larger order is in question. The Aristotelian pluralist account can affirm the breadth, primacy, and moral seriousness of the architectonic view of politics while leaving aside the impractical and morally-threatening depth of a monistic approach.

2. The Ethos of Polycentric Democracy (in light of Lessing’s Ring Parable)

Julian Müller

University of Hamburg

Polycentric governance structures have contributed to human flourishing in a myriad of ways, producing a diversity of cultures, architectures, languages, cuisines, ways of living and loving. If we look – as social scientists – into the causes, i.e. ask why the enlightenment took root, the sciences began to flourish and industrialization took off in Europe and not elsewhere, we will always come up against one explanation: Europe’s “polycentric political environment” (Mokyr 2018, 179). Today there is wide agreement within the social sciences and history that institutional diversity and competition, political rivalry and a live option to exit “made all the difference” (Landes 1999, 38). Nevertheless, the logic of polycentric governance – both from a normative and scientific perspective – is poorly understood. What is poorly understood, is hard to protect. The polycentric governance structures of Europe are fragile and under constant threat of being flattened by well-meaning bureaucrats and a public opinion that cannot appreciate what it does not understand.

From an analytical point of view, many potential dangers to polycentric governance structures have been pointed out. Polycentric structures are hard to read for social scientists and politicians, their inherent redundancies and their different modes of operation seem inefficient from the viewpoint

of the social planner (Ostrom 2015). This paper, however, argues that perhaps the gravest threat to polycentric governance architectures lies elsewhere. The greatest challenge, I will argue, stems from a certain realist conception of morality. On this conception, taking morality seriously means that there is only one true morality; one true principle of justice that ought to orient and ultimately govern human society. This realist conception of morality threatens to flatten the diversity of human governance and modes of living.

The goal of this paper is to propose an alternative conception of morality that can preserve the strength of moral claims that bind us, while also accommodating the ideal of polycentric modes of living. The fact that there are many moral conceptions that compete for hegemony, one should add, does not make the problem go away, it merely postpones it. The paper suggests that we can begin to find a solution by looking back to the enlightenment debates about religious toleration. In particular, we will look at G. E. Lessing's famous Ring Parable for developing a conception of morality – a Polycentric Ethos – that coheres well with polycentric political architectures and ways of living.

3. Polycentricism and the Intelligibility of the Law

Pilar Zambrano

University of Navarra

Despite the differences among the types of polycentric theories, they all share some sort of concern for the problems that moral pluralism and cultural diversity raise to the functioning of the typical institutions of the modern state. Thus, while “modus vivendi” theories see polycentricism as a pragmatic solution to the inefficient way in which modern state institutions cope with diversity; other theories, very much in the line of Rawls' political liberalism, are concerned with their legitimacy, and/or capability of responding to the requirements of true human flourishing. In all three cases, the contextualization of the ever-greater social complexity of western societies within the institutional framework of the modern state is the starting point of discussion. Furthermore, amidst the many features that define this framework, the monopoly in the creation and adjudication of the law is generally included among the most significant causes of the named inefficiency (pragmatic theories), illegitimacy (liberal theories) and/or unworthiness (flourishing theories).

My purpose in this chapter is twofold. In the first place, I expect to offer a more realistic description of present western legal practices, in light of some contributions of present legal philosophy around the topic of legal pluralism. Secondly, I intend to assess the ability of a polycentric legal system, for overcoming the challenges that both legal and moral pluralism raise for the intelligibility of the Law.

As a preliminary step, I will succinctly argue for the convenience of laying a bridge between legal and political philosophy, along the lines suggested by John Finnis. Next, I will describe the fact of legal pluralism and its impact on present legal practices, offering a rather complex image of present legal practices, where bottom-up and top-down sources of law cross over between each other, giving rise to what Francesco Viola calls the “legal space”. Drawing on this picture, I will use the insights of Andrei Marmor and some of my own previous works, to spot some of the most urgent challenges that the “legal space” raises for the overall intelligibility of the law. Finally, I will contend that a polycentric way of creating and adjudicating the law enables us to successfully overcome these challenges.

4. Two Approaches to Subsidiarity

Maria Cahill

University College Cork

For some scholars, subsidiarity is a catch-all term for forms of power distribution that work along the vertical axis: in other words, a vertical separation of powers. When powers are distributed horizontally, at least in principle there is great clarity about the distinctions: the legislature writes the law, courts interpret the law and governments enforce the law. Yet, the opposite is true when it comes to vertical distribution: no one general model of distribution is available, because there are no competences that belong, in principle, to one or other of the levels. Moreover, no one form of distribution is necessary, because there are different options to choose from when it comes to deciding which value should guide the decision about where power should lie, most notably democracy and efficiency. By the terms of this first approach, subsidiarity is everywhere, but its invocation is largely ineffectual. Whenever it does result in a successful change, the heavy lifting is done by democracy or efficiency or whatever other value animates the decision about the choice about the level at which to vest competence.

For other scholars, subsidiarity is a subset of forms of power distribution that work along the vertical axis. Not all power distributions along the vertical axis are examples of the implementation of subsidiarity because subsidiarity does assume that there are certain competences that belong, in principle, to one level rather than the other. Moreover, not all power distributions along the vertical axis are examples of the implementation of subsidiarity because subsidiarity's conception of authority is slightly different from the conceptions of authority endorsed by other concepts like federalism, democracy, sovereignty, etc. And, finally, this approach to subsidiarity does imply a certain priority of value.

5. State Supremacy, Doctrinal Concord and Religious Toleration in the Enlightenment

Juan Pablo Domínguez

University of Navarra

Scholars often equate the modern idea of tolerance with pluralism, individual rights and church state separation, and attribute that idea of tolerance to Enlightenment thinkers such as John Locke, Pierre Bayle and Immanuel Kant. According to the prevailing narrative, writers and rulers prior to the Enlightenment could at best approve a very limited tolerance in order to foster religious concord and to strengthen public authority, but it was not until the Enlightenment that religious pluralism, separation between church and state, and the inalienable right to freedom of conscience were defended as political ideals. This chapter will show that, on the contrary, most Enlightenment authors were not interested in fostering pluralism, but in curtailing religious authority, reinforcing civil power and restoring the social unity that confessional disputes had allegedly disrupted. Thus, they conceded the state a broad power over churches, insisted that the individual's right of conscience should be limited by public interest, and conceived toleration as a means to achieve social, moral and political conformity. If this reading of Enlightenment thought is correct, the authors who still inspire the modern ideals of tolerance, pluralism and individual freedom were surprisingly well disposed to state supremacy and doctrinal concord.

6. The Twilight of Democracy? Polycentric Democracy as Political Stability

Pablo Paniagua

King's College London and Kaveh Pourvand, The University of Arizona

One of the perennial questions of political theory is how to stabilize a just regime. The importance of this question has been heightened with the emergence of the Weberian state that monopolizes the power of legitimate coercion, and anchors society and politics under a single structure of governance. The great power of the contemporary state means that it may be a vehicle for great good if governed by a just regime but also hugely dangerous if its power is abused. As a political form, the nation-state has given us both liberal democracy and fascist and communist totalitarianism. The stakes, then, couldn't be higher in ensuring that the power of the contemporary state is used justly. Many philosophers stress that the solution to this problem is to socialize citizens into strongly affirming liberal democratic values. Virtuous citizens will then maintain a just democratic state.

The efficacy of this solution has become questionable in recent years, during which liberal democracy has been threatened by polarizing politics, populism, and radical innovations in communication technology. There are growing concerns that liberal democracies are losing legitimacy, becoming ever more 'undemocratic' and falling prey to illiberal populisms from both left and right. Recent events, then, point to a difficulty with the hope of stabilizing liberal democratic nation-states through citizen virtue: it is a high-risk strategy.

In this essay, we provide a different solution to the stability problem. Putting all one's hope in stabilizing a single centralized regime is not effective risk-management; it is putting all the proverbial eggs in one basket. We instead make the case for distributed polycentric democracy as a solution to the challenge raised by political instability. Such democracy is characterized by plural and overlapping centers of governance. We argue that such democratic forms are more robust in the face of political instability. If citizens of one particular governance center adopt "non-liberal" or "undemocratic" values, that does not threaten the stability of the whole system, whose institutional support comes from multiple governance centers. This renders a polycentric political system more robust to diversity and changing views than a monocentric one, just as a variegated ecology is more robust than a monoculture. A polycentric regime can then afford to be more tolerant of diversity and heterogeneity than the nation-state. Furthermore, a polycentric regime is not merely robust – i.e. able to withstand – cultural and intellectual diversity but *antifragile*– in that it can be strengthened by exposure to such diversity.

7. How Social Complexity Supports the Freedom to Flourish

David Thunder

University of Navarra

Thomas Hobbes's *Leviathan* marked a watershed moment in Western political thought: in contrast with medieval and some early modern political theory, which aimed to uncover a principle of unity consistent with a multi-layered, complex, and differentiated social landscape, much of the political philosophy that comes after Hobbes tends to view the task of the political philosopher as that of by-passing the prevailing social infrastructure, and instead conceiving principles and institutional mechanisms capable of unifying a vast number of individuals together under the terms of a *unique social contract*, or a *unique shared system of government*. An enormous amount of effort was devoted to overcoming the fragmented loyalties associated with feudalism, and installing in their place a single overriding loyalty to the political project of the modern State.

Especially since the latter third of the twentieth century, we have seen a proliferation of critiques by political philosophers, jurists, historians, and political economists of the Enlightenment ambition to introduce legal, political, and social order through the centralised administrative State. These critiques entailed a fundamental re-valorisation of social complexity and differentiation. Rather than merely reiterating these parallel and often complementary arguments, the aim of this paper is to offer a more penetrating ethical account of the value of social complexity than what we currently find in the literature, and to draw some preliminary conclusions from this account about responsible and effective methods for coordinating and governing social order. The aim of good governance and sound social coordination, on the approach I defend, is not to monopolise the functions of social governance, but to cooperate with other relevant actors in facilitating the expansion of opportunities for human flourishing, while fostering and protecting the integrity of the complex social infrastructure of flourishing.

