

Introduction: modus vivendi and polycentric governance systems

Paul Dragos Aligica and Jennifer Brick Murtazashvili

1. INTRODUCTION

This volume takes as a starting point the observation that our societies are at a crossroads, faced with the challenge of increasing fragmentation due to ongoing technological, demographic, and cultural change. This social diversity, pluralism of values, beliefs, and lifestyles, while often celebrated as a hallmark of democratic societies, is also leading to increasingly sharp cleavages and polarization, inherently setting the stage for social conflict and political tensions.

The trends indicate that in the future, technological advancements, demographic shifts, and cultural tendencies will intensify these societal cleavages and social fragmentation, fueling political tensions. Technology, while connecting people globally, will facilitate clustering and the creation of echo chambers that will antagonize and polarize even more opinions while isolating groups. Demographic changes, such as aging populations or migration, will continue to alter societal compositions and can spill over into conflicts over resources and cultural identity. Cultural trends, driven by globalization and rapid information exchange, will increasingly clash with traditional values and norms, leading to disputes between different viewpoints on lifestyles or social organizational arrangements. Time is not working to heal these divisions within societies but to exacerbate them.

This book seeks to address the vital governance challenges emerging from these contemporary social, technological, and demographic transformations. One of the key assumptions of the perspective inspiring the volume is that despite the sometimes intimidating postmodern appearances, we are not facing something entirely new and unfamiliar. We are, in fact, currently experiencing an avatar of unprecedented intensity of the age-old tensions caused by social diversity and value pluralism – divergent world views, beliefs, and lifestyles

coexisting uneasily within societies. At the most basic level, the existence of multiple, often conflicting value systems and beliefs means there is no universal consensus on governance or morality that can be applied uniformly across all community members, leading to foundational tensions within societies. The question is whether our current political systems, both in the U.S. and globally, can cope. We need to better understand the phenomena in question and try to articulate contemporary responses, appropriate to the new circumstances of the 21st century, built on what we have learned from the historical experience of managing and accommodating diversity.

Therefore, at a deeper level, the project is based on the observation that the defining feature of the modern political and social order, today under pressure, emerged in the West in the wake of the 16th-century Reformation (and of the turbulence associated with it). Its gist was the acceptance of the idea of *modus vivendi* – live and let live – as an implicit default principle of governance. Religious tolerance and coexistence were thus the initial building blocks – and the necessary conditions – of the emerging liberal-democratic-capitalist order that was to become the trademark of the West for the next century. Liberalism, capitalism, and democracy were made possible by the practical understanding of the necessity of *modus vivendi*, forced as a painful practical lesson of the religious wars, and by the efforts made by several generations of thinkers to conceptualize and disseminate the doctrines of coexistence. Slowly, a social equilibrium was created regarding the problem of how diverse values, lifestyles, preferences, and belief systems could coexist in a complex governance system, based on freedom of expression, freedom of association, and an extended division of labor.

This social equilibrium has been constantly challenged. In some cases, the challenges were relatively minor deviations from the mainstream. In some cases, however, they sought to impose an anti-pluralist, authoritarian, or even totalitarian world view and governance formula. The 20th century generated two such major waves (communism, national socialism), and in both cases, the West was resilient and managed to defend itself by adhering to its pluralist, *modus vivendi* foundations. Our project asserts that we are in the middle of a third such wave, which is challenging the very foundations of the system. The current trends are straying from the foundational ethos of coexistence, which has historically been a source of strength for modern, democratic liberal capitalism.

Beyond any alternative interpretations, the fact is that the increasing pressure created by increasing heterogeneity and the ensuing cleavages is putting enormous stress on existing institutions and regimes. Under pressure, the current system is turning against its very foundations, denying the very *modus vivendi*, coexistence philosophy, and ethos that have provided its roots and its strengths over the centuries. By revisiting the concept of *modus vivendi*

– live and let live – this project explores the necessity for governance structures that can accommodate diversity through tolerance, negotiation, and trade-offs, proposing a fundamental reevaluation of our governance systems and of the theories explaining or designing those systems.

In brief, both our diagnosis of the current crisis and the solution space we envision hinge on the notion of *modus vivendi* and the governance formulas associated with it. The liberal-democratic order is a superstructure of *modus vivendi*, not the other way around. To address the crisis in our system, we should go beyond simply tinkering with liberal-democratic formulas. We need to return to the *modus vivendi* foundations of the system. Hence, the key objective is to explore the underlying philosophy and institutional foundation of *modus vivendi* governance arrangements, which support the conditions for a “live and let live” social order in the face of deep pluralism and cleavages. In doing so, a constant effort will be made to link the contemporary political theories of *modus vivendi* to contemporary governance theories based on institutional diversity and polycentrism, anchored in the tradition of public choice and institutionalism.

While being engaged in this effort, for us, the task is not to identify the abstract principle of justice. Neither do we want to claim that we have a ready-made formula for justice and desirable social order end-states. Instead, we want to understand trade-offs, incentive mechanisms, and processes leading to *modus vivendi* preconditions for social stability and social coexistence. What are the legitimate political arrangements that can stem social disorder and conflict in conditions of deep social heterogeneity? What governance structures can create the conditions for these arrangements to operate successfully? How do people overcome these challenges in practical ways?

With a view to contributing to the answers to these and related questions, this book features and reflects a pioneering effort to intertwine two converging and very relevant literatures: (a) modern political economy and public choice institutionalism focused on polycentricity, and (b) the philosophical literature of *modus vivendi* political thought. By exploring the inherent convergence between “*modus vivendi*” pluralism and polycentric governance theory, the book offers new benchmarks for understanding *modus vivendi* governance systems, their role in self-governance, and the criteria for assessing their desirability and feasibility. Moreover, it creates a link between the foundational perspective in social and political philosophy and applied analysis of governance systems, institutional design, and public policy.

Let us now set the stage for the rest of the volume by outlining the basic vision and ideas behind this effort and then by explaining how the contributions represented by the chapters fit into this larger picture.

2. FROM THE IDEAL THEORY OF DESIRABILITY TO THE GOVERNANCE THEORY OF FEASIBILITY

As already noted, the current interest in the idea of *modus vivendi*, “live and let live,” as a principle of political life is the outcome of a sustained trend of increasing social, religious, cultural, and political heterogeneity, as well as of the cleavages, political polarization, and tensions that these forms of heterogeneity have created in modern societies, especially in advanced industrial democracies. In such circumstances, the renewed interest in the theory and practice of coexistence in conditions of deep disagreements regarding values, preferences, and lifestyles, is understandable. The path of developing this important perspective leads naturally to the domain of applied governance theory. As we are going to show, there is an affinity and convergence between the *modus vivendi* perspective and a particular social and administrative sciences literature developed around the notion of polycentrism. In conjunction, they offer a very powerful theoretical corpus that covers both the foundational and applied dimensions of an entire range of current political challenges and debates.

The notion of “*modus vivendi*” politics has been most often associated with the theme of pluralism, as this theme grows naturally from any approach to political order which takes as a starting point the reality of the heterogeneity of human values, preferences, and lifestyle and its applied-level political implications. Its proponents claim that if one recognizes that there is no single supreme, ultimate value or normative principle on which everybody can agree to organize and assess the political system, then one must restructure the entire way of seeing the nature of political order. Value pluralism, writes John Gray (2000, p. 22), “does not leave everything as it is.” It is a subversive doctrine. It undermines all claims of supremacy, being “inimical to fundamentalism of any kind,” including “the cherished dogma of the Enlightenment.” This approach calls for “a changed mental disposition leading us to pose different questions and look for answers for them in a different place” (Kekes 1996, p. 26). The consequences of pluralism, argues Galston (2002, p. 9), “include not only a distinctive type of political theory but also distinctive conceptions of public culture, public philosophy, deliberation, constitutionalism, public policy, democracy, and free association.”

The profound, paradigmatic shift advanced by this line of argument becomes even more evident once the implications of the pluralist response to these challenges are spelled out to their more precise political doctrine consequences. These are captured and expressed in the most concise and telling way by the notion of “live and let live” coexistence, as a governance principle. *Modus vivendi*, explains McCabe (2010, p. 133), rests on a wager: That citizens

“in exchange for the assurance that their own liberties will be protected” and the assurance that they will not “be subject to measures reflecting norms they reject,” will, in turn, “tolerate others having broad liberties and accept that the state power will not be used to advance their particular normative framework.” The notion of *modus vivendi* has thus been increasingly used since the early 2000s to identify a possible political philosophy alternative to the mainstream political thought, considered to be excessively “ideal theory” and liberalism-centered and blatantly deficient in terms of its “realism” (seen both as a descriptive principle and as a practical or applied-level principle for political action).

The “wager” metaphor captures well the general spirit, but behind the notion is a precise claim that *modus vivendi*, without being necessarily liberal, is a precondition to liberal order. As noted, the focus on order challenges mainstream political liberalism (of which John Rawls is the preeminent example and target of the *modus vivendi* authors), which claims that justice is the first virtue of political societies. *Modus vivendi* authors open the way for a “realist” account, emphasizing that security, order, stability, and the creation of minimal conditions of communication and coordination necessary for order to emerge are more fundamental. To be able to engage the issues of justice (or other principles of this sort), one needs to assume that some basic preconditions of order and stability are in place. These insights have generated an entire line of literature both advancing and criticizing aspects of this alternative to the mainstream (McCabe 2010; Gray 2000; Neal 1999; Valier 2019; Rossi 2010).

This line converges with a related but different line of argument developing the “political political theory” thesis, advocated first by Waldron (2016, p. 6). “Even if our main preoccupation remains with justice, liberty, security, and equality,” writes Jeremy Waldron, “we still need to complement that work with an understanding of the mechanisms through which each of these ideals, these ends of life, will be pursued.” That effort is at the core of the call for “political political theory,” a theory “addressing itself to politics and to the way our political institutions house and frame our disagreements about social ideals and orchestrate what is done about whatever goals we can settle on” (Waldron 2016, pp. 7–8).

All the above leads unmistakably to one conclusion: To be able to respond to the challenge of deep heterogeneity and social cleavages in the contemporary world, we have to engage less in theorizing the desirable in ideal terms and engage more with the problem of governance and the feasibility of institutional arrangements. A discussion of the mechanics of governance cannot remain confined to the sphere of ideal theory (Waldron 2016, pp. 9–10). With that, one must enter – like it or not – into the territory of governance theory, political economy, public choice, and institutionalism. A political theory fixated

on ideals and the principles of the desirable misses the crucial problem of the public choices and institutional arrangements called to materialize those ideas in governance systems or regimes.

And thus, seen in the light of all of the above, the approach that combines pluralism, realism, and “political political theory,” under the banner of *modus vivendi* aiming to shift the focus towards the importance of governance systems and institutional arrangements and processes, is leading in a natural way into applied governance theory territory. The promise and the challenge to any *modus vivendi* perspective come precisely from its intrinsic focus on the governance dimensions and the associated issues of feasibility and resilience. Without a credible governance theory built upon the institutionalist foundations, the promise to offer an alternative to the mainstream remains a mere yearning.

Henceforth, the key task of the *modus vivendi* perspective, worthy of its name and ambitions, is to articulate the governance theory implications of its foundational philosophy. The question hence is this: Is it possible to identify the elements of the governance system and institutional arrangements that could materialize the *modus vivendi* vision of governance and social order? Is there a governance theory associated with the *modus vivendi* perspective? Our project, out of which this volume has emerged, explores one possible way to advance an answer to this particular challenge.

More precisely, we argue that the main elements for a powerful and credible candidate in this respect are to be identified in a series of developments that have been taking place at the interface of public choice, political economy, institutionalism, and social philosophy, and which all gravitate around the notion of polycentrism. The theory of polycentricity offers not only venues for linking political philosophy to institutional analysis and public choice but also does that in a way that makes possible the development of governance theory as a natural, applied-level extension of political philosophy based on the realist assumption of *modus vivendi* pluralism.

The proposition is that there is a natural, intrinsic affinity and convergence between the pluralist, *modus vivendi* perspective and polycentricity theory, particularly as advanced by the work of Vincent Ostrom and 2009 Nobel Prize in Economics co-recipient, Elinor Ostrom. The two may be seen as two sides of the same coin, two related, complementary dimensions of a distinctive approach to social and political order. Polycentricity represents the public governance, institutional response to the challenges, problems, and solutions identified by pluralism, while *modus vivendi* pluralism represents the social and political philosophy which operates tacitly as a complement and foundation of polycentricity seen as governance theory. Exploring the convergence between the two illuminates one of the most powerful and effective examples of the link from foundational theorizing to applied theory, as well as the move

from the broad normative ideal theory of the desirable to the non-ideal, more institutional, and socially grounded “political political theory” of the feasible, in the current circumstances of deep and increasing social, political, and cultural polarization and heterogeneity.

3. THE MODUS VIVENDI PERSPECTIVE

Let us start with a brief overview of the most important features of the complex pluralism-realism-modus vivendi family of ideas. The relevance of polycentrism becomes clearer only when these specific features of the modus vivendi approach are articulated. The challenges they respond to at a foundational political philosophy level need to be further reflected by (and find solutions in) the governance theory and in the governance system itself.

In this respect, the first thing to be noted is that pluralism, properly understood, goes beyond the simple and intuitive idea that we should accommodate diversity and therefore we need to facilitate the alignment between, on one side, diverse forms of authority, social preferences or values and, on the other side, diverse institutional arrangements with specific jurisdictions (McCabe 2010; Gray 2000; Neal 1999). At the core of the challenge is, in the end, not only the problem of mere diversity itself but, even more consequential, the problem of the *irreducible* diversity of values, ways of life, perspectives, and principles defining the social world. Irreducibility brings with it incommensurability as a reality that challenges the most basic intuitions and categories we use when we conceive and evaluate social order.

The logic of pluralism follows through: If all of the above are a realistic rendering of the human and social condition, then the public/political space cannot be effectively regulated by evoking one ultimate principle of a moral nature. The plurality of moral principles, the tensions between those moral principles, and the disagreements generated by them, are of such of nature that they question any approach in which a normative or moral principle could claim to be the ultimate and overriding parameter of governance. If the pluralists are right, social order itself needs to incorporate tensions and contradictions that are irreducible. And thus, conflict and resolving conflict, via governance and institutional arrangements, are brought back to the forefront as the central problem of governance (Kekes 1996, p. 23).

Second, the reality of pluralism is pushing us beyond the sphere of mere values and norms, drawing our attention to the plurality of factors defining political problems and their solutions. Pluralism not only acknowledges the diversity and irreducible nature of values, principles, and ways of life but also acknowledges the diversity of factors determining the domain of political choices and political order. It creates the conditions for an approach that takes social and economic forces and institutional arrangements, public bargaining

and decision processes, and the variety of factors having to do with the origin, design, operation, and change of public choice arrangements and places them at the core of political theorizing.

The main task is hence not anymore one of identifying abstract principles of justice (or for that matter any overriding principle of justice) but to explore the multitude of specific arrangements mentioned by Stuart Hampshire (2001): the mechanics of trade-offs, the institutions for adversarial argument, the processes and manners of negotiation, the rules and habits of advocacy, and of conflict resolution. The normative element is built in. The question is, therefore, which legitimate and authoritative political arrangements can keep social disorder and conflict in check? How is legitimacy and efficacy going to be generated in a political system? What are the governance structures able to create the conditions for these arrangements to operate successfully?

The next key element implicit in the logic of the *modus vivendi* comes from the fact that a *modus vivendi* arrangement must be, by its very nature, based on various forms of consent. The governance system, the institutions, or the rules and procedures have to be acceptable to those who are going to be subject to them. The participants in a *modus vivendi* arrangement have to enter it consensually, and that gives the arrangement intrinsic legitimacy. Bernard Williams (2005) calls this second element the legitimacy conferring feature of *modus vivendi*.

Two important aspects need to be noted in this respect. To begin with, the agreement need not be so much – if at all – on substantive issues, on values, or on fundamental principles and world views. The agreement could be on the procedures, arrangements, and institutions which are going to regulate the relationship between the participants. Furthermore, the various reasons why participants accept those rules, arrangements, and procedures are secondary. The reasons may be self-interested, or some ethical principles, or they may be altruistic or may be fear and prudence. As Horton (2010, pp. 439–440) has explained, “[m]odus vivendi can be arrived at by drawing on whatever resources moral, intellectual, cultural, pragmatic as well as self-interest, are available in helping the parties to reach it.”

Therefore, *modus vivendi* should ultimately be seen as a form of practical accommodation. It is essentially a working arrangement, and as such it may be based on a variety of factors and it may be accepted and justified for a variety of reasons. Moreover, different participants may have different reasons for entering into a particular agreement. That means that *modus vivendi* has, in fact, the features of a relatively complex system, operating as an ongoing process of mutual adjustments and accommodations. Moreover, if value pluralism forces us to accept that in many hard cases there are no universally right answers, then we have to embrace “a view of political reasoning as being essentially circumstantial, as being not the reasoning from first principles that

could ideally be demonstrated, but instead a form of practical reasoning in which no step is necessitated” (Gray 1995, p. 122).

That raises very interesting issues regarding its political-ideological status. In this respect, *modus vivendi* eludes the standard typologies. It may be seen in liberal terms but also in a-liberal, non-liberal, or even illiberal terms. As all scholars advancing the liberal version are emphasizing, *modus vivendi* has implications that set it apart from other forms of liberal theories. It is distinctive in terms of both what it demands, “in particular the greater tolerance for the norms and practices of diverse groups in various contexts,” and in terms “of what it believes the citizens to work through political deliberation” (McCabe 2010, p. 133).

Last but not least, it is very important to note that *modus vivendi* is a “second best arrangement.” *Modus vivendi* “might emerge as a compromise among citizens who recognize the value of ordered political life but realize that the political division recommended by their distinct normative frameworks cannot be achieved,” according to McCabe (2010, p. 160). Hence, *modus vivendi* is by its very nature a second best option. Precisely because of that, it is an option in which the focus is shifted to the procedures and rules of agreement and conflict resolution. Thinking of *modus vivendi* as a second best approach, in which procedure takes precedence over substance, helps us put in perspective the limits and expectations one may legitimately have about it (Gray 2000; Horton 2010; McCabe 2010).

At the same time, the “second-best” reality of *modus vivendi* also illuminates the contextual nature of most institutional and governance arrangements. While the “first-best” ideal is relatively clear and firm, the specific arrangements of *modus vivendi* cannot be specified universally and vary in function of circumstances. Politics takes place in a large diversity of circumstances of disagreement and conflict. A realistic approach to politics has to take into account the contextual and contingent aspects of most political institutions and their performance.

To sum up, the *modus vivendi* approach reacts to what it considers to be the lack of realism in mainstream forms of liberalism regarding the nature of political order and the factors that are actually at the core of political life. This is the first type of realism: descriptive. From that emerges the second type of realism, of a normative nature. Governance structures and decisions have to operate under feasibility conditions, and those conditions are mostly of a circumstantial nature. That has significant normative implications. Together, the two forms of realism predefine the governance implications of the *modus vivendi* position.

As we’ll see, the relevance of the notion of polycentricity and of its associated theoretical apparatus comes precisely from the fact that it offers a way of engaging those factors and of organizing them into a powerful descriptive and

analytical framework. Second, it offers a fresh understanding of the sources of legitimacy in *modus vivendi* regimes. Moreover, by its very nature, the concept of polycentricity is able to respond to the most important challenge against *modus vivendi*: the criticism focused on its intrinsic instability.

4. POLYCENTRICITY: AN ANALYTICAL AND NORMATIVE FRAMEWORK

The notions of polycentricity and polycentric governance have generated significant interest among social and political scientists. Part of that interest is due to the fact that the increasing social heterogeneity induced by current technological, cultural, and demographic changes requires a renewed approach to governance and political responses to the new realities created by it. Another part of the interest is due to the fact that Elinor Ostrom – one of the main proponents of the concept – was a recipient of the Nobel Prize in Economics in 2009 (her Nobel Prize lecture was entitled “Beyond markets and states: polycentric governance of complex economic systems”). But the largest part of that interest is undeniably due to the analytical import of the conceptual and theoretical apparatus associated to the notion.

The source of the idea was the work of Michael Polanyi, who was the first scholar to identify and give a substantive description of the patterns of order of a polycentric nature. In his *The Logic of Liberty* (1951), Polanyi distinguished between two different forms of organization. One is deliberate or directed, coordinated by an ultimate authority exercising control through a unified command and control structure. The other is decentralized and polycentric, a complex system of decision centers making mutual adjustments in overlapping decision authority areas “within a general system of rules where each element acts with independence of other elements” (Ostrom 1972). Vincent Ostrom (1972) identified the potential of the notion for public administration analysis and elaborated its working definition to its classic form around three elements: multiple decision centers and overlapping and competing jurisdictions that operate under an overarching system of rules.

Applied first by Vincent and Elinor Ostrom in their studies of metropolitan governance, polycentricity was mostly approached and discussed as a governance theory, part of the public administration debates, and of the public choice institutionalism research program (Aligica and Boettke 2009). The political economy and public choice apparatus associated to the notion gave it a robust analytical capacity and versatility. That allowed its employment for analytical and normative objectives in a variety of domains and in very concrete governance and public administration situations such as metropolitan reform, the provision of local public goods and services, and the analysis of specific policy

areas such as education, governance of forests and fisheries, police services, and irrigation systems.

Decisive for a correct understanding of the notion of polycentricity is to note that this novel approach to the analysis and evaluation of public governance took shape in the field of public administration in the context of what was called the “metropolitan reform debate.” The debate, which started mid-20th century, grew around the claim that there was a serious problem with the American metropolitan government. A report released in 1970 synthesized what most mainstream Public Administration scholars and practitioners believed: Governance in metropolitan areas based on overlapping local units was “a pathological phenomenon,” an “organized chaos” generated by the “multiplicity of political units,” “duplication of functions,” and confusing “overlapping jurisdictions.” The solution, once this diagnosis was given, was straightforward and seemed absolutely natural: reorganization and consolidation into larger units, creating an administrative system with a single dominant center and one chain of command and control (Aligica and Boettke 2009).

Vincent and Elinor Ostrom were among the small group of public administration scholars questioning both the diagnosis and the solutions. What they called “their political economy approach” questioned the mainstream reformers’ assumption that centralized, large bureaucracies were more efficient in solving problems and in providing public goods and services than decentralized systems based on competition or bargaining. A system having more than a single producer of urban public goods within a specific area may enable citizens to make more effective choices about the mix of services they prefer to receive. Ultimately, the Public Choice perspective advanced by the Ostroms means that public administration can be viewed in terms of overlapping and competing “multiorganizational arrangements” rather than a hierarchy of agencies (Ostrom and Ostrom 1971, p. 212). One rule or principle is not universally applicable; therefore, one needs to be open to alternatives (V. Ostrom [1972] in McGinnis 1999b, p. 54). And thus, the combination of the logic of this argument, public choice theory, and empirical evidence from the American metropolitan governance cases led to a new approach built around the correlated concepts of monocentricity and polycentricity.

By conceptualizing metropolitan areas as polycentric political systems, we were suggesting that a system of ordered relationships underlies the fragmentation of authority and overlapping jurisdictions that had frequently been identified as “chaotic” and as the principal source of institutional failure in the government of metropolitan areas. We identified a polycentric political system as having many centers of decision making that were formally independent of each other. (V. Ostrom [1972] in McGinnis 1999b, p. 53)

To sum up, what was called “the political economy approach” to Public Administration questioned, from a public choice perspective, the view based on the centralized bureaucratization of governance. Instead, it focused on systems based on pluralism, decentralization, competition, and bargaining, defined by multiple decision-making centers operating within overlapping and competing jurisdictions (V. Ostrom 1972, 1971, 1991; McGinnis and E. Ostrom 1996; McGinnis 2000, 1999a, 1999b; Boettke 2015a, 2015b).

In the context of our discussion, it is essential to note that all of the above define a process leading not to “a single, most efficient pattern of organization but to a continual search for more efficient ways to perform” (Oakerson and Parks [1988] in McGinnis 1999b, p. 320). Elinor Ostrom notes that the structure of such systems predicated on competitive governance and public entrepreneurship induces self-organization, initiative, and institutional adaptation. At the same time, it is important to note that once the structural features of polycentricity are identified, it becomes evident that polycentrism is not just a phenomenon related to metropolitan governance systems. The basic social functions and institutional domains of a society could be organized in various degrees under a polycentric order: polycentricity in the structure of governmental arrangements, in economic affairs, in political processes, in judicial affairs, in constitutional rule (V. Ostrom [1972] in McGinnis 1999b, p. 56; McGinnis 2000). The relationship between these domains is also important for descriptive, analytical, and normative reasons (McGinnis 2000).

In brief, polycentricity has emerged as a framework capturing the coexistence of multiple centers of decision-making with different objectives and values. The multiple overlapping centers of decision-making may share the same territory, or they may be territorially delimited, or they may have a functional, non-territorial dimension. Polycentricity offers a set of theoretical lenses helping to identify patterns of order where, at first sight, no pattern was evident. At the same time, it illuminates the mechanisms and processes at work among and within institutional arrangements, which operate on logics that are different from the better-understood logics of the market and the state. Finally, polycentricity seems to be operating each time the diversity of values, perspectives, and interests is accommodated successfully by a society or community through institutional diversity in public governance arrangements. Polycentricity appears to be intrinsically related to pluralism: a phenomenon that is both a consequence and a solution to pluralism. As such, it seems eminently fitted to deal with a social and political universe as defined by the realism of the *modus vivendi* perspective.

5. MODUS VIVENDI AND POLYCENTRICITY

With a broader and better view of both polycentricity and modus vivendi pluralism, we are now in the position of putting the pieces together. Even a cursory overview of polycentricity and modus vivendi perspectives, as the one sketched above, gives us a sense of the affinity and convergence between them. Both seem to be facets of a response to the challenge of pluralism. Both recognize the multiplicity of factors and conditions leading to the patterns of order and also the dynamic nature of those patterns. Both seem to emphasize the procedural, institutional, and process nature of the patterns of social order. In brief, polycentricity looks like a natural extension into the governance theory of the pluralist, modus vivendi view, while modus vivendi looks like the political philosophy or political doctrine which gives background significance and depth to the idea of polycentric governance systems.

Polycentricity goes beyond pure political theory and adds a public choice and governance theory (i.e., the concern with the institutional conditions of public goods and services provision and production) dimension to the picture. It operates as the meta-level framework which both integrates the various domains of authority and sovereignty while also creating the possibility to disentangle them, when necessary, for analytical, normative, or practical reasons. For instance, the realism claimed by modus vivendi polycentrism assumes that the first political question is the securing of order, protection, safety, trust, and the conditions of cooperation. That doesn't mean that the provision of order is a sufficient condition for its legitimacy. However, it is most elemental for the emergence of a political order. The polycentricity framework recognizes and operationalizes this reality. (In fact, one of the first areas of applied investigations explored by the Ostroms was precisely police and law and order.) The collective action problem in generating this type of basic condition of political order could be approached as a collective action, public good production problem, and the public choice theoretical apparatus could be mobilized in this respect (Ostrom and Ostrom 2004; Buchanan and Tullock 1962/1999).

If the reality of political order, which is the key for modus vivendi perspectives, comes to be conceptualized as a collection of public and collective goods provided through a certain set of institutional arrangements, polycentricity offers a framework for both disentangling and disaggregating these goods and services in various combinations and levels of production. Once approached in this light, the initial collective action problem has to be solved by a series of second-order and nested collective action solutions. That brings to the fore a more nuanced view of the multi-layered institutional and socio-political processes that the modus vivendi literature alludes to when discussing the stability of modus vivendi regimes. The same thing goes with trust or with

the settlement of social agreements. Polycentricity allows both the analytical segmentation of domains and arenas, as well as their aggregation and recombination for descriptive, explanatory, and evaluation purposes. The applied-level implications follow suit.

Polycentricity thus gives conceptual and theoretical structure to the idea of *modus vivendi*. It converts a social and political philosophical position into a governance theory. It gives granular focus and precision to the analysis. It does that because it is based on a public choice logic having the capacity to identify and bring to the foreground issues such as the feasibility of decisions and institutional arrangements, given specific constraints, the impact of rules and resources on choices, the dilemmas of collective action, and the trade-offs in the provision, production, distribution, and consumption of public goods and services. At the same time, it is sensitive to the incentive, information, motivation, and knowledge processes associated with all of the above. In the end, it demonstrates in a concrete way the priority of the political economy over ideal theory and how that priority may be converted into a powerful instrument for analysis and evaluation. Polycentricity becomes the tool for operationalizing the *modus vivendi* claims of realism and contextual grounding.

As in the case of all public choice political economy-inspired theoretical frameworks – criticized a priori for their alleged cynicism or amorality – it is important to preemptively make an important point. The shift to public choice and feasibility over ideal theory does not mean that the approach is amoral. In conjunction, *modus vivendi* philosophy and polycentricity theory bring a change of fundamental perspective – that is to say, they make manifest what Schumpeter (1954, p. 41) would have called their “preanalytical vision.” Such a vision teaches us to *see* things in a certain theoretical light. This is exactly the move required by the *modus vivendi* polycentricism approach. The shift of perspectives only takes morality from the foreground and places it in the background, while taking the political economy public choice from the background to place it in the foreground. That simple shift helps us escape the myth of an overlapping consensus over a certain understanding regarding a principle of justice, as the key factor of order and stability. With this observation, we have come both to reassert the distinctiveness of what we call the *modus vivendi* pluralist approach from other visions and approaches, and, at the same time, to identify one of the mutual fundamental connections between *modus vivendi* and pluralism: their shared pre-analytical vision, which has more of a realistic than an idealistic tinge.

To sum up, taking pluralism and diversity as a starting point and evolving along lines congruent with the *modus vivendi* philosophy, polycentricity gives a precise analytical and theoretical structure and support to the pre-analytical vision framing *modus vivendi* pluralism. It offers a way of approaching things from an institutional and governance angle, thus giving thus a concrete

response to the call for “political political theory” (Waldron 2016). In all these, the ethical considerations, as well as a wide range of incentives, information, and contextual socio-cultural conditions, are all important. But they are all part of a broader picture and process. Polycentricity helps us to articulate the principles and mechanisms of such processes in which tensions, trade-offs, bargaining, and competing demands are an intrinsic part of a dynamic, complex phenomenon that is at least partially institutionalized. The idea of polycentricity captures its governance and institutional dimension and helps *modus vivendi* to escape the sphere of broad, general, institutionally and politically under-specified discussions about principles and ideals. At the same time, it gives it the conceptual resources to identify, describe, analyze, and assess the mechanisms and processes of political coexistence in societies defined by deep heterogeneity and multiple cleavages.

6. AN OVERVIEW OF THE VOLUME

Now that the main vision and ideas framing this volume have been outlined, we are now in a position to show how the contributions represented by the chapters fit into this larger picture. Before moving ahead, let us note that the project is the product of a programmatic and institutionalized effort. The University of Pittsburgh’s Center for Governance and Markets has created a special initiative to investigate the family of ideas and themes associated with the principles of *modus vivendi* and explore, in that light, through an interdisciplinary and applied theory approach, the possible governance solutions to the current crisis. The project aimed not only to diagnose factors fueling the crisis but also to contribute to the current efforts to articulate self-governing solutions in both theoretical and applied-level governance terms. Consequently, the volume is a result of a collective effort in exploring the conceptual, theoretical, philosophical, and thematic domains defined above. The contributions come from two directions that are converging in a space where theoretical reason and practical reason coexist: On the one hand, the foundational philosophy and theory, and on the other, the applied-level case studies and evaluations. Given this underlying approach, the volume is organized into two sections. Foundational perspectives are the focus of Part I. Part II concentrates on case studies, which empirically and historically ground the discussion and theoretical approaches.

Part I opens with the contribution of David McCabe, one of the main scholars contributing to the revival of interest in *modus vivendi* and its application to current governance issues. The chapter provides an overview of different ways of conceptualizing the relationships among *modus vivendi*, polycentricity, and liberalism, and explores some of the important challenges facing these different models. McCabe warns from the very beginning that, although some may see a natural connection between the *modus vivendi* approach and

polycentricity, the relationship between these two projects is neither direct nor uncontroversial. Nor is it obvious how polycentricity and *modus vivendi* stand with respect to the liberal state. McCabe thus raises thus a series of questions, pointing out the magnitude of the challenge ahead and the profound relevance of the themes addressed by this research agenda. Foundational questions about both the philosophical underpinnings and the appropriate scope of the liberal state are at stake.

In Chapter 2, Aylon Manor advocates for a fundamental shift in *modus vivendi* theory from an ideational to a social conception of conflict. Manor contrasts traditional *modus vivendi* approaches, which prioritize philosophical disagreements as the root of political discord, with a perspective that locates the genesis of such conflicts within the structural and social frameworks of society. The chapter reviews historical and experimental evidence supporting the social conception and advances an approach to it. The chapter concludes by exploring the implications of this paradigm shift across seven areas of political analysis, including bipartisanship, political representation, and electoral incentives.

In Chapter 3, Robert Gabriel Ciobanu comparatively analyzes the political theories advanced by John Gray and David Mitrany in the context of a discussion regarding functional *modus vivendi* solutions to governance problems. The chapter sheds new light on the works of these two different, but complementary, political thinkers. It further explores Gray's *modus vivendi* and Mitrany's functionalism as governance solutions that recognize and seriously engage with the unavoidable reality of value pluralism. An important argument of this chapter is that while Gray and Mitrany can still be regarded as liberal thinkers, they are part of a more peripheral strain of liberal thinking, which starts with the assumption that political consensus is not possible. Hence, according to them, the task of political thinking is to determine the appropriate institutions for different social and political circumstances. If no consensus is ever possible, then every institutional solution is contingent and only temporarily valid. Accordingly, political theory should focus on the rather complicated exercise of institutional crafting and cease to engage in ideal theory.

Part II of the volume is dedicated to a series of case studies that illuminate in various ways the empirical and policy agenda, exploring the possibility of *modus vivendi* and governance arrangements of a polycentric nature in conditions of deep cleavages and social and value heterogeneity.

In Chapter 4, Rebecca Yemo addresses a very sensitive theme, in a superb illustration of the relevance and complexity of the *modus vivendi* approach. The practice of polygamy has been widely condemned as a violation of women's rights and, in some cases, declared illegal in various states. Calls for the abolishment and criminalization of this form of marriage have come from

United Nations human rights monitoring mechanisms such as human rights treaty bodies and the Universal Periodic Review, human rights advocates, scholars, and states. Given that in several states, especially within sub-Saharan Africa, polygamy is considered an acceptable form of marriage, a way of life, and a significant part of one's religious or cultural values, a debate has emerged concerning whether the practice indeed violates women's rights or is simply a form of marriage that people should have the freedom to engage in. The chapter seeks to contribute to this debate by exploring whether and how polygamy should be embraced and accepted as a form of marriage. Using Ghana as a case study, this chapter highlights that even in the world of human rights, it is possible to co-exist with and accept deep differences, while the *modus vivendi* framework offers a meaningful approach that could make this possible.

In Chapter 5, Kal Demerew presents blockchain contractualism as a praxis-oriented framework for addressing foundational state-building gaps in the post-colonial world and implementing a *modus vivendi*. The chapter starts by examining the two most enduring challenges in post-colonial state-building, the transactional challenge of establishing sovereignty, and the ideational challenge of establishing relational governance based on reason and persuasion. Then it reviews the limitations of classical liberal social contract models in addressing these foundational transactional and ideational gaps in post-colonial contexts, making the case for a *modus vivendi* configuration of contractarian theory. Next, it develops the framework of blockchain contractualism as a "second-best" alternative for post-colonial state-building; this refers to a system in which individuals conduct political and economic transactions under full autonomous agency, creating emergent relational identities. The fourth and final section examines how this framework can be understood as a policy-relevant praxis for implementing minimally liberal systems in post-colonial contexts, aided by emerging technologies. The practical limitations of blockchain contractualism in ultimately addressing the critical post-colonial state-building gaps are also explored.

Bryan Cheang uses the case of Confucianism in East Asia in Chapter 6 to consider the value of polycentrism in governance debates in non-democratic societies outside the Western world. Given that polycentrism claims to be pluralistic, how might it be perceived in a diverse world where democracy itself is questioned? This reflection is especially warranted given that around 88 percent of the world's population lives in the global South, many of whom may not readily accept the universal claims of liberal democracy. The chapter raises the issue that polycentric governance, to the extent that it is grounded in normative individualism, may not find resonance with political cultures that lack a historical appreciation for and sociological predisposition to pluralistic decision-making. East Asian citizens, seeing the state as an extension of the family, may not value normative individualism as much as those in liberal

societies do. However, the chapter shows that polycentrism remains valuable as a method of institutional analysis. It provides pragmatic, though not necessarily moral, reasons for non-Western societies to appreciate the value of institutional decentralization. In the East Asian case, polycentrism can help enhance the legitimacy of governments, defuse social tensions, and build social trust.

Alexandru Dincovici takes the discussion to a different level in Chapter 7, focusing on the case of non-human agents and institutional design from an alternative perspective, influenced mostly by continental philosophy. His argument is relevant for discussions of polycentric governance and *modus vivendi* political philosophy in the context of 21st-century developments. Firstly, it challenges traditional human-centric perspectives on institutional design by integrating non-human agency, including natural agents, infrastructure, artificial intelligence, and human-made objects. This integration aligns with the principles of polycentric governance, while recognizing that the role of non-human entities enhances our understanding of how diverse actors contribute to institutional stability and adaptability. Secondly, it advances an institutionalist perspective that accounts for the complexity of contemporary worlds and the distributed nature of cognition. By shifting the focus from individual human actors to cognitive assemblages, it provides a framework for managing diverse societal needs and preferences, which is crucial for *modus vivendi* approaches amidst value pluralism. Lastly, the chapter examines fundamental assumptions about human centrality in institutional processes and the performativity of the social sciences. Collectively, these insights offer an intriguing, original, and unconventional understanding that addresses the themes explored in the volume.

In Chapter 8, Kris Kanthak takes as a starting point the observation that the global rise of anti-elite populism poses an existential threat to democracy worldwide. Many people outside of academia and urban centers feel excluded and maligned, potentially leading to a worldwide “revenge of places that don’t matter,” in which populist leaders can use this feeling of exclusion and disrespect to foment political strife and instability. But, notes Kanthak, in this approach to the deleterious consequences of the rise of “rural resentment,” there is a surprising lack of curiosity among academics about the nature of these resentments, as if somehow the insults against them emerge whole cloth from the imaginations of rural Americans. The implications for a democratic coexistence as a regime are significant. This chapter considers how the academic understanding of the urban–rural divide might change and improve if academics were willing to take the lessons learned from polycentricity and extend the perspectives in research discussions to include people who heretofore have been considered subjects, rather than producers, of research.

Finally, in Chapter 9, Jennifer Murtazashvili and Ali Palida use a case study to explore the thesis posed by critics of *modus vivendi* pluralism systems

regarding their resilience – specifically, their systemic vulnerability and fragility in handling environmental shocks and sustaining beneficial institutions and norms. According to these critics, this lack of robustness presents a significant challenge to the widespread adoption of such systems. The chapter examines inter-jurisdictional conflict as an economic problem involving the allocation of resources between productive tasks and military capacity. It argues that polycentric defense arrangements, which distribute military capacity across multiple decision centers, can enhance system resilience by reducing incentives for expropriation while simultaneously providing centralized institutions for coordination. The analysis supports the view of collective security as a service coproduced within polycentric arrangements rather than as a public good provided solely by a centralized state.

7. CONCLUSIONS

An overview of the underlying vision and the structure of the volume has shown that there are ways to respond in theoretically and empirically informed ways to the increasing social diversity and the pluralism of values, preferences, and belief systems created by the ongoing technological, social, demographic, and cultural changes redefining contemporary societies and communities. The profound challenges to the existing political and governance systems require a renewed effort to understand what kinds of institutional arrangements and governance systems facilitate or undermine tolerance, peaceful coexistence, and productive cooperation between individuals and communities at all levels – from the local to the international level – in such conditions of deep pluralism and divergence of beliefs, values, and preferences. The philosophy, theory, institutional analysis, and design of “modus vivendi” governance arrangements, which support the conditions for a “live and let live” social order, are critical contributions to our response to these challenges.

This volume shows that the effort to link the political theories of “modus vivendi” to governance theories based on institutional diversity and polycentricism has the potential to create multiple conceptual and analytical resources in this respect. Based on the exploratory discussions reflected in this volume, it looks like “modus vivendi” polycentricism has the potential to inspire not only theoretical insights but also the development of applied-level approaches and solutions, capable of accommodating the contemporary social space increasingly fragmented by technological, social, and ideological cleavages. This dual focus on theory and application makes this volume a valuable resource for both scholars and practitioners seeking to navigate and address the complexities of governance in pluralistic societies and, as such, motivates further explorations on the path opened by this volume.

REFERENCES

- Aligica, P.D. and Boettke, P.J. (2009). *Challenging Institutional Analysis and Development: The Bloomington School*. London: Routledge.
- Boettke, P.J. (2015a). *Why Perestroika Failed: The Politics and Economics of Socialist Transformation*. London: Routledge.
- Boettke, P.J. (2015b). *Living Economics: Yesterday, Today, and Tomorrow*. Oakland, CA: Independent Institute.
- Buchanan, J.M. and Tullock, G. (1962/1999). *The Calculus of Consent*. Indianapolis, IN: Liberty Fund.
- Galston, W.A. (2002). *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. Cambridge: Cambridge University Press.
- Gray, J. (2000). *Two Faces of Liberalism*. Cambridge: Polity Press.
- Hampshire, S. (2001). *Justice is Conflict*. Vol. 7. Princeton, NJ: Princeton University Press.
- Horton, J. (2010). Realism, liberal moralism and a political theory of modus vivendi. *European Journal of Political Theory*, 9(4), pp. 431–448.
- Kekes, J. (1996). *The Morality of Pluralism*. Princeton, NJ: Princeton University Press.
- McCabe, D. (2010). *Modus Vivendi Liberalism: Theory and Practice*. Cambridge: Cambridge University Press.
- McGinnis, M.D. (1999a). *Polycentric Governance and Development: Readings from the Workshop in Political Theory and Policy Analysis*. Ann Arbor, MI: University of Michigan Press.
- McGinnis, M.D. (1999b). *Polycentricity and Local Public Economies: Readings from the Workshop in Political Theory and Policy Analysis*. Ann Arbor, MI: University of Michigan Press.
- McGinnis, M.D. (2000). *Polycentric Games and Institutions: Readings from the Workshop in Political Theory and Policy Analysis*. Ann Arbor, MI: University of Michigan Press.
- McGinnis, M.D. and Ostrom, E. (1996). *Designing Institutions for Local Public Economies*. San Francisco, CA: ICS Press.
- Neal, P. (1999). *Liberalism and Its Discontents*. New York: NYU Press.
- Ostrom, V., & Ostrom, E. (1971). Public choice: A different approach to the study of public administration. *Public Administration Review*, 31(2), 203–216.
- Ostrom, E. and Ostrom, V. (2004). The quest for meaning in public choice. *American Journal of Economics and Sociology*, 63(1), pp. 105–147.
- Ostrom, V. (1971). *The Political Theory of a Compound Republic: Designing the American Experiment*. San Francisco, CA: ICS Press.
- Ostrom, V. (1972). *The Meaning of Democracy and the Vulnerability of Democracies: A Response to Tocqueville's Challenge*. Ann Arbor, MI: University of Michigan Press.
- Ostrom, V. (1991). *The Meaning of American Federalism: Constituting a Self-Governing Society*. San Francisco, CA: ICS Press.
- Rossi, E. (2010). Modus vivendi, consensus, and (realist) liberal legitimacy. *Public Reason: Journal of Political and Moral Philosophy*, 2(2), pp. 21–39.
- Schumpeter, J. (1954). *History of Economic Analysis*. New York: Oxford University Press.

- Vallier, K. (2019). *Must Politics Be War? Restoring Our Trust in the Open Society*. New York: Oxford University Press.
- Waldron, J. (2016). *Political Political Theory*. Cambridge, MA: Harvard University Press.
- Williams, B. (2005). *In the Beginning was the Deed: Realism and Moralism in Political Argument*. Princeton, NJ: Princeton University Press.