

Against Fraternity: Democracy Without Solidarity⁺

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In this chapter I mean to cast doubt on the search for sources of bounded solidarity among citizens of sovereign states as a foundation for a just polity.¹ I will argue that the aspiration to ground democratic politics on solidaristic belonging rests on philosophical mistakes, ideological illusions, and empirical misunderstandings. That is not, I suggest, reason to worry about the stability of decent, inclusive, and reasonably just democratic politics. When it comes to the fraternal solidarity aspired to by many theorists, we can't have it, and we shouldn't want it; and those aren't truly problems, because we don't need it.

I.

I begin with what I take to be a moral truth. The inhabitants of a political community are more like strangers who find themselves locked in a very large room together than they are like an extended family or a voluntary association united in pursuit of a common purpose. They are not co-members of some potentially evolutionarily

⁺ Or, with apologies to James Buchanan and to good taste: "Politics Without Bromance."

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¹ See the discussion of "bounded solidarity" in Kymlicka and Banting (forthcoming).

fundamental unit of human society, like the band or tribe of 50-500 persons. They are not what nationalists falsely claim co-nationals to be: members of some pre- or extra-political social whole that can make its will felt through politics, some social soul that wears the state as a body. They are not the particular subset of humanity united by allegiance to some particular political ideal, at any level of abstraction; even if most people had sufficient political knowledge and sufficiently coherent views to qualify as holding an ideal, polities contain perennial diversity of such ideals, and many political values and norms find adherents across international boundaries. There is no polity made up entirely of liberals or social democrats or civic republicans, and each of those is found in more than one polity.

Neither are the inhabitants of a polity the demarcated set of persons who share in a common inheritance of advantages and disadvantages, resources and relationships. Those sets of persons are infinitely complicated, in a way that the common invocation of “*a society*” or “*a shared system of social cooperation*” cannot recognize. For example, the accumulated technological knowledge, productive capital, and economic progress from which most newborn members of contemporary developed societies can expect to benefit are *not* bound up with the particular polities into which they are born, any more than the accumulated environmental damage of human industrialization is. Neither the United States nor Canada nor Sweden nor France is corporately responsible for the economic tide that has lifted them all over the course of centuries, and individual persons or firms do not benefit from that history *qua* Americans or Canadians, etc., but *qua* persons born in the portion of the whole world that was so lifted. This means that the

members of any particular polity are not united even by a demarcated “society” to which they owe gratitude for the advantages to which they are born.²

Rather, fellow citizens are in a fundamental sense moral strangers to each other, united *only* by the shared circumstances of inhabiting a common political jurisdiction, and not by any prior relationship that legitimizes, grounds, underlies, or stands outside of those circumstances. Our moral relationship to one another differs in degree, not in kind, from the relationship among the strangers locked in a room, or passengers on a bus, or any other collection of persons thrown together by happenstance. Statehood is a big happenstance, much bigger than a bus; but it is still a happenstance. Or, if one prefers to think in this way, fellow citizens are *not* strangers for the same reason and in the same way that fellow humans are not strangers. The shared circumstance of being subject to rule by the same state is not just the same as the shared circumstance of living on the same planet, but the difference is, again, one of scale, not of deep moral kind.

Mary Ann Glendon once wrote, in a memorable passage that has become beloved of communitarians of all stripes, that “[b]uried deep in our rights dialect is an unexpressed premise that we roam at large in a land of strangers where we presumptively have no obligations toward others except to avoid the active infliction of harm.”

² In an American context, that means that the view espoused by Senator Elizabeth Warren and President Barack Obama and famously summarized by the sentence “you didn’t build that” is more wrong than right. It is true that the individual entrepreneur, firm, or wealthy individual benefitted tremendously from the social position of coming into existence in an already-wealthy world with technological, financial, and infrastructural contributions made by others over centuries. It is not true that the United States government is even a fair proxy for all of those contributors, to say nothing of actual itself being the cause of the contributions. In philosophical terms I have in mind both John Rawls’ (1971) idea of a shared system of social contribution and David Miller’s (2007) sense of intergenerational national responsibility for social success and wealth.

(1991:77) From this, those who believe that we have—and ought to recognize—robust obligations to fellow citizens work backward to the conclusion that either we *do not* roam in a land of strangers, or that we *ought not to think that we do*. The standard move is to find a way to reconceptualize the inhabitants of a political community as something more than strangers to each other.

Indeed, a conviction that runs through not only communitarian and civic republican but also much constitutional, liberal, and (perhaps especially) *democratic* political theory is that decent, successful political life requires that citizens have (or, in some versions, at least *believe* that they have) special solidaristic commitments to one another, commitments that override both loyalties to smaller groups (ethnic, religious, ideological, regional) and international, transnational, or cosmopolitan identities. Most fundamentally, states rely for their continued existence on the willingness of some of their citizens to kill and die on their behalf. More broadly, they rely on a willingness to sacrifice in the pursuit of political cooperation, and that willingness in turn depends on a substantial degree of horizontal trust that others will do likewise. We need to be willing to pursue the common good (however that is defined) rather than letting politics devolve into everyone grabbing whatever they can, whenever they can. We need a shared commitment to justice so that each of us will know that our rights will be protected even if we happen to be in a minority. We need a sense of belonging together, and not with others, in order to defuse secession from within and conquest or irredentist capture from without. We need strong sentiments of unity to see us through times of political turmoil. For those who place emphasis on *democratic* values in particular, it seems particularly important to find a shared sense of belonging so that there can be a “people” that

meaningfully rules, a people that shares “identity, affect, and agency” (Ferguson 2012:23).

It is conventional to distinguish accounts of the *sources* of this solidarity into the civic and the ethnic, or the patriotic and the nationalistic. I think neither of these distinctions is especially satisfactory. Still, there is some intuitive sense in which solidarity could either be grounded either in a community that precedes and stands apart from the polity, or else in one constituted in and through political life and political commitments.

The criticisms of the pre-political views—the criticisms of “ethnic” or cultural or nationalist conceptions of membership from the “civic” side—are too familiar to demand much rehearsal.³ The conceptions of peoplehood involved in them treat imagined constructions as natural facts that can command allegiance. Now, the mere fact that some social entity is imagined or constructed does not mean that it is especially plastic, that it is morally unworthy as an object of loyalty, or that it is a bad thing. But it does mean that it can’t occupy the place demanded of it by normative nationalism, in which it must be a true fact of the social world *independent of and prior to the beliefs of putative members* that can generate a valid criticism *of putative members* if they are not (or are not sufficiently) loyal to it. Moreover, ethnocultural conceptions of peoplehood are difficult to reconcile with full equal membership for those outside the relevant group, and they provide normative reason to press for *greater* homogeneity in order to engender greater solidarity. Even when the grounds of membership are cultural and linguistic rather than ethnic or racial, the tight link between shared citizenship and shared nationality easily

³ See Brubaker 1996, Brubaker 2004; I expand on these ideas and their relevance for normative theory in Levy 2000, ch. 3, and Levy 2004.

slides into unattractive majoritarian identity politics and threats to the liberty, equality of rights, and equality of standing of nonmembers.

Indeed, *members* routinely come under such threat, since (at least in the absence of outside injustice) it is *their* actions and choices – whom to marry, whether to have children or not, how to raise their children, what language to speak, what norms to follow—that decide whether and how the cultural people will persist. These two central difficulties of cultural peoplehood interact: if cultural peoplehood really were a simple fact about the social world, if humanity did naturally divide into relatively immutable nations, then identifying them and perpetuating them would not require nearly so much boundary-policing or control over putative members. But in fact the cultural unity that is supposed to ground political solidarity *itself* takes a great deal of political work to create and enforce.

The difficulties and paradoxes associated with supposedly “civic” conceptions of the sources of solidarity remain less familiar, though they have by now been analyzed in depth as well (*e.g.* Yack 1996, Kateb 2008). The idea that what we members of a political community share is our adherence to a set of ideals and a constitutional order, and that this constitutes us as a solidaristic people, is almost always a way to obscure an underlying cultural nationalism of one sort or another. It is *we Americans*, or *we French*, who are joined together in this way, not just anyone in the world who happens to affirm the supposedly shared political values; and the shared commitment does not provide the answer to the question “who are these Americans or these French in the first place?” “Constitutional patriotism” still depends on the prior existence of a particular *patrie*. And the supposedly civic conceptions overlay all of this with a doctrine that is difficult to

reconcile with political dissent. The person who does not support [the dominant understanding of] the shared political values is not merely a political opponent; he or she is, e.g., “un-American” or “counterrevolutionary.” If the civic understandings of solidaristic belonging sometimes provide an antidote to pernicious racial or ethnic exclusions within a polity, they are capable of generating a differently pernicious slide from political disagreement into the charge of disloyalty. It is no more true that the citizens of a state all endorse the same political beliefs—no matter how vaguely specified—than it is that they are all ethnocultural kin.

We are thus left in the following difficulty. We supposedly need to regard each other as something other than strangers in order to ground a decent and humane political life together, and to justify the boundary between our political lives and those of our neighbors. But all of the ways of defining ourselves, such that what unites us internally is more important than what divides us and yet what divides us from our neighbors is more important than what might unite us – racial kinship, a shared language, common religious or political beliefs—are artificial. They all require exaggerating both internal commonality and external differences for political effect, to distort members’ identities and self-conceptions into a closer match with the firm juridical boundaries of the (extant or aspirational) state.⁴ Here the state is sovereign, across that line it is not; so here we must be *us*, and across that line *they* are not. And identity policing of this kind is persistently unfriendly to the decent, humane politics we were ostensibly trying to ground in the first place. In order to get the benefits of treating each other as civic friends, we justify the constant threat of treating each other as enemies. As Michael Ferguson

⁴ On the dishonesty involved in this, see Kateb 2008; on “extant or aspirational,” Brubaker 1996.

(2012:27-8) puts it, the “commonality orientation” toward the preconditions of democratic politics “pathologizes uncertainty and disagreement, viewing these as threats to democracy [...] it cannot tolerate forms of diversity and disagreement that defy commonality.”

To all of this I would add the concern that there is no non-question-begging reason that we should only care about decent, or liberal, or just coexistence *with our fellow subjects of the same state*, and that the aspiration to solidarity almost intrinsically comes at a cost to just policies with our fellow persons outside the state’s boundaries. By this I do not only mean such obvious but grave problems as that nationalist and patriotic sentiment can be marshaled in support of war. Thinking of justice as tightly connected with shared membership is all too compatible with treating nonmembers outside the borders as outside of considerations of justice. Guantanamo Bay is a conspicuous example, of course. But consider too the grave injustices—distributive and otherwise—associated with the policing of borders against immigration. For the sake of preserving a political community’s sense of mutual belonging that is said to underlie its members’ just and peaceful coexistence, the poor from elsewhere are turned away with barbed wire and bullets, or live vulnerable extra-legal lives if they succeed in entering. There is, I think, something especially perverse about justifying the right of states to unilaterally limit immigration for the sake of a solidarity that is supposed to ground social *justice*, as if outsiders to the state are outsiders to the moral category of those owed just treatment. The enthusiasts for bounded solidarity often reason on the basis of a crisis within democratic states about how citizens view each other; I confess that I see graver moral crises in the

world about how those inside each state treat those outside of it. (See also Abizadeh 2008, 2012.)

This is my basis for saying of bounded solidarity as a foundation for decent liberal democratic politics that we *can't have it* and *shouldn't want it*. The solidaristic description of what those subject to the same government share is too far from the truth about our social condition; and in trying to hide or change that truth, states and nation-building projects do too much real moral damage. In the remainder of this chapter I will argue that this is not a counsel of despair, because we don't need it.

II.

It has been very common not only in contemporary political theory but also in among canonical political philosophers of the past to claim some foundational unity for political society, whether by nature or by common will and choice, whether pre-political or civic.⁵ But there is, at least, one important exception: Augustine. While Augustine believed that the City of God offered a true unity of those—living, dead, and angelic—united by a common love (of God), he denied that worldly cities, real political societies, could do so. The great mass of humanity, the sinful inhabitants of the City of Man (which encompasses the fallen angels and the living and dead damned), could hardly *truly* unite among themselves, each being driven primarily by a love of his or her respective self. Still less could they truly morally unite with the inhabitants of the City of God with

⁵ I offer an extended critique of such doctrines of unity in the history of political thought in a companion paper to this one, "Contra Politicism," http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2125187. This paper's sympathetic use of Augustine is meant to complement that paper's critical account of many modern political theories.

whom they are intermixed in this life. A polity is necessarily disunited in the most profound way possible: it encompasses the saved and the damned.

In Book XIX of *The City of God*, however, Augustine denies Mary Ann Glendon's inference mentioned earlier from "land of strangers" to "no obligation." While the inhabitants of the City of God and those of the City of Man cannot combine into any truly morally unified whole in a political city, they are nonetheless bound together by circumstance, and that circumstance calls forth obligations. They benefit from "the temporal peace which is for the time being shared by the good and the wicked alike." He calls this "the peace of Babylon," because it is of this world, where the saved live in captivity for a time. This differs from the ultimate peace available to the saved in Heaven, but is a genuine temporal good nonetheless. (1998:962) Those who love God know that this world is not their true destination, but they relate to it as morally responsible travelers should to their means of travel. The saved regard themselves in their time on earth as "a captive and a pilgrim;" (1998:946) but during the pilgrimage, "even the Heavenly City" [that is, the community of the saved, part of whose membership is at any time alive on earth] "makes use of earthly peace... and desires and maintains the cooperation of men's wills in attaining those things which belong to the mortal nature of man." (1998:947) "For the time being [...] it is advantageous to us also that [a people estranged from God] should have such peace in this life; for, while the two cities are intermingled, we also make use of the peace of Babylon." (1998:962)

It seems to me that the value of this account does not lessen in any way if we do not share Augustine's belief in the Christian God, or his hopes for the City of God. Even in the face of the most metaphysically profound of disunity, even in the face of a kind of

moral enmity, we who live in Babylon together make use of its peace together, and ought to try to cooperate in attaining that peace as best we can. If we do not share his theological commitments we might not think that our mutual estrangement has metaphysical significance; we might think that we are never so wholly alien from our fellow humans as he imagines. We might think that our captivity in Babylon lacks the possibility of liberation later, that our shared journey through this world lacks a heavenly destination. But we could still regard each other as fellow travellers⁶ with a shared responsibility to the means of our travel, as fellow captives in a social world we did not make or choose, with a shared responsibility to its maintenance.⁷ And our understanding of that peace, of those responsibilities, ought to be such that it could call forth support even among strangers.

The division of citizens between the saved and the damned is an especially politically problematic one, and not only because of the moral distance between the two camps. In contemporary terms, each of these groups is a transnational as well as substate community; we might easily think that Christians in the Roman Empire share a more important community with Christians in other polities than they do with their fellow citizens. Indeed, Augustine *does* think that. But that sense of “more important” does not lead him to advocate secession or irredentism; neither does it lead him to tell Christians to judge whether they should serve in the military based on the religious identity of Rome’s enemies. The peace of Babylon and the political-legal order that makes it

⁶ NB: This is *not* at all the same as the Marxist “fellow-travellers.”

⁷ I did not come to Augustine through Arendt, and it is only well after I began to think along these lines that I recognized the overlap with her theory of politics. Accordingly I have nothing to add to the literature on Arendt and Augustine, but I should note the connection. See Arendt (1996) for the beginning of her reflections on Augustine, though he remained a constant presence as she developed her mature political ideas.

possible is not to be broken in the pursuit of substate of transnational Christian unity. (Neither, of course, should it be broken in the pursuit of any political unity of the City of Man.) It has its own claims on us.

Now, Augustine reserved the word “peace” for what we achieve in Babylon, and denied it the word “justice.” But this was not because justice required solidarity. Augustine makes frequent sardonic use of a definition of a true republic or commonwealth found in Cicero: it is the affair and property of a people, and a people in turn is “not every assembly of a multitude, but an assembly united in fellowship by common agreement as to what is right [justice, *ius*] and by a community of interest” (1998:78).

That kind of unity we can never really have, since the inhabitants of the Two Cities live side by side, with some loving God and others loving themselves; and so we can never have a true people or a true republic. “Justice” is what those united in such an imaginary republic would pursue, but is conceptually independent of the unity. (Being a people, a republic, or a commonwealth conceptually depends on unity; justice does not.) Rather, Augustine reserves the word for a condition in which each is rendered their due—including the Christian God. “What justice can we suppose there to be in a man who does not serve God?” (1998:952) And this is not to be expected in the fallen world; “[t]rue justice[...] does not exist other than in that commonwealth whose Founder and Ruler is Christ” (1998:80). This, I think, is why David Miller (2012) treats Augustine as a source of a political theory that aims impossibly high, almost precisely the opposite of the way in which I am using his thought: Miller emphasizes Augustine’s use of the concept “justice” at the expense of his broader treatment of political life.

I see no compelling reason to follow Augustine in his idiosyncratic usage of “justice.” The deformed “peace” that even members of a robber band seek to maintain among themselves echoes the deformed “justice” Plato identifies in the equivalent circumstance. Augustine holds that what the a human polity offers is sufficiently valuable that Christians are called to civic participation and service, even as soldiers or judges who risk spilling innocent blood. His strange usage, however, requires him to characterize the legal system and its officials as only serving *peace*, when it would have been far more natural for Romans (as it is for us) to maintain the linguistic connection through *ius* between judges and a judicial system on the one hand and justice on the other.⁸ The rendering to each their due—punishment to the criminal, possession to the owner, restitution and damages to the injured, payment to the creditor—is for us as for the Romans the core enterprise of a legal system, and justice is the virtue of that system. Augustine distinguished the true eternal peace of Heaven with the limited but valuable peace of Babylon; he might easily have done the same with justice. If we can have a peace of Babylon, a peace shared with strangers, we can have a justice of Babylon, too. Indeed, what Augustine insists on only calling “the peace of Babylon” *is* a kind of “justice of Babylon:” justice among strangers who take seriously their shared circumstances without ceasing to be strangers.

This is of course a partial sense of what we mean by “justice,” and an advocate of solidarity might say that the partiality matters. Strangers interacting at arm’s length can—so the objection would go—work out mutually-disinterested reasons for respecting each

⁸ As an aside, I also think it is odd within Christianity to think of the human relationship to God in the legalistic terms of repayment of debt; the Latin *caritas* and the Greek *agape* are far more usual, both in different ways suggesting a generous love very different from the remedial and legalistic virtue of justice.

other's negative rights to life and limb, and institutions for the protection of property and enforcement of contract. "Justice" in the sense usually meant by Hume or Smith thus might be sustainable in the absence of feelings of affirmative mutual commitment among the citizenry. But what we mean by "justice" is often more expansive than that—especially since the rise of welfare-state liberalism and social democracy, and since Rawls shifted the philosophical terrain by arguing for "justice as fairness," but not only since then (Fleischacker 2009).

Although I think that the "justice" of life and limb, property and contract is the core meaning of the concept and has been unduly neglected in some recent philosophy, I do not mean my critique of solidarity to depend on that thought. Distributive justice, too, is possible among strangers; I do not think it is different in moral-psychological kind from ordinary justice. There is a common view that treats the preservation of peace and the protection of negative rights as sociologically and psychologically easy, and distributive justice of various kinds as hard. The better argument seems to me that provided by Canovan (1996) that liberal negative rights, the rule of law, and social peace rest on a social foundation of mutual trust in much the same way that redistributive policies do. She takes this to mean that liberal states need, or benefit from, a sense of national belonging as much as social democracies do, but we might as easily say that social democracies need it as *little* as liberal states do. Both, to be sure, rely on norms of trust and reciprocity to some degree, but these need not extend either to all fellow citizens/nationals or *only* to fellow citizens/nationals.

The Augustinian, chastened, skeptical view about how little fellow citizens have in common is always difficult for many to accept, even among those who recognize the

imaginary basis of national or patriotic identity, and the problems with suppressing internal diversity and exaggerating international difference. Even they commonly dismiss the option of treating each other as strangers. Augustine's advice seems too psychologically unlikely; it requires that we be detached and yet engaged, alienated and yet active. Without some sure way to bind us together, we must fly apart into our interest-group corners or individual self-interest or worse.

I think this is a mistake, one born of theorists' greater trust in hypothetical guarantees than empirical likelihoods. If we begin as *a people*, then (theorists imagine) all of our decisions will be made in a unified spirit and in ways that treat each other morally well, and so the problem is to find a foundation for that peoplehood. I suggest that we will never have political stability guaranteed with the certainty of a philosophical proof, and yet wealthy constitutional democracies have a great deal of political stability and peace to them. While there is perennial injustice even in constitutional democracies (on more or less *any* theory of justice), there is a great deal *more* justice than we should expect if justice had to rest on a deep political consensus or cultural unity that we have yet to attain.

The theory that members of a political society must have a consensus about justice and/or a shared sense of belonging that unites them to each other and differentiates them from the rest of the world before they enter into ordinary politics, or else they will not be willing to make sacrifices for each other's sake and will not be willing to treat each other justly, predicts a very different world from the one we inhabit. I don't mean to romanticize really-existing constitutional democracies, only to emphasize that they really do exist, and that there is *considerable* justice in them. There might be more or less at one

time or another, in one democracy or another, but there is never as little as we would imagine if unity, solidarity, and consensus were the prerequisite to attaining it.

This is partly because procedures to allow us to live with disagreement are a deeper fact of human sociability than philosophy has traditionally been comfortable acknowledging (Hampshire 2000). Some have thought that this meant making particular political *procedures* the objects of consensual allegiance and shared loyalty, but that view rapidly turns into a variant of constitutional patriotism, demanding a more enthusiastic endorsement of the locally-operative rules than seems either called for or compatible with dissent. We are capable of cooperating under institutions that we don't feel deep allegiance to, that we view as only provisionally and instrumentally useful: the political procedures of Babylon, as it were. Even without a deep hold on our allegiances, those procedures can help us live with our disagreement; and even in the face of that disagreement, we are capable of making progress toward justice.

III.

Citizens of constitutional democracies typically interact with their states' political processes in a mediated way: through political parties. Many of them, much of the time, seem to care more intensely about their parties' fortunes than they do about the procedures regulating partisan contestation. They might believe in fair play and believe that in a general way their party ought to play by the really important rules (though they are often quick to think that the other side "started it" when it comes to dirty political tricks, and to excuse their own side on that basis). But they feel a greater passion about

their party than they do about the arcana of electoral law, the choice between parliamentarism and presidentialism, or the difference between proportional representation and first past the post.

This imbalance of passion of course led early modern republicans to think that factional—partisan—disagreement was incompatible with republican self-government. What we have found since the eighteenth century is just the opposite; contestation among organized political parties are apparently a *prerequisite* for democratic politics in a large modern state. There are democracies with proportional representation and those without, democracies with independently elected executives and those without, democracies with monarchs and those without, democracies with judicial review and those without, democracies with written constitutions and those without; but there is no democracy without political parties. There is a kind of organized disharmony or disunity that sits at the heart of modern democratic politics, while theorists still struggle to articulate the bases for unity. Moreover, these parties can seemingly violate the basic commitment to the self-contained unity of the state. There are stable constitutional democracies with secessionist parties, and there are stable constitutional democracies with parties that belong to transnational assemblies of parties that emphasize political cleavages across national boundaries.

Empirical political science has been well ahead of normative political theory or philosophy in the study of parties in democracy (see Stokes 1999 for an overview). There has begun to be some work that takes partisanship seriously as a part of democratic theory (Rosenblum 2008, Muirhead 2006) alongside some other work that puts disagreement and contestation at the center of democracy (Waldron 2000, Honig 1993,

Bellamy 2007, Ferguson 2012, and to a lesser extent Pettit 2012). But the idea of regulated disagreement, of partisan contestation rather than solidaristic commitment as foundational, has been slow to take hold in other areas of political theory, or in the tacit political theory often relied upon in political science or political sociology. This is especially surprising given the role that parties have had in shaping the boundaries of civic inclusion. The expansion of the franchise has routinely been driven by partisan contestation: a winning party enfranchises a pool of voters who it thinks will disproportionately support it: propertyless white males, African-Americans, the working class, women, 18-year olds, and so on. This has most often been the party aligned with the group's underlying political preferences; it has occasionally been another party that sees the enfranchisement as inevitable and hopes to win political gratitude from the previously excluded. (Think of the lowering of the American voting age to 18 under Richard Nixon.) In either case, the franchise has *not* typically been extended on the basis of the universalistic solidarity among citizens. Parties, with long time horizons that extend beyond one parliamentary or presidential term, have used expansions to secure electoral advantage.⁹

I do not mean to be a Polyanna or Whig about this process. (I am too Augustinian to be a good Whig.) I mean only to point out that, once political parties took on their modern form in the late eighteenth and early nineteenth centuries, they became the vehicles for the expansion of civic inclusion in democratic states. It was a kind of

⁹ We rarely see the reverse phenomenon happening openly: disenfranchising the other side's voters is risky and invites severe electoral punishment. The post-Reconstruction Democratic Party in the American South is the only example I can think of. Disenfranchisement at the margins, e.g. the contemporary American Republican Party's efforts to lower African-American turnout indirectly through voter identification laws and felon disenfranchisement, are of course possible.

antagonism, not solidarity, that defined the sphere of membership. Indeed, I think this has been true in more ways than just the expansion of the franchise. Parties have acted as intermediaries between marginally-included groups (e.g. new immigrant populations) and the state, providing access to public services and public protection in exchange for electoral support. Those populations did not have to wait for a universal consensus that they were equal members of a solidaristic whole; party machines acted long in advance of that consensus. The process was imperfect, corrupt, and exploitative; but the alternative was exclusion, not a normatively more-attractive mechanism for inclusion.

And so, to return to a question from the previous section: this dynamic has applied not only to the protection of such civil rights as voting but also to so-called social and economic rights. The electoral dynamic is clear: parties have reason to secure the long-term loyalty of segments of the electorate by providing them with material benefits. And, while the growth in benefits may slow or stop, we almost never see them genuinely taken back as a matter of domestic politics; the party that opposed their creation rarely repeals them once in power. There are occasionally genuine reductions driven by serious threats to a state's international fiscal viability, but not by ordinary electoral politics and alternation in power. Thus, as Robert Dahl (1995) noted long ago, "all democratic countries have mixed economies."

IV.

The American and French Revolutions took place under the influence of the republican hostility to parties, and an element of normative opposition to partisanship is perhaps explicable in those countries' constitutional traditions as stemming from that

source. But the persistent philosophical attraction to a foundational idea of solidaristic unity, and a reluctance to embrace partisan contestation, seems to me older and more widespread than the American and French republican traditions.

At the risk of extreme oversimplification: the natural law tradition stemming from Aquinas adapted Aristotle's naturalism. Political societies tend toward justice and true community; they naturally express and reinforce an underlying natural social unity. Humans' natural political-sociability leads to the organization of real political societies, which habituate us toward and enable us to pursue our true virtuous purposes. The early-modern Protestant transformation of natural law theory that became social contractarianism did away with the idea that polities or social unity were *natural*, but retained the very strong link between a polity and a social unity organized around the pursuit of justice. Indeed, contractarians foregrounded this emphasis on unity, and laid the intellectual groundwork for our contemporary debates on horizontal solidarity as a foundation of political life.

This does not mean that social contract theory was consciously a propaganda tool in the hands of centralizing modernizing states seeking to defeat medieval institutions and their ancient-constitutionalist defenders. Although it is plausible that Hobbes, Grotius, and Locke in various ways *hoped* to serve a legitimizing function, they were engaged in genuine philosophical inquiries. But as I have argued elsewhere (Levy 2009, 2014) there was a powerful fit between the emerging early modern political form, the Weberian state, and this early modern intellectual school. The unitary state—by which I mean state officials and the institution of the state itself, not the citizenry—benefits from citizens' belief that unity is legitimate, even normatively demanded. It tends to seek ways to

encourage that belief. (“One nation, indivisible.”) What contractarianism offers philosophically, the modern state looks for ideologically—using “ideological” in something like a Marxist sense, though substituting the modern state itself for the capitalist class. Those who govern a state (even a temporary partisan majority) have a perpetual reason to *pretend* that a state is solidaristically unified, and to try to perpetuate the belief that good membership in a polity requires placing the polity ahead of subgroup loyalties or international sympathies.

I think something like this helps to explain the use of contractarian fictions in democratic societies such as the nationalistic American Pledge of Allegiance, and the widespread use of a language of universal consent and civic or national solidarity belied by the partisan and contestatory practices discussed above. This is especially true for a state at war or at risk of war, but the phenomenon is more widespread. From the origin of the American party system onward, Presidents have come to office claiming—falsely—that “we” are all Federalists, “we” are all Republicans. Partisan triumph is rhetorically dressed up as an overcoming of division.

This ideological use of unity, I suspect, reinforces the philosophical prejudice in its favor, a prejudice diagnosed in different ways by the skeptical or “realist” liberal school and by agonistic democratic theorists. Neither social contract philosophy or its contemporary neo-Kantian offshoots is mere ideology, but they fit into a background narrative about the shape of the social world that we accept too uncritically and too easily.

The possibility of political life amongst strangers whom one knows to be strangers, of politics being one social thing that has its uses and its rules rather than *the* social thing that trumps all others, of civil arm's-length relationships with those who are neither friends nor enemies (though they are sometimes rivals), of living with disagreement and managing it with no real hope of reconstituting as based on some deeper agreement: we easily imagine these to be harder than they are. Conversely, we imagine it to be easier than it is to find some way of redefining those who share our accidental circumstance of politics as brothers in *fraternité*. We overlook what works in practice, as the joke goes, because it does not work in theory. But in so doing, we perpetuate the intellectual drive for a unity than is deeper than we should really hope for.

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