



## **CRISIS, CONTESTATION AND SOCIAL ORDER IN EUROPE: A SYMPOIETIC ANALYSIS**

Keith Cherry  
*University of Victoria*

---

### **Abstract**

Europe is facing multiple existential crises at once. I argue that these crises are rooted in larger, older patterns of structural contestation that have always animated the EU. Drawing from these patterns, I contend that there are at least two conceptions of social order at work within the EU – an autopoietic model based on bounded hierarchy and a sympoietic model based on decentralization and compromise. I argue that the autopoietic aspects of the Union, and neo-liberal representative democracy in particular, continually produce systemic crises. At the same time, sympoietic practices of inter-institutional adjustment allow us to weather such challenges, albeit imperfectly. Ultimately, I conclude that escaping the cycle of structural crisis requires moving more definitively towards sympoiesis by radically decentralizing and democratizing political and economic power in Europe.

---

## **Introduction**

By all accounts, Europe is currently facing a dizzying array of crises. From the euro crisis to the refugee crisis, from Brexit to the crisis of populism, crisis is quickly becoming a staple of our European vocabulary. In the following paper, I contend that these crises are not aberrant disruptions to an otherwise stable, static, and coherent norm, but rather a systemic feature of a new, polycentric European order. The proper response is not therefore to stabilize the status quo, but rather to embrace the interpenetrating, dynamic, and polycentric features of our order and, indeed, to deepen our aversion to bounded hierarchies and the zero-sum dynamics they perpetuate. My argument proceeds in six steps.

First, I suggest that each of our current crises – in particular, Brexit, the Euro crisis, and the refugee crisis – is to some extent structural. There has always been a certain ambiguity about the nature and final form of the integration process, and this ambiguity creates a number of permanent structural contests. The resulting tensions are an enduring, even defining feature of the integration process. I argue that these tensions have been transforming policy problems into existential crises, as ordinary social challenges activate larger struggles over the nature of the union itself.

Second, I extend this analysis to argue that there are actually (at least) two different conceptions of social order at work in the EU. The first, what I will call the autopoietic model, understands social order as a form of self-structuring by centralized, organizationally closed units. A second, sympoietic model understands order as a dynamic act of co-structuring by diffuse, interpenetrating processes. The EU contains important elements of both types of social order.

Third, I show that each type of order suggests a different reaction to our current crises. Seen from the perspective of an autopoietic order, crisis appears as a breakdown in hierarchy. As such, the solution comes from centralization and protectionism. Seen from a sympoietic perspective, however, crisis appears as the result of hierarchy and exclusion, and thus solutions demand decentralization and democratization.

Fourth, I begin to assess each of these reactions. Ultimately, I argue that autopoietic orders incentivize a winner-takes-all competition that is inherently unstable, producing and reproducing their own cycles of crisis. Conversely, sympoiesis centers patterns of mutual adjustment that are inherently dynamic, but not inherently crisis-ridden.

Fifth, I apply this diagnosis to the current situation in Europe, suggesting that reasonably successful patterns of sympoietic adjustment have emerged to manage the tension between nation-state and union institutions, accounting for much of the EU's longevity in the face of crisis. However, I contend that the entrenchment of neo-liberalism and low-intensity democracy prevents similar patterns from emerging within the nation-state and union, where winner-takes-all competition persists and continually recreates its own internal tensions. While interinstitutional relations have become sympoietic, intra-institutional relations remain deeply autopoietic. The resulting tension lies at the heart of contemporary crises.

Finally, I conclude by briefly discussing some forms of political and economic organization that give rise to relational patterns better suited to a more thoroughly sympoietic social order.

## **1. Current Crises Are Rooted in Structural Contestations**

There is a certain degree of ambiguity about the precise nature and ultimate goal of the integration process. The ambiguous, evolutionary nature of the union in turn makes the precise relation between its component parts unclear – more a matter of manoeuvre than settled hierarchy. When policy choices activate these larger, older, more fundamental questions, they can quickly become crises.

In Greece, for example, what began as an issue of debt quickly became an existential crisis, at least in part because the issue served to activate a litany of more fundamental struggles. Through Greek crisis, we see the age-old struggle between the nation state and the union, the struggle between public authorities and the discipline of the market, and the struggle between people and their government – all of which have been central themes of the integration project.

Much the same could be said of Brexit, which reflects complex struggles between the union and the British government, the parliament and its citizens, all three of these bodies and the courts, and of course, between finance and the so-called globalization losers. A simple secession becomes a crisis because it activates these larger, older contestations. The refugee crisis, too, activates these same struggles between nation and union, between publics and their governments, between all three and their courts, and between vulnerable workers in a global economy and their corporate employers. As all of these struggles coalesce, an influx of refugees becomes a battle for the very soul of Europe.

Each of the current crises therefore activates larger questions about the very nature of the European integration process itself, the relation between its components, and the relative balance of power between them. These questions, triggered by and yet distinct from the policy questions of the particular crisis that spawns them, strike to the heart of the integration process. These questions have the potential to tear the integration process apart. It is by virtue of these tensions that our current challenges are transformed into existential threats.

## **2. Structural Contestations are an Enduring Feature of the Integration Process**

Understanding the structural tensions that underlie current crises begins with understanding that they are far older than the crises themselves. Even a brief overview of the political, legal, economic, or civic development of the union suffices to establish clear and enduring patterns of contestation – fundamental questions that occur and reoccur, each time triggering dynamic processes of compromise that adjust the borders between political units to suit current circumstances, yet that never definitively resolve the underlying authority and legitimacy contestations.

In the political sphere, for example, federalist and nationalist forces have always been engaged in a tug-of-war, pulling back and forth between more centralized and more intergovernmental visions of the European community. It would be difficult to argue that any of the treaties reflect a totally coherent move in one direction or the other. Rather, they appear as the result of compromise between conflicting visions over time. These compromises have allowed the union to develop in the face of challenges, but they also leave fundamental questions about the nature of the political community, and in particular where authority and legitimacy lie within it, unresolved. Instead, the EU has responded to the ongoing tension by continually compromising, developing and revisiting hybrid institutional structures that reflect both poles imperfectly (Liebert 2005).

Over time, the legitimacy of these compromises has itself been thrown into question as the permissive consensus has given way and people have begun to assert their own authority, demanding referenda, pushing for civil society consultation, and proposing legislation by popular initiative (Saurugger 2010; Finke 2007). This challenge revolves around an inherent tension between the sovereignty of a government and the sovereignty of its people. The result is the dynamic development of another compromise structure – a growing European Parliament and a technocratic Commission busily consulting civil society partners, developing weak-form direct ballot initiatives, and actively cultivating pro-Europe NGOs, blurring the line between civic and civil. National states, too, have dramatically increased their use of referenda and other quasi-participatory methods (Taggart 2006), while at the same time being challenged by radically democratic movements from the left and frighteningly undemocratic movements on the right (Kaldor and Selchow 2013; Mudde 2004). Populist/technocratic, federalist/nationalist, the EU's political structure has long been marked by enduring tensions that have never been definitively resolved.

Indeed, many in Britain opposed a parliamentary vote on Brexit precisely on the grounds that the people had already spoken directly via referendum. Implicit in their stance is an ordinal ranking in which the people are supreme over their representatives. Conversely, proponents of the Remain campaign implore Parliament, the courts, the Queen – as befits their role as the real decision-makers of the system – to step in and save the people from themselves. Clearly, the issue here is not simply whether or not to Brexit. Rather, this question has become entangled with the question of who is in charge, and why. The EU Treaties of Maastricht, Nice, and Lisbon – as well as the failed 2005 Constitution – can all be read as expressions of a long, dynamic struggle over the nature of authority and legitimacy in the European social order (Della Porta and Caiani 2009).

In the legal sphere, the Court of Justice of the EU (CJEU) spent the 1960s boldly proclaiming that EU law is supreme over national law, even over national constitutions. Yet, this attempt to establish a clear hierarchy, a clear authority structure, has been resisted by national courts, many of whom are only willing to accept and enforce EU law if it meets certain conditions based within the domestic constitution (Maduro 2012; Sabel and Gerstenberg 2010; Maduro 2003). They insist that EU law is not valid unless it respects certain constitutional principles, even as the CJEU insists that the opposite is true. The status of EU law, and indeed of domestic constitutional law, is therefore deeply contested.

With the *Solange* decisions, for example, the German constitutional court insisted that EU law could not claim supremacy over the German constitution without adequate human rights protections. The CJEU rejected this stance in principle, but busily developed human rights protections in practice. The Germans, satisfied with the changes made, agreed to stop reviewing EU law against the national constitution, while still insisting on their own ability to do so if they see fit. The system functions only through a series of dynamic compromises that allow competing authority claims to coexist without resolution.

Other spheres have seen just as much contestation, but far fewer compromises. In the economic sphere, we see a historic interplay between public sovereignty, in the form of governmental institutions, and private sovereignty, in the form of private ownership protected by extensive, justiciable economic rights (Fritjof and Mattei 2015). The role of the market and state are at stake in this contest, and together they work to exclude other forms of political and economic

organization. Pro-market forces seem to have run up the score, yet the anti-austerity movements of the periphery make it painfully clear that the fundamental contest over the role of the free market remains unresolved.

Considering the political, legal, economic, and civic development of the union in concert, a clear pattern begins to emerge. Each of these fields would be difficult to characterize through a stable structure or a coherent logic. Instead, authority and legitimacy are fundamentally contested. The exact boundaries between various authority systems are blurry, and the entire process is inherently dynamic. In response, European actors have engaged in complex acts of negotiation that allow the integration project to proceed without actually resolving these fundamental questions one way or the other. The system is not animated only by structure, but also by compromise. As a result, authority and legitimacy remain fundamentally contested. Indeed, such contestation seems inherent in the structure of the union itself. In this context of deep, dynamic tension, the spate of recent crises is more readily comprehensible – it is not simply that exogenous shocks are causing an otherwise stable union to disintegrate – rather, crises become existential as they activate a variety of long-standing tensions in concert, thus laying bare a fundamental ambiguity at the heart of the integration process.

### **3. Two Models of Social Order and Structural Contestation**

So, our current crises are linked to longstanding structural contestation. However, these contests are not just contests between social actors, but rather contests over the very way order is understood in Europe. At stake are two very different ways of understanding of what order is, and hence, two very different conceptions of the current crises, and two very different ideas of how best to respond.

What I will call the autopoietic model of order stems from a familiar story rooted in the Enlightenment: the religious wars of the 16th and 17th century and the peace of Westphalia. In essence, Europe had been experiencing extremely bloody contests that reflected conflicting authority claims – monarchical, noble, papal, reformist, merchant, peasant – all interacting dynamically in a messy, violent competition with each claiming authority as far as their armies and purses could reach. The solution was to separate these conflicting claimants, insofar as possible, into water-tight compartments, each of whom would determine the nature of its own social order internally and without interference from the others. Each sovereign would be omnipotent within their territories but totally impotent beyond them. As a result, authority would be clear. On any given territory, there would be a single authority, and hence, no conflicts (Havercroft 2011).

This pattern of organization is mirrored in the figure of the private property owner. For any piece of property, there is a single owner. Their rights over that property are absolute, and their rights to the property of others are nonexistent. The system is based on hard boundaries between properties and clear authority over them. In this sense, private property and state sovereignty form an integrated system based on the same organizational logic (Capra and Mattei 2015).

There are three conceptual linchpins to this logic: first, the total concentration of authority in a given territory/property; second, the maintenance of water-tight boundaries between territories/properties; and;third, an understanding these of borders and authority structures as stable and static. Together, these three mechanisms prevent conflicting authority claims and thereby

secure peace, both domestically and internationally. Working with this understanding of social order, any ambiguity about where authority lies, any contest of authority, or any shifting or penetrating of established boundaries appears as crisis (Havercroft 2011). Where there is no bounded hierarchy, autopoiesis can perceive no order.

The influence of this way of understanding of social order is evident in some of the more challenging reactions our current crises have provoked. In a context of fundamentally contested authority and unclear boundaries between components of a system that never seems fixed or stable, we react by hardening borders, centralizing authority and resisting change. The UK takes back its own sovereignty and control of its borders. Greece sees authority displaced from the government to the troika as the borders of the Eurozone are declared inviolable. Refugee flows see countries close their borders as authoritarian right-wing parties gain support. In short, we appear to react to our state of contested authority and shifting responsibility by seeking clear, stable authority structures and clear, permanent boundaries, just as we did in the 17th century.

This understanding of social systems has been termed autopoietic – literally, created by the self – because it shares illuminating similarities with autopoietic systems in ecology and information science. In these disciplines, autopoietic systems are systems that continually reproduce themselves according to their own internal logic, free from outside influences on their internal organization. Such systems are therefore self-producing, self-referential, self-organizing, and self-contained.

As the natural and human sciences have progressed, however, they have become increasingly sensitive to the blind spots inherent in this heuristic. The very conceptual assumptions that allow us to perceive the individual units of a system also direct our attention away from the complex connections between them. As a result, rival paradigms are emerging and re-emerging, focusing on the connections and relationships between entities and their constitutive role in organizing said entities. These models understand order as sympoietic – co-created. Because they understand order as something multilateral and relational, sympoietic models accept fuzzy, dynamic borders and a lack of settled hierarchy as normal. Instead of looking for order in bounded hierarchy, they look for order in the practices of mutual adjustment that allow actors to navigate their shifting environments.

Drawing on cellular biology, ecology, and planning theory, Dempster elaborates: in contrast to their autopoietic cousins, sympoietic systems are “conceptually ajar” – neither totally open nor totally closed (2000, 6). Their internal structure is in part determined by the system itself and in part by the influence of the surrounding systems with which it interacts. In this sense, its boundaries are ‘fuzzy,’ rather than sharp. For example, a healthy forest like ours in British Columbia is ordered according to complex internal relationships in interaction with the prairie, coastal, alpine, and tundra ecosystems that surround it. Changes in one produce changes in the others. Exact boundaries shift with climatic and other conditions. Even when conditions are stable, it can be difficult to say precisely where one ecosystem stops and another starts – trees thin out, meadows increase in frequency, large trees give way to small shrubs and then to grasses and herbs – where in this zone does the forest end and the prairie begin? Understanding such systems means focusing on relationships, not bounded units.

Sympoietic systems also feature “distributed control,” in that the health of the overall system is determined by many actors rather than being concentrated at a few crucial nodes (Dempster 2000). The concept of keystone species is helpful here. Keystone species are species whose presence supports a disproportionate amount of the total system, such that the entire system becomes vulnerable when this species is disrupted. When ecosystems are organized around just a few keystone species, they become highly vulnerable to disruption. In these systems, control of the overall ecosystem is concentrated. When there are many keystone species, control over the overall health of the system is distributed. Again, understanding ecosystem dynamics means moving beyond component parts to the connections between them. Order is seen as a function of relationship, not a function of structure.

Such systems give rise to emergent properties – properties that are attributes of the system itself, even though they are not attributes of any of its component parts (Bedau and Humphreys 2008; Kauffman 1993). Consider, for example, the relationship between courts and governments in a checks-and-balances system of government: the system as a whole produces a rough balance between individual rights and collective goods, despite (or indeed, precisely because of) the fact that each branch of government leans decidedly in one direction or the other. The system has a balancing character that is not reducible to its components; rather, it is defined by its relationships.

Sympoiesis, therefore, invokes a system where multiple participants co-create social order, which exists as an emergent property of their relations and interactions. Such systems depend on distributed control and fuzzy boundaries in order to make room for the wide range of relations they employ to find dynamic balance (Bellamy 2013; Maduro 2003; de Sousa Santos 1987).

Many aspects of the EU can be fruitfully understood through an autopoietic lens. On one level, Europe is a system of more or less bounded structures, each of which manoeuvres to occupy the apex of a hierarchical order. Yet, important elements of the integration process suggest a more sympoietic form of order. The functionalist development of the EU is in many ways similar to an emergent order, creating novel political structures unpredictably in an environment of disequilibrium and change. Its legal, political, economic, and civic structures can be understood not as water-tight compartments ordered neatly according to a single logic, but as the result of multiple intersecting influences, each of which ebbs and flows. The boundaries between systems can be seen to shift over time; the Commission’s power waxes and wanes, or policy issues move from the national to the supranational level. Similarly, control can be thought of as distributed among a number of keystone actors, each of which has the potential to radically destabilize the entire system. As we have seen, the legal and political structures of the European social order can be considered co-created by a variety of actors in dynamic tension. Finally, the life of the system has not been characterized by homeostasis; rather, its history is dynamic, evolutionary, and punctuated by surprising changes.

All of this suggests that Europe’s recent crises and the enduring contests they are rooted in both point to a larger dilemma: Europe contains (at least) two fundamentally different understandings of what order is and how to secure it.

#### **4. Two Heuristics, Two Understandings of Crisis, Two Reactions**

Because autopoiesis understands order as a function of centralized control within hard boundaries, it attributes crisis to a breakdown in bounded hierarchy. This view suggests that the heart of the refugee crisis is an inability to effectively police borders. The heart of the Greek crisis is the inability of the EU to control its members' spending in a top-down manner. The heart of Brexit is the loss of British sovereignty. As a result, autopoiesis suggests a set of reactions based on hardening borders and clarifying hierarchies, all designed to reinstate clear, bounded systems of authority.

Yet, precisely because these reactions are based on hierarchy and exclusion, the relational dynamic they set in place tends to be inherently adversarial. Those who are at the bottom and those who are excluded will always seek to disrupt the established order (Rancière 2010). This, in turn, will create incentives for said order to become increasingly rigid, oppressive, and violent in order to maintain the centralization and exclusion that define it as a system. This strategy of oppression and domination sends a clear message, that 'domination is the currency of this system, and whoever can dominate others most effectively shall rule.' Hearing this message, those who resist accordingly become increasingly aggressive, seeking to impose their preferred solutions on society by capturing the centralized power apparatus. Power is understood as being concentrated in one place, and so everyone competes to take it. Rather than delivering us from a state of 'war of all against all,' autopoiesis ensures it.

As a result of this cycle, systems perceived by their participants to be autopoietic are always locked in a risky life-or-death struggle against their own constituent parts. In fact, autopoietic systems generate and regenerate their own crises, self-replicating the very hierarchical, exclusionary dynamics that continually throw the system into question.

A long history of revolutions and counter-revolutions, invasions and insurgencies, coups and tyrants attests to this cycle of instability (Tully 2014; 2008). So does the nature of capitalist accumulation, which proceeds through endless cycles of boom and bust – regularized crises that are built into the system itself (Lazzarato 2012). The tragedy of the commons provides another example, as the exclusive nature of property incentivizes cycles of overuse and ecological crisis (Tully et al 2016; Polanyi 2001). In all these ways, the system actively undoes the very preconditions of its existence. Such autopoietic systems are crisis-ridden by design.

Conversely, sympoietic conceptions of order portray authority and legitimacy as constantly in flux, always contested, always multilateral, and always something that exists only in relation to and with the others who co-create it. Sympoiesis, therefore, presents a very different understanding of our current crises. Where autopoiesis perceives a lack of bounded hierarchy, sympoiesis sees a lack of reciprocity. The heart of the refugee crisis is not a lack of police on the border, but rather the unbalanced relationship between the two sides of that border. The heart of the euro crisis is not a lack of centralized budgetary control, but rather the unbalanced fiscal relationship between the European core and its periphery, between finance and government. The heart of Brexit is not the invasion of British sovereignty, but rather a deficient relationship between national and EU institutions. Instead of reinforcing divisions and establishing hierarchy, sympoiesis asks us to pursue order by being inclusive and seeking balance.

This self-perception sets in motion a very different relational dynamic. A sympoietic heuristic portrays systems as a function of mutual influence. Because the flow of influence is recognized as always being multi-directional and reciprocal, winner-take-all contests are an incoherent idea. The winner never takes all. Even the most powerful actors remain inherently dependent on and shaped by the influence of others. In fact, their power is a function of their relationships – an actor cannot be powerful without the active participation of others who sustain it. Domination, then, becomes a rather short-sighted tactic, one that will inevitably undercut itself in the long run.

In this way, understanding systems as sympoietic gives rise to a very different incentive structure and encourages a very different relational dynamic. Rather than facing a stark choice between domination and being dominated, actors are faced with a full range of possible relationships that they can explore to meet their particular needs. Importantly, meeting the needs of others upon whom one depends becomes an important aspect of one's own self-interest. Each actor is therefore actively attentive to the conditions of its own existence, rather than parasitic upon them. This conception of power, often called power-with, is more dynamic, flexible, and creative than power-over. It is less hierarchical, less violent, and ultimately more robust because it focuses actors' attention on perpetuating, rather than undermining, the preconditions for its own existence. This changes the nature of social order – in sympoiesis, power comes through the responsiveness of others.

Because sympoiesis encourages us to conceive of our power as a function of our relationships, it tends not to generate the same competitive dynamics. Instead of cycles where violence begets violence, sympoietic systems generate cycles of reciprocity (Tully 2018). Such cycles, when they function well, do not destabilize the system as such. The system is able to change and reorder the relation of its parts continuously without experiencing such change as crisis. Sympoietic systems may encounter crises, certainly, but they do not continually self-produce crisis.

Sympoiesis and autopoiesis are therefore associated with starkly different understandings of social order, each of which suggests different reactions to crisis. These reactions in turn set in motion different relational dynamics. Autopoiesis suggests that order is a function of bounded hierarchy, so it responds to crisis by hardening borders and centralizing power. Yet, this sets in motion an adversarial relationship that continually reproduces its own cycles of crisis. In contrast, sympoiesis sees order as a function of balanced, reciprocal relationships. As such, it responds to crisis by pursuing equality in the place of hierarchy and inclusion in the place of boundedness. The result is inherently unstable, but for this very reason, it is not inherently crisis-ridden.

## **5. Borders, Hierarchies, and Crises in Contemporary Europe**

As we have seen, the European order contains elements of both models. In fact, I contend that the development of sympoietic relationships has been one of the most significant successes of the European project and that they lie at the heart of its resilience. For example, the current institutional structure of the EU has proven flexible enough for various institutions and ideologies to wax and wane informally, while treaty negotiations have proven capable of continually balancing federalist and nationalist visions of the union. Control in this field is distributed – multiple institutional actors are vital to, and have the power to radically destabilize, each of the others. Similarly, the boundaries between them are fuzzy; where exactly does the 'national' system end and the

‘European’ system begin? Members of the European Parliament are elected nationally, but grouped by political association. Commissioners and judges are chosen by states, but do not represent them. Union services are often delivered by local governments – the boundaries are fuzzy, flexible, and interpenetrating. As a result, power is defined largely through relationships and through the ability to influence others. Rather than engaging in conflict, governments typically negotiate and seek compromise. When political challenges arise, they typically play out peacefully through a number of balancing mechanisms that, although permitting substantial change, do not threaten the integrity of the system itself.

In the legal sphere, too, the practices of mutual accommodation developed by European courts reflect reasonably sound relational dynamics. Here, too, control is distributed. Indeed, the ability of each court to radically question the legitimacy of its peers is a crucial motivating factor (Maduro 2003). Likewise, the compromise reached at any moment is always provisional – courts revisit and revise the exact relationship between European and national law continually, adjusting the boundary zones between them. EU law is supreme and directly effective, yet enforced by national courts in accordance with domestic institutional structures and constitutional traditions. At the same time, the judges of the CJEU understand EU law as explicitly based in those same national constitutional traditions: where exactly does EU law end and national law begin? Like a forest, the European legal environment has fuzzy, indeterminate boundary zones rather than sharply policed borders. As in the political sphere, these features have produced cycles of mutual adjustment whereby legal actors continually readjust their relationship without destabilizing conflict – without crisis.

On balance, then, Europe has developed a rather successful sympoietic system in a number of ways. Both governmental and legal structures ebb and flow constantly, but these movements almost never destabilize the system as a whole. However, there are other areas where more autopoietic practices persist.

First, political balancing occurs almost exclusively at an interinstitutional level. National and European institutions may have reached a state of distributed control vis-à-vis one another, but they each remain highly concentrated internally. At each level, power is concentrated in a remarkably small group of officials, leaders, and business people, to the exclusion of the vast majority of the population. Krasner’s distinction between internal and external sovereignty is useful here – externally, institutions have become more sympoietic in their interactions with one another, yet, internally, they remain highly centralized and bounded (1999). As a result, control is distributed between elites, but not between them and the general public. Indeed, this is a general feature of representative, or low-intensity, democracy – elections function as mechanisms for selecting a small group in whom authority will be concentrated. This form of democracy is inherently centralizing. Similarly, the boundaries between elites and masses in Europe are increasingly sharp. Formerly political issues are increasingly the purview of judges or bureaucrats. The fuzzy zone between the powerful and the powerless is shrinking, producing two increasingly polarized groups (Mudde 2004).

Systemic reactions to this tension have been woefully inadequate. The growing power of the European Parliament belies its continued weakness, and further has no effect on the fact that referenda and elections are purely Schumpeterian in nature – the people get to say yes or no, but they cannot actually shape their environment in an intensive manner (Schumpeter 1947). Other

reforms that more closely approximate meaningful input are structurally weak. Direct ballot initiatives remain largely non-binding, as do civil society consultations and public consultations of all kinds. The so-called participatory turn is merely an attempt to buttress the legitimacy of low-intensity representative democracy without altering its foundations (Della Porta and Caiani 2009). Control has not been effectively distributed. Borders between rule-makers and rule-followers have not been adequately blurred. The result is the current surge in populism; people understand power to be an all-or-nothing affair, and, perceiving that they have nothing, they strive to take all instead. This manifests as a violent reaction against the current system, a reaction that, of course, both destabilizes that system and encourages it to become more oppressive. In the wake of the Brexit referendum many decry the overuse of democracy and profess nostalgia for bygone days of backroom deals and expert influence. The threat of populism is used to resist any move to distribute power or soften boundaries. This reaction only provokes further and more extreme populism, and so the cycle continues, continually recreating its own crises. Right-wing, authoritarian populism is not a caution against sympoiesis, but rather a creature of autopoiesis; its exclusionary, hierarchal logic is a natural outgrowth of a perverse systemic dynamic.

The economic sphere demonstrates these same deficiencies even more clearly. As income inequality rises, economic control is becoming shockingly concentrated in the wealthiest segments of society. In a context of capital mobility, large corporations are able to dramatically shape their environment, even as the ability of organized labour and elected governments to do the same is curtailed (Gill and Cutler 2015). This makes the system vulnerable to shocks, as keystone species – those corporations that are ‘too big to fail’ – wield wildly disproportionate influence. At the same time, the judicialization of neo-liberal economic policy through EU treaties and CJEU jurisprudence erects increasingly sharp boundaries between public and private sovereignty, carving out a hard sphere of private activity and shielding it from public intervention. Any flexibility in the face of changing circumstances is consequently eroded. Once again, this concentration of power and hardening of boundaries produces and reproduces crises, as life for the poor becomes harder and harder, and challenges to the economic system become more and more extreme. The state responds by protecting capital but this only further radicalizes the marginalized. For example, witness the growth of the Italian Commons movement in direct relation to the Italian state’s decisions to protect capital (Mattei 2013). When borders are hard and control centralized, adversarial processes ensue, rendering the system permanently unstable and coercive.

In fact, these two deficiencies are historically and structurally related. Hierarchical states actively expand and protect hierarchical markets, which in turn feed and empower those states (Capra and Mattei 2015). Thus, neo-liberal economics and low-intensity democracy co-constitute each other, each feeding a concentration of power in the other while hardening the border between them. Together, they constitute an important bastion of autopoietic order.

Indeed, the combination of these two factors – economic disillusionment and political disenfranchisement – does much to explain the volatility of the euro, Brexit, and refugee crises alike. In all cases, our more robustly sympoietic political and legal processes seemed to function relatively well until stressed by explosive populist or financial pressures. For example, the issue of Greek debt became a truly existential crisis when European and international authorities decided to protect and harden the autonomy of the market from social interference (hardening borders) by unilaterally imposing a series of policy conditions upon a democratic government (concentrating control). This reaction triggered the rise of a populist government and movement, which in turn

occasioned a high-stakes referendum and a series of dramatic winner-take-all negotiations. In other words, the crisis developed precisely because European authorities refused to countenance the sort of genuine dialogue and mutual adjustment that flow from a sympoietic analysis.

In this way, the concepts of sympoiesis and autopoiesis give us important tools for understanding the integration project, with the simultaneous presence and absence of bounded hierarchy helping to explain what makes integration at once so resilient, and yet, so crisis-prone. While largely sympoietic relations between institutions work to stabilize the system in a dynamic environment, the persistence of hierarchy and exclusion within those institutions sets in motion a relational dynamic that continually reproduces systemic crises. As Zielonka notes, relations between institutions have become increasingly interpenetrating, co-constitutive, and polycentric, while at the same time, meaningful democracy within those institutions remains elusive – a condition he has aptly named “empire” (2007). Or, as Andersen and Burns put it, a “democracy of organizations” has displaced the democracy of citizens (1996). This suggests that our current challenges go far beyond fiscal management or refugee processing. Rather, addressing Europe’s multiple crises requires extending the logic of sympoiesis to radically redistribute political and economic clout on an interpersonal scale.

## **6. Towards a More Robust Relational Dynamic**

If we choose to embrace a conception of European order as sympoietic, then we must conclude that we need to distribute control and blur boundaries not only at the interinstitutional level, but also at the interpersonal level. We need to resist hierarchies and exclusions, both between institutions, and also within them. Since intra-institutional relations lag behind so badly, we need to focus in particular on the mechanisms of low-intensity democracy and neoliberal economics that largely define them.

This means that we need to find ways to radically democratize, localize, and redistribute political and economic power between individuals and groups. Much as in nature, such mechanisms emerge organically, but their ability to stabilize the system as a whole depends on their ability to spread and grow – to become defining patterns of relation within the system. Consider, for example, the Italian Commons movement (Mattei 2013; Bailey and Mattei 2013). Originally organized around resistance to privatization, especially of water and other communal resources, Commons activists and scholars enact a new form of property that is neither private nor public (in the sense of state-owned). Instead, it is ‘common,’ belonging directly to the people who depend on it, and to the future generations who someday will. Mattei (2013) describes this system as an alternative to the private/public dichotomy – a form of resource management that is equidistant from both state and corporate models, with their shared vision of hierarchical control and exclusive use.

Instead, Commons activists seek to put any “goods whose utility is functional to the pursuit of fundamental rights and free development of the person” – everything from water systems, to lodging, to theatres – under the direct participatory control of their users, who are tasked with ensuring said resource is and remains accessible to all who need it in perpetuity (Rodotà Commission 2007). In this sense, huge swaths of the economy are put under social control, giving regular people and local communities the ability to meaningfully shape their own economic realities, thus distributing control from a few corporate nodes to a much wider array of participants.

Such forms of organization are still incipient, but their potential to blur the boundary between public and private ownership is clear. The Commons movement, therefore, gestures towards what a more sympoietic economy might look like – one able to provide more stable, equitable, and democratic relational dynamics.

De Sousa Santos (2007) emphasizes a similar model of worker-owned, community-managed cooperatives. Like the Commons, these cooperative structures put economic production in the hands of their participants, blurring, or perhaps transcending, the line between worker and owner. In the best examples, such co-ops are also community organizations, using any profits to meet the needs and desires of the wider community by developing other participatory community services. Gradually, these participatory productive and service delivery units form networks, feeding into and supporting each other's processes so that control over any single initiative is not only internally distributed amongst its members, but is also distributed amongst its social partners (*ibid.*). In stark contrast to the hierarchical and bounded relationship between a multinational corporation and its subcontractors, the local economy becomes a negotiated affair, as interlocking participatory units co-determine production and consumption patterns and conditions.

Spain's 15M provides another fascinating set of innovations (Ouziel 2015). This movement, which arose in opposition to austerity and corporatization, is organized through a series of semi-autonomous territorial and functional assemblies. Each assembly is literally a public gathering – decisions are not made by delegates or representatives, but by whomever cared enough to show up and speak up. Each assembly works autonomously, in that it does not require approval from its peers in order to act. Rather, spontaneous federations of assemblies arise on an issue-by-issue basis – one assembly proposes an action, and any others who are interested join in. Those who wish to pursue their own way are free to do so. Such federations do make use of delegates, but their power is always actively contingent on the continuing support of the assembly and can be withdrawn at any time (*ibid.*).

In this way, the borders of the political organization are inherently dynamic and multi-scale. Governance occurs at different scales, and thus involves different actors, for different tasks. Similarly, the boundary between representative and represented is inherently blurry – all participate in the assembly on equal footing, and any authority of the former is only temporarily and contingently delegated from the latter. Even the boundary between participant and non-participant is fluid, in that whoever shows up to a given assembly has a voice within it. No proof of citizenship or past participation is needed, and participants can drop in and out without obstruction (Ouziel 2015, 206). Control of the system is distributed, both between assemblies and within them.

Ian Shapiro (2003; 2000) provides another, starkly different source of inspiration, exploring how the boundaries of the demos can be made dynamic and fluid, encompassing all affected by a given decision, and none who are not. In this way, democratic decision-making occurs without a stable demos. In contrast to a traditional state, the fluidity of borders allows the community to be explicitly shaped by the interlocking systems that surround and interpenetrate it. Innovations like these, paired with more robust forms of democratic participation (e.g., citizens' assemblies, direct ballot initiatives, participatory budgeting, etc.) can help us begin to soften the hard borders of the demos and flatten the hierarchies within them, moving us towards forms of political association more suited to a sympoietic understanding.

The challenge of our times is therefore to approach current policy problems – the continuing influx of refugees, the persistence of populism, the accumulation of debt – as opportunities for what de Sousa Santos has called “non-reformist reforms” (de Sousa Santos 2007, 4). Such reforms do not aim at comprehensive revolution, but rather at the cultivation of pre-figurative structures – structures that fundamentally reject the logic of autopoiesis, neoliberalism and low-intensity democracy, and that will therefore help to bring about the sort of transformative relational dynamic that they themselves embody.

## **Conclusions**

In sum, I have argued that contemporary crises are rooted in enduring structural tensions that have long animated the integration process. These enduring tensions reveal two contrasting models of social order, autopoietic and sympoietic, each of which is at work in Europe today. Naturally, each gives rise to a different diagnosis of our current crises and each suggests different responses. Autopoiesis sees order as a function of bounded hierarchy. As a result, it suggests a need to harden boundaries and centralize power. However, this paper argues that this approach incentivizes a winner-takes-all competition, which continually produces and reproduces new crises. In contrast, sympoiesis sees order as a result of reciprocal relationships. This suggests a need to distribute power and blur boundaries. Such an approach creates cycles of mutual adjustment, to be sure, but not cycles of crisis.

Applying this analysis to Europe, much of the EU’s resilience can be attributed to the development of sympoietic mechanisms between union and national institutions. At the same time, however, the persistence of bounded authority within those institutions, and in particular the coordinate-pairing of low-intensity democracy and neo-liberal economics, is continuing to produce systemic crises. Hence, Europe appears both remarkably successful and continually precarious. I conclude that overcoming Europe’s multiple crises means going beyond the particular policy problems that animate them and seeking structural reforms that radically decentralize political and economic power within institutions, as well as between them.

## REFERENCES

- Andersen, Svein and Burns, Tom. 1996. "The European Union and the Erosion of Parliamentary Democracy: A study of Post-Parliamentary Governance." In *The European Union: How Democratic is It?. Edited by Svein Andersen and Kjell A. Alliasen. London: Sage?*
- Bailey, Saki and Ugo Mattei. 2013. "Social Movements as Constituent Power: The Italian Struggle for the Commons." *Indiana Journal of Global Legal Studies* 20(2): 965-1013.
- Bedau, Mark and Paul Humphreys. 2008. *Emergence: Contemporary Readings in Philosophy and Science. Cambridge: MIT Press.*
- Bellamy, Richard. 2013. "An Ever-Closer Union Among the Peoples of Europe." *Journal of European Integration* 35(5): 499-516.
- Capra, Fritjof and Ugo Mattei. 2015. *The Ecology of Law: Toward a Legal System in Tune with Nature and Community. San Francisco, CA: Berrett-Koehler.*
- Della Porta, Donatella and Manuela Caiani. 2009. *Social Movements and Europeanization. Oxford: Oxford University Press.*
- Dempster, Beth. 2000. "Sympoietic and autopoietic systems: A new distinction for self-organizing systems." In *Proceedings of the World Congress of the Systems Sciences and ISSS 2000*, edited by J.K. Allen and J. Wilby. [Presented at the International Society for Systems Studies Annual Conference, Toronto, Canada, July 2000.]
- Finke, Barbara. 2007. "Civil Society Participation in EU Governance." *Living Review of European Governance* 2(2): <http://edoc.vifapol.de/opus/volltexte/2011/2479/>
- Gill, Stephen and Claire Cutler. 2015. *New Constitutionalism and World Order. Cambridge, UK: Cambridge University Press.*
- Havercroft, Jonathan. 2011. *Captives of Sovereignty. Cambridge, UK: Cambridge University Press.*
- Kaldor, Mary and Sabine Selchow. 2013. "The 'Bubbling Up' of Subterranean Politics in Europe." *Journal of Civil Society* 9(1): 78-99.
- Kauffman, Stuart. 1993. *The Origins of Order: Self-Organization and Selection in Evolution. New York: Oxford University Press.*
- Krasner, Stephen. 1999. *Sovereignty: Organized Hypocrisy. Princeton, NJ: Princeton University Press.*
- Lazzarato, Maurizio. 2012. *The Making of the Indebted Man: An Essay on the Neoliberal Condition. Los Angeles: Semiotext(e).*
- Liebert, Ulrike. 2005. "Democracy Beyond the State: Assessing European Constitutionalisation." In *Postnational Constitutionalism in the Enlarged Europe – Postnationaler*

Verfassungsprozess im erweiterten Europa,” edited by Ulrike Liebert, J Falke, and A Maurer. Baden-Baden: Nomos.

Maduro, Miguel. 2003. “Contrapuntal Law: Europe’s Constitutional Pluralism in Action.” In *Sovereignty in Transition*, edited by Neil Walker. Portland: Hart Publishing.

———. 2012. “Three Claims of Constitutional Pluralism.” In *Constitutional Pluralism in the European Union and Beyond*, edited by Matej Avbelj and Jan Komárek. Oxford: Hart Publishing.

Mattei, Ugo. 2013. “Protecting the Commons: Water, Culture, and Nature: The Commons Movement in the Italian Struggle against Neoliberal Governance.” *South Atlantic Quarterly* 112(2): 366-376.

Mudde, Cas. 2004. “The Populist Zeitgeist.” *Government and Opposition* 39(4): 541-563.

Ouziel, Pablo. 2015. “‘Vamos Lentos Porque Vamos Lejos’: Towards a Dialogical Understanding of Spain’s 15M.” PhD dissertation, University of Victoria.

Polanyi, Karl. 2001. *The Great Transformation: The Political and Economic Origins of Our Time*. Boston: Beacon Press.

Rancière, Jacques. 2010. “Ten Theses on Politics.” *Theory & Event* 5(3).

Saurugger, Sabine. 2010. “The Social Construction of the Participatory Turn: The Emergence of a Norm in the European Union.” *European Journal of Political Research* 49(4): 471-495.

Sabel, Charles and Oliver Gerstenberg. 2010. “Constitutionalising an Overlapping Consensus: the ECJ and the Emergence of a Coordinate Constitutional Order.” *European Law Journal* 16(5): 511-550.

Schumpeter, Joseph. 1947. *Capitalism, Socialism and Democracy*, 2nd ed. UK: George Allen & Unwin Ltd.

Shapiro, Ian. 2003. *The Moral Foundations of Politics*. New Haven: Yale University Press.

———. 2000. *Democratic Justice*. New Haven: Yale University Press.

de Sousa Santos, Boaventura. 2007. *Another Production is Possible: Beyond the Capitalist Canon*. New York: Verso.

———. 1987. “Law: A Map of Misreading. Toward a Postmodern Conception of Law.” *Journal of Law and Society* 14(3): 279-302.

Taggart, Paul. 2006. “Keynote Article: Questions of Europe – The Domestic Politics of the 2005 French and Dutch Referendums and their Challenge for the Study of European Integration.” *Journal of Common Market Studies* 44(s1): 7-25.

Tully, James. 2018, forthcoming. "Reconciliation Here on Earth." In *Resurgence and Reconciliation*, edited by James Tully, John Borrows and Michael Asch. Toronto: University of Toronto Press.

———. 2014. *On Global Citizenship: Dialogue with James Tully*. London: Bloomsbury Academic.

———. 2008. *Public Philosophy in a New Key, Volume II: Imperialism and Civic Freedom*. Cambridge, UK: Cambridge University Press.

Tully, James, Jeffrey Dunoff, Anthony Lang Jr. and Antje Wiener. 2016. "Editorial, Introducing Global Integral Constitutionalism." *Global Constitutionalism* 5(1): 1-15.

Zielonka, Jan. 2007. *Europe as Empire*. Oxford: Oxford University Press

Published by the Centre for European Studies at Carleton University, Ottawa, Canada  
Available online at: [journals.carleton.ca/rera/index.php/rera](http://journals.carleton.ca/rera/index.php/rera)

RERA is an electronic academic peer-reviewed journal that publishes graduate, post-graduate, and young scholarly works. Topics relate to the European Union, its Member States, the former Soviet Union, and Central and Eastern Europe. The journal is a joint project supported by the Canada-Europe Transatlantic Dialogue—a cross-Canada research network supported by the Social Sciences and Humanities Research Council of Canada (SSHRC)—along with the Institute of European, Russian and Eurasian Studies (Carleton University) and its associated research unit, the Centre for European Studies.

RERA aims to provide an accessible forum for research, to promote high standards of research and scholarship, and to foster communication among young scholars.

**Contact:**

Carleton University  
The Centre for European Studies  
1103 Dunton Tower  
1125 Colonel By Drive  
Ottawa, ON K1S 5B6  
Canada

Tel: +01 613 520-2600 ext. 3117; E-mail: [rera-journal@carleton.ca](mailto:rera-journal@carleton.ca)

**Creative Commons License**



[creativecommons.org/licenses/by-nc-nd/3.0](http://creativecommons.org/licenses/by-nc-nd/3.0)

This Working Paper is licensed under a Creative Commons Attribution-Non-Commercial-No Derivs 3.0 Unported License (CC BY-NC-ND 3.0).

Articles appearing in this publication may be freely quoted and reproduced, provided the source is acknowledged. No use of this publication may be made for resale or other commercial purposes.

ISSN: 1718-4835  
© 2018 The Author(s)