British and German pluralists have, throughout the last hundred and fifty years, posited a series of closely connected claims concerning the nature of the political order. In the first place, they have rejected the central role that political philosophers have traditionally attributed to the sovereign state. Instead, pluralists have emphasized the political significance of groups that are independent of and even prior to the state – associations, guilds, churches, corporations, trusts, and Genossenschaften (the fellowships analysed by the German pluralist Otto Gierke). The pluralist understanding of political institutions rests, moreover, on a well-defined social ontology. If non-state associations can assume political roles, it is because they are, in a meaningful sense, ‘real’: they possess a ‘group personality’ existing over and above the personalities of their constituent members. But it is not only in their multiplicity that associations are real: the totality of associations as such – i.e. society itself – must also be grasped as a sui generis entity, a whole that is greater than the sum of its parts. Gierke contended, for instance, that the dense patchwork of corporate bodies that made up medieval society was understood as partaking in a ‘divinely instituted Harmony’ that pervaded ‘the Universal Whole’ as well as ‘every part thereof’.¹ It is, in short, the very reality of non-state associations, pluralists have argued, that makes the state’s claim to be preeminently sovereign objectionable and problematic.

The pluralists’ arguments about group personality and society’s reality were a spirited protest against two related legal doctrines that they
deemed symptomatic of natural law, and, by extension, of the modern theory of sovereignty. The first is the so-called fiction theory, which holds that personality can only truly be predicated of flesh-and-blood beings. Consequently, to attribute personality to a group is to endorse a fiction – to pretend, for the sake of legal expediency, that associations possess the same attributes as individuals. The second and related doctrine is the concession theory, which maintains that associations only exist by leave of the state. In the words of Sir Edward Coke: ‘none but the king alone can create or make a corporation’. For pluralists, both doctrines are a consequence of the modern replotting of political life along the dual coordinates of the sovereign state and the rights-bearing individual. Indeed, only from the standpoint of this paradigm could corporations and other distinctively medieval bodies be reconceived as fictions (since only individuals are real) created by the state (as it alone is sovereign). The fiction and concession theories both stem, in the pluralists’ view, from a profoundly misguided social ontology: if associations are fictions that require the exertions of a sovereign power to summon them into a kind of tenuous existence, it is because only individuals, and not the groups they form, can flatter themselves as being ‘real’.

Pluralists argued that political modernity left an empty space between the state and the individual. Non-state associations and intermediary bodies, in this view, were deprived of any meaningful political role. This is the reason why, as Julian Wright and Stuart Jones demonstrate in their introduction, France often appears, in pluralist accounts, as a cautionary tale. Gierke contended that by ‘the middle of the eighteenth century, and more particularly in France, the attack on the principle of corporate life was transformed into a regular war of annihilation’. Pluralists, moreover, deemed the French to be fervent enthusiasts of the fiction and concession theories. Gierke observed, for instance, that in post-revolutionary France, ‘no conception of associations was really permitted which did not square with the general principle that any division of the body of the State should be made by the State itself, and made for reasons of State’. When group personality becomes merely a fiction and a concession from the state, society’s reality dissipates accordingly. This is what F. W. Maitland meant when he observed that, in France, one sees ‘the pulverizing, macadamizing tendency in all its glory, working from century to century, reducing to impotence, and then to nullity, all that intervenes between Man and State’.

These concerns, however, were not unique to British and German pluralists. In nineteenth-century France, a number of thinkers shared