POLITICAL LEGITIMACY BEYOND WEBER

AN ANALYTICAL FRAMEWORK

BENNO NETELENBOS

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palgrave
macmillan

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ISBN 978-1-137-55111-5 ISBN 978-1-137-55112-2 (eBook)
DOI 10.1057/978-1-137-55112-2

Library of Congress Control Number: 2016941860

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Printed on acid-free paper

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1

Introduction

Political legitimacy is without a doubt one of the principal concepts in political theory, political philosophy, and political sociology, and maybe in the social sciences in general. Furthermore, it is not just of theoretical or scientific interest. Legitimacy is first and foremost a political interest. Politicians and authorities are constantly trying to legitimise their decisions and actions or the structures of political power in general. If successful, legitimacy assures that political rule is more than merely the raw power of coercion or the strategic force of inducement. It is safe to say that, without an understanding of political legitimacy, we cannot understand politics and its dynamics. It is therefore surprising that relatively little attention has been paid to political legitimacy as an inherently empirical phenomenon. This must be understood carefully, as there are lots of empirical research and theory on political legitimacy. However, most of this work rests upon normative conceptions of legitimacy, especially on democratic values or liberal theories of justice. I do not want to claim that normative theory and normatively inspired empirical analyses are unimportant. But as Shapiro already argued, 'Speculation about what ought to be is likely to be more useful when informed by relevant knowledge of what is feasible' (2003:2). The goal of this book is therefore to

© The Editor(s) (if applicable) and The Author(s) 2016
B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_1

explore how we can understand political legitimacy as a genuine empirical phenomenon.

This is no easy task. We might question whether the distinction between the normative and empirical is feasible at all. And even if an empirical approach is feasible, as I want to argue, it leads to the difficult question of how to conceptualise political legitimacy in the first place. The most famous answer to the latter question is provided by Max Weber. Weber tries to understand society and politics from the interrelation between objective and subjective meanings. This means that to study political legitimacy is to study the objective structures of the political order and its institutionalised claims of legitimacy. But importantly, it also means that we need to study how these structures and claims are subjectively interpreted and meaningful for the actors involved. Legitimacy, for Weber, is a social fact of the political structure itself—it is *socially valid*—and on the other hand, it concerns a belief in this fact—it is *subjectively valid*.

Political sociology and theory after Weber, however, have consequently moved towards an objective or system perspective of political legitimacy, in which the subjective hardly plays a role at all. This, of course, has to do with the demise of action theory in sociology. Objective political structures and claims of legitimacy obviously matter for how politics is organised and how it structures political action. But political action, from obedience to protest, from decision-making to mobilisation, can hardly be understood without paying attention to subjective orientations, interpretations, and meanings. This, it seems to me, is the most important lesson we should learn from Weber. Legitimacy should not just be understood from the perspective of 'the giver of commands' or as a social fact of political systems. We need to bring back the subjective into sociology. We need to understand political legitimacy from the relation between objective and subjective validity. In the most general sense, then, we can conceptualise political legitimacy as a subjective normative agreement with the objective structures and processes of politics.

In this book, I want to adopt this Weberian conception of political legitimacy and social action in general, because it is most comprehensive. It allows us to understand politics in terms of structure and organisation, in terms of system theory, without losing sight of politics as subjectively meaningful, in terms of action theory. If these two perspectives have

gone their separate ways in sociology—indeed, are often perceived as an unbridgeable divide—I think Weber's strength is that he combines them, giving him a keen eye for the complexities of society and politics. Indeed, it helps us to understand and study politics beyond the grand theories of modernity, history, and society in its totality, and to descend into the complexities of the politics of everyday life.

However, I also want *to move beyond Weber's political sociology*. Weber defines legitimate politics solely in terms of legitimate domination, in terms of hierarchically institutionalised relationships of command and obedience. Of course, Weber is right. Politics is about the organisation of legitimate domination. The reason Weber defines the nature of politics in terms of domination, however, is because the question of legitimacy is fused with the question of political stability. This fusion has a long tradition and is still very common. From this position, Weber's quest is to explain why subordinates feel an 'inner-sanctioned duty' to obey their superiors. Such subjective feelings, such subjective validation of the objective right to rule, explain the stability of a political system, as it is freed from the ineffectiveness of force and violence or the contingency of interests and inducements. Although not untrue, this relation between stability and legitimacy is also overdrawn. There are many ways to explain social and political stability, of which legitimacy is merely one answer. In this book, I want to claim that we need to let go of this traditional link between legitimacy and order. Freeing the question of legitimacy from the question of order allows us to have a broader perspective on both politics and legitimacy.

If we let go of this preoccupation with social and political stability, we can easily perceive that politics consists of much more than merely relations of legitimate domination. Indeed, beyond the question of legitimacy, Weber was well aware of this fact. In addition to domination, I want to argue, politics is at least also about strategic conflict, about social coordination, and about argumentation. These are forms of politics that cannot be contained or grasped by solely looking at the formal organisation of politics. The main argument of the book, then, is that depending on how we conceptualise politics we can understand and analyse political legitimacy differently. As such, this book will provide four analytical perspectives on how to approach political legitimacy and legitimation

processes, where political legitimacy is defined as subjective normative agreement with objective politics, understood respectively as domination, strategic conflict, coordination, and argumentation.

In effect, I accept Weber's crucial and important insights on legitimacy, but try to broaden his work to make it more appropriate for contemporary politics and the complexities of late-modern society. If Weber was primarily interested and intrigued by the rise of the modern state and the bureaucratic machine, present-day politics can hardly just be understood in terms of dutiful citizens or bureaucratic organisation directly intervening in society. Politics today is more complex, fluid, and multifaceted, with more emphasis on processes than on structure, and more room for indeterminacy, vulnerability, and ambiguity. Defining politics more broadly and beyond formal organisation promises a more mobile and open understanding of political legitimacy more attuned to today's political questions and realities. I hope that this book contributes to a revaluation of the viability of Weber's approach, by making his work relevant for the twenty-first century.

Before we can really address political legitimacy in relation to domination, conflict, coordination, and argumentation, it seems necessary to address some of the more general problems that were already raised in these first paragraphs. First, is a genuine empirical approach to political legitimacy possible? Second, why is this combination of the subjective and objective the best way to approach political legitimacy, even if we are not primarily interested in the problem of order? It seems prudent to briefly discuss the two main sociological traditions addressing the problem of legitimacy and the problem of order, both present in Weber's work, and how letting go of the problem of order enriches our understanding of politics and legitimacy. Finally, I will end this chapter with a short description of the subsequent chapters.

1.1 Normative and Empirical Approaches

It is important to appreciate the distinction between normative and empirical approaches to political legitimacy. This distinction seems clear enough, as normative theory tells us how politics *ought to be*, while

empirical theory tells us how politics *is*. Unfortunately, things do get complicated, as political legitimacy carries an inherent normative quality itself. Indeed, this normative quality is the primary reason why the distinction between normative and empirical theory is often disputed, denied, or unperceived. The normative philosopher will say, 'my theory tells you when politics *is* legitimate', and, as such, it is also empirical. And, vice versa, the critical post-positivist will tell the empirical sociologist, 'What you define as legitimacy is a valued construct', and, as such, empirical theory is also normative. These are sticky problems! Problems that explain the paramount confusion that arises as soon as we start talking about political legitimacy in the social sciences.

We should not throw away the valuable distinction between normative and empirical approaches. The defining characteristic of normative theory is that it makes *value judgements*; judgements about right and wrong, just and unjust, and also about legitimacy and illegitimacy. Legitimacy, in this sense, is a value judgement about political orders and relations made by the scholar. So, for example, a normative theory might argue that democratic values are the moral foundation of legitimate politics, and with this set of values subsequently evaluate existing political organisations on their degree of democratic legitimacy. Although this latter step demands empirical research, it is still inherently a normative approach. We might criticise some decision-making process for not being transparent or inclusive enough, but it does not erase the underlying value judgement of what counts as a morally defensible account of legitimate politics. Much of what passes as empirical theory on political legitimacy is actually *crypto-normative*, in the sense that value judgements underlying empirical research are not thematised but unproblematically assumed.

However, the researcher in democratic theory might pose a counterargument. It is not the researcher who is necessarily making value judgements about democratic values, but these values are *socially accepted* by the actors involved. Indeed, democracy is in most Western modern states the publically confessed creed. Showing, then, that empirical politics suffers from a lack of transparency or accountability is not so much a normative value judgement on the part of the researcher but a logical inference of what political actors themselves *would agree with*. The researcher, then, speaks on behalf of the indigenous democratic people. However, 'would

agree with' often implicitly turns into 'should agree with'. The reason for this slippery slope into the murky waters of crypto-normativism is the lack of sensitivity for empirical complexity. Not only are other normative attachments to politics ignored, politics itself is all too often simplified to fit the normative model. So, even when crypto-normativism is prevented, the reliance on normative models of politics often leads to pseudo-empirical research. Of course, there is nothing wrong with normative theory! But good normative theory, I would claim, depends on good empirical theory. If we want to describe and explain politics in its historical context, we need to avoid both crypto-normative and pseudo-empirical claims. This calls for a genuine empirical approach, whose defining character is the avoidance of making value judgements. It tries to understand political legitimacy as an empirical phenomenon.

There are, however, two issues that must be addressed for this empirical approach to be viable. First, describing the world 'as it is' does not necessarily demand some archaic positivistic account claiming it is possible to understand the world objectively 'from a point of nowhere'. Scientific action is itself structured by norms and values, especially by epistemic values such as coherency, simplicity, plausibility, or beauty (Putnam 2002:31). Science, it is safe to say, is historically situated. There is no such thing as a non-value-loaded observation. The positivist ideal of a value-free science geared towards facts separated from values is a difficult position to defend. However, and this is extremely important, *the fact that all theory is valued does not mean that all theory contains value judgements*. Or, to put it differently, that the fact/value dichotomy is problematic does not mean that we cannot differentiate between normative and empirical theory. But this might not be so obvious for the critical theorist. When empirical theory claims, for example, that an actor *is* a criminal, it is an implicit normative claim that we *ought to* consider him a criminal. Indeed, what we define to be a criminal is not some objective category, it is valued, socially constructed, historically situated, etcetera. But if our definitions are valued constructs, then any claim about the world, as it is, is also an inherently normative claim. As such, the difference between empirical and normative claims or theories collapses.

To rescue the difference between normative and empirical theory, we have to reconsider the opposition we are discussing. If the basis of the

distinction concerns the difference between is and ought, *Sein und Sollen*, we must understand what this really means. Luhmann explains that the opposite of normative expectations in ordinary life are not so much 'empirical' or 'factual' but cognitive expectations (Luhmann 1975). The difference becomes clear if our expectations are disappointed, that is, if things turn out to be different than we expected. We either react to such disappointment by adjusting our expectations, or we counterfactually hold on to our expectations. We either *learn* and adjust or *we refuse to learn* as reality ought to be different. It does not matter whether our expectations and observations are 'valued', what matters is the difference between learning and not-learning, adjusting expectations in relation to factual experience or holding on to them counterfactually. This is the fundamental difference between normative and empirical theory. Empirical theory adjusts its claims to 'experiences', 'observation', 'facts', that is, it is geared towards learning, whereas normative theory does not, as it counterfactually holds on to how things ought to be, despite the experienced reality. Empirical and normative theory, to sum up, have a different relation with experienced facts, however valued. The *epistemic* fact–value problematic, then, does not undermine this different *ontological* relation with reality. Sure, whether science as an institutionalised practice really upholds this differentiation, whether science really learns, is a different matter. But there is a difference between the problematic goal of 'value-free' science and the defensible goal of a 'value judgement-free' science.

Although I suspect that most social scientists would agree with rescuing empirical theory from unhelpful postmodern claims that all theory is inherently normative, and may be surprised by the laborious argument to defend it, when it comes to political legitimacy as an empirical phenomenon, the debate often becomes muddy. Why is it that one can relatively easily claim to pursue an empirical theory of political power, for example, but that it is problematic when one claims to pursue an empirical theory of political legitimacy? The reason is not, it seems, that political power is such a simple phenomenon—we all know how contested and multi-dimensional theories of power are—but that political legitimacy is an inherently *normative* phenomenon. It intrinsically concerns value judgements. But if we can approach value judgements as any other empirical phenomenon, this should not be an issue at all. So, the question is, can

we? Of course, we can. We can describe which value judgements actors make in social and political life, and we might even try to explain how, why, and when they do so. So, the sheer fact that political legitimacy is a normative phenomenon does not bar an empirical approach.

1.2 Two Sociological Traditions on Legitimacy and Order

If we have established that political legitimacy can be approached empirically, distinct from a normative approach, the real problem is how to define political legitimacy. How do we recognise political legitimacy when we see it? In general, we can perceive two traditions. The first concerns the so-called 'sociology of belief' that emphasises the importance of subjective beliefs, and the second is what we might call the 'sociology of political systems' that claims we do not need this subjective perspective. Although the two traditions are not necessarily in opposition, especially not in Weber's work, it does pose the question of whether we should take subjective beliefs into account if we want to analyse political legitimacy. Let us first appreciate the two traditions.

1.2.1 The Sociology of Belief

The sociology of belief has a long tradition and is a historical product of the normative project of the philosopher trying to justify political domination. Without going into too much detail, the traditional normative approach usually consists of a theory of moral justice, in which egoistic, individual, short-term passions, and motivations are opposed to duties arising from the common good, the collective standpoint, and long-term interests, all based on rational thought and reason. In short, theories of moral justice try to overcome but reproduce the old divide between passion and reason, or between the flesh and the soul. Having established moral justice, the philosopher claims that political rule is legitimate only as a function of this justice. Politics has to make positive the ideals of justice. But here the problem starts. The reason that politics is necessary

in the first place, according to this tradition, is that people do not behave morally, either because of 'weakness of will' (*Akrasia*), lack of reason, or because people are not expected to behave morally in the first place, as for example in theories of 'private vice, public good'. In any case, the opposition between passion and reason the philosopher so neatly tried to solve in moral theory now reasserts itself when he turns to the legitimacy of positive political rule. Indeed, even if a political regime is legitimate (as a function of justice), why would its subjects obey it? If they are not inherently moral or gifted with reason, what binds them to the legitimate order? This gives rise to the so-called *problem of order*: how can a legitimate political regime exist at all in a non-ideal world? If not violence and if not self-interest, the traditional answer of the normative philosopher is provided by the sociology of belief: the positive legitimate state has to invent *artificial ties of duty*.

Locke emphasised, for example, the important role of deference to patriarchal authority and divine revelation as 'the greatest part of mankind, by the necessity of their condition, [is] subjected to unavoidable ignorance' (Locke 1995:IV.20.3). Rousseau argued that a citizen's love for the collective should be stimulated through public spectacles, moral education, or a civil religion 'that will make him love his duty' (1762:IV.8). Hume is perhaps most famous for explicitly claiming that what ultimately binds the people passionately to the legitimate order is the *artifice* of authority. 'Obedience is a new duty that must be invented to support that of Justice' most notably through socialisation, deference, and tradition (Hume 1992:114). Madison stressed the importance of giving the American constitution a sacred status, as it is advantageous for a 'rational government' 'to have the prejudices of the community on its side' (2008:251). As a final example, John Stuart Mill argued that the happiness of all should be 'consecrated' in a 'halo of custom', be enforced by the fear of God or social disapproval, by hope of favour of our fellow creatures and by status and authority (1910:25). These social forces, according to Mill, create our 'conscience', which ultimately explains the 'internal sanction of duty'. And, like Hume, Mill was aware that these 'moral associations which are wholly of *artificial creation* … yield by degrees to the dissolving force of analysis' (1910:28–9, my emphasis).

The sociology of belief grew out of this traditional political philosophy to the extent that it has adopted the problem of order and its solution in 'artificial' ties, that is, in sociological processes. Letting go of normative theory, it defines political legitimacy in terms of *feelings of duty* towards political rule. These subjective feelings explain *obedience* to political domination, despite conflicting interests and incentives. As such, it explains the *stability* of the political system beyond the ineffectiveness of coercion, beyond the contingency of interest configurations, in the unconditionality of feelings of duty.

Lipset, for example, defines political legitimacy as 'the capacity of the [political] system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society' (1960:64). Dahl claims that democratic stability calls for a specific 'political culture'—for 'beliefs and presupposition' supporting 'democratic ideas, values and practices' transmitted from 'one generation to the next' (1998:157). Such beliefs explain why citizens are motivated not only by 'egoism' but also by '"moral" judgements about what would be best for the collectivity' (Dahl 1982:161). Easton defines legitimacy in terms of 'the strong bonds of loyalty to the objects of a [political] system as ends in themselves' (1965:273). Legitimacy, for Easton, connotes 'the presence of an ingrained belief, usually transmitted across the generations in the socialization process' (1965:208). Especially 'rituals, ceremonies, and physical representations … serve to bolster an aura of sanctity, respect, and reverence for the existing political institutions' (1965:308–9).

These theorists *define* legitimacy in terms of subjective beliefs or feelings of duty towards the political system and understand it as a *function* of political stability. This is the core idea of the sociology of belief that we can also find in Weber's work. Weber claims that the stability of a political system can be 'externally' guaranteed through force (which I will discuss below in more detail), but that this is 'ordinarily' not the case. The stability of politics is more often 'internally' guaranteed, by which he means that stability can be explained by subjective action orientations of actors. Weber famously identified four ideal–typical action orientations: strategic-, value-, affective-, and routine-rationality.[1] This means

[1] Weber does not use the label 'strategic' but rather 'instrumental' (*Zweck*) rationality. However, as this kind of rationality primarily concerns the choice of *ends*—perceived as a given hierarchy of

that actors obey political rule because of strategic calculations of personal advantage, because of ideal or normative motives, because of solidarity, or out of sheer routine or custom. However, Weber claims that such internal guarantees 'do not form a sufficiently reliable basis for a given domination. In addition, there is normally a further element, the belief in *legitimacy*' (1978:213). Also for Weber, then, a belief in legitimacy is a function of political stability. Weber points out that a political system does not 'voluntarily limit itself to the appeal to material or affectual or ideal motives as a basis for its continuance. In addition every such system attempts to establish and to cultivate the belief in its legitimacy'. What this means is that political rulers do not only rule but also claim they have the *right to rule*. And to the extent that the ruled actually value-rationally believe this claim, the political system can be said to be legitimate and stable.

If this is the basic idea of the sociology of belief, Weber spends most of his political sociology analysing different *practices of legitimation* that can explain how such subjective feelings of duty are cultivated. We will discuss these practices in more detail in the next chapter. For now it is important to note that we should make a conceptual difference between legitimacy and legitimation. Legitimation concerns actions and processes that yield legitimacy, where legitimacy concerns the subjective belief in the appropriateness of political institutions.

1.2.2 The Sociology of Political Systems

The second sociological approach to political legitimacy differs primarily to the extent that it formulates a different answer to the problem of order, an answer that no longer necessitates analyses of the subjective realm of beliefs or action orientations. The basic idea of this sociology of political systems is that social and political orders are more than the sum

wants and *conditional* upon secondary effects, upon the scarcity of means and upon 'the prospective behaviour of others' (Weber 1978:65,30)—and less the choice of *means* to a given end, strategic rationality is a more appropriate label (also Bader 1989). Similarly, I use routine rationality where Weber uses traditional rationality, as it points to action that is 'often a matter of almost automatic reaction to habitual stimuli' (1978:25).

of their parts. Political or social orders are independent entities that cannot be reduced to the sum of underlying individual actions. This means that they have an existence of their own, and, as such, can be autonomous objects of scientific explanation. We do not have to attribute quasi-mythical or divine qualities to 'society' as some collective conscience and still acknowledge the validity of this position. Crucial, however, is separating two distinct claims. The first concerns the *social validity* of political order, and the second its *social effectiveness*.

A political order is socially valid when it is socially institutionalised. Weber gives a famous example about the thief who breaks the law, but nevertheless has to orient his actions towards it, that is, he cannot ignore the social validity of the law (1978:32). Three lessons can be learned from this example. First, a socially valid law exists independently of whether we obey or break it. It exists independently from behaviour. Second, social validity is not the same thing as social effectiveness. The law *structures* action—the thief has to take the law into account—it does not *guarantee* obedience. Finally, social validity says nothing about the normative validity of the law. It merely connotes the law as a social fact.

These three lessons, obviously, deserve more extensive elaboration and explanation. For now we might appreciate that institutionalised expectations are *objectively* valid, which implies that they are independent of subjective orientations or intersubjective consensus. This might be best illustrated by the example of money. Money connotes expectations of economic value. These expectations are socially institutionalised (valid), which means that the price of bread, for example, expresses its objective economic value relative to all other goods. Objective, here, does not mean 'truth' in any sense but rather that it is independent of subjective and intersubjective values. Although the subjective value of bread might be different for hungry man compared to satiated man, this does not change the objective value of the bread whatsoever. Similarly, although the buyer and seller might bargain about the price of a bread and ultimately reach an agreement, the economic value this price expresses is not dependent on their consensus. We might say, then, that the social validity of money not only structures action, but that it is independent of subjective and intersubjective orientations. It is objectively valid. In this fashion, we can understand why economic orders can have an independent existence of

their own, which can be studied accordingly. We can describe, but also explain, for example in functionalist terms, the logic and historical development of an economic order, without having to consider underlying subjective orientations or 'beliefs'.

Political legitimacy, in this tradition, is nothing more or less, than socially institutionalised expectations about the legitimacy of political power. The main difference with money is that expectations about legitimate power are not just cognitive but also normative. This means that it does not merely expresses who, for example, holds political power (cognitive), but also that this person has a right to rule (normative). Political legitimacy in this sociological tradition is defined as institutionalised normative expectations of political rule.

Weber therefore argues that we should research the *ruler's claim to legitimate rule* because it matters for how a political order functions and is organised (1978:213). It matters whether this right is claimed, for example, on the basis of democratic values, God, or tradition. It does not matter whether people actually *believe* in this right to rule, what matters is that if this right is socially institutionalised, it structures political action and organisation. Moreover, it does not just structure the actions of the ruled but also of the ruler, as it defines his set of legitimate actions. A legitimate political system, in sum, is a *social fact* that structures social action. Political action is 'guided by the conception of the existence of a legitimate order' (Weber 1978:31, adjusted translation).

The importance of socially valid expectations cannot be underestimated in modern sociology, including that of Weber. It is especially important to acknowledge the difference between two meanings of validity. Something can be socially valid (*Gültig*) or can be valid in the sense of truth (*Richtig*); a difference between ontology and epistemology. To understand the different possibilities of social validity already touched upon above, it might be helpful to briefly introduce Luhmann's lucid analytical scheme of the three dimensions of generalisation.[2]

[2] As readers familiar with Luhmann's work will note, relating Luhmann's system theory to Weber's action theory might not be that obvious. In this book, I use Luhmann's work quite electively where it helps us to understand and broaden the action theoretical approach of Weber (see especially Chap. 4). For this purpose, I particularly draw on Luhmann's earlier works where the relation between action and systems was still relatively clear. More concretely, I claim that: (1) Luhmann's

Both Weber and Luhmann argue that the world is inherently meaningless. Meaning is 'a finite segment of the meaningless infinity of the world process, a segment on which *human beings* confers meaning and significance' (Weber 2011:81). Meaning only arises when we reduce these endless possibilities, when we reduce contingency. Meaning is making a selection of all possible possibilities (Luhmann 1975:5). This is especially important for social action. For two actors to meaningfully interact, they must share a similar 'selection' of reality. It is however our inherent human condition that subjective interpretations of others always remain unknown to us. This means that social actions are characterised by *double contingency* (Luhmann 1973:33). Contingency, in this context, means that expectations of what is socially real or meaningful can differ between actors—contingency denotes the presence of alternatives—while double contingency means that these expectations are in themselves dependent upon the contingent expectations of others (Luhmann 1974:238). For Luhmann, double contingency can only be 'solved' if expectations are *generalised*, that is, when reciprocal expectations of meaning become non-contingent. This points to the importance of shared 'languages' that symbolise generalised expectations of meaning. Only through communication are actors able to reduce contingency, or, in Luhmann's terms, to 'reduce complexity' (1974:240). Meaningful social action necessitates communication of generalised expectations, through which the endless possibilities are reduced and social action becomes meaningful.

Luhmann explains how expectations can be generalised, or in Weber's terms 'rationalised', in three different dimensions, in order to solve the problem of double contingency. He differentiates analytically—not empirically—between the social, temporal, and material dimensions (1985:24). Social generalisation points to institutionalisation, that is, the extent to which expectations become independent of underlying actors and actions. Expectations can be subjective, intersubjective, or objective,

work on the communication of expectations is compatible with Weber's action theory; (2) Luhmann and Weber both share an interest in the 'generalisation' of expectations and the 'self-referential' character of social systems or value spheres; (3) Luhmann's basic claim that 'society consists of communication' is insightful, but that his system theory also overstates this claim, as it separates communication from action (see Chap. 5); and (4) that Luhmann's rather dismissive position on the 'subjective' in sociological theory is unhelpful.

as explained above. In the temporal dimension, expectations become independent of 'time', which points to the difference between cognitive and normative expectations. Normative expectations are independent of time to the extent they are not adjusted to empirical experience or disappointments. Even if disappointed, things ought to be different. Finally, Luhmann points to the material dimension, which is the more common sociological assumption that expectations can become independent of specific persons. Expectations can be tied to persons, social roles, rule-prescribed offices, or value spheres.[3]

Many sociologies, including Weber and Luhmann, observe a general trend of modernisation towards increased generalisation or 'rationalisation'. Such claims are more often heuristic models than accurate descriptions of historical complexity. Yet, it seems helpful to acknowledge that, throughout modernity, politics is characterised at least by a general trend from more personal to office expectations, and that politics has become increasingly differentiated from other 'value spheres', as Weber called them, such as religion, science, economics, or law. The three dimensions of generalised expectations allow us to understand how social and political orders can become independent entities that exist as a reality on their own. Political orders, in other words, can be studied as independent structures that are more than the sum of their parts, in which modern politics is understood in terms of institutionalised or objectively valid expectations of office- and rule-based legitimate domination.

If we understand how a legitimate political system can be objectively valid, and why this allows us to analyse it independent of subjective orientations, it does not really answer the question why this system is also *socially effective*. Even if the actions of the thief are structured by law, if everybody breaks the law it is hardly effective. The same holds for a legitimate political order. The problem of order must still be addressed. One answer might simply be routine obedience. We often unthinkably and habitually conform to ingrained social norms and political rules. Although this is undoubtedly true, we can also explain obedience separately from subjective routine orientations. As stated before, Weber claims

[3] I use slightly different labels than Luhmann, who uses the labels 'person, role, program and value' (1985:66).

that political order can both be 'internally' and 'externally' guaranteed. Where internal guarantees point to subjective orientations, external guarantees explain order 'from the outside', to the extent that these limit the set of alternatives actors can choose from, independent of their subjective will or orientations. The three most important forms of external guarantees are coercion, social validity, and factual truths.

If it is often said that the use of force is an ineffective means for guaranteeing social order but the threat of force is not. If a threat is credible, that is, the powerful are willing and capable to use force, it can effectively guarantee obedience. Threat or coercion does not deny the 'freedom' of the subordinate to choose his course of action but it does limit the set of alternative actions he can choose from. He cannot ignore a credible threat at will. The actor must expect consequences independently from his reasons for obedience or disobedience, independently from his subjective orientations. In short, his action is structured from the 'outside'.

Similarly, we can understand how socially valid expectations also limit the set of available alternatives open to actors. The effectiveness of bureaucratic rules, for example, is not just guaranteed by the threat of sanction, but these rules communicate a meaningful selection of reality, which facilitates social interaction between bureaucrats. Socially valid expectations reduce, as Luhmann would say, social complexity, reduce social contingency, and, thereby, also reduce the set of alternative actions. Although the bureaucrat still has the freedom to deviate from bureaucratic reality, he must expect social consequences independently from his subjective orientations. One simply cannot ignore social reality at will.

Finally, factual truths also limit the set of possible alternative actions. For example, the factual truth that smoking is bad for your health means that the norm 'you should not smoke' is externally guaranteed, that is, the factual consequences of smoking are guaranteed independently from subjective orientations. Although we still have the freedom to smoke, we cannot ignore the consequences at will. Truth limits our set of alternative options. Factual truths—or facticity—differ from social facts to the extent that they are considered by actors to be true, independent of human will, while social facts are human conventions. Its political relevance lies in the fact that structures of domination or social inequality might be presented

as facts of nature. Marx famously accused historical ruling classes for presenting relations of domination as the natural order of things. 'The selfish misconception that induces you to transform into eternal laws of nature and of reason, the social forms springing from your present mode of production and form of property' (Engels and Marx 2008:29). Similarly, Bourdieu tries to capture the naturalness or the facticity of domination in his concept of 'doxic' knowledge or habitus (1989:839, 1994:15). The factual truth of political domination, then, exists independently of subjective orientations actors might have, indeed, even of human will. It simply is a natural fact, outside the realm of human will or agency, even though the critical scientist might show its social–historical origins. Its force might be best captured in the slogan *There is no Alternative* (TINA); this is how the world is, whether we like it or not.

To sum up, the sociology of political systems defines political legitimacy in terms of socially valid rule-based expectations of the right to rule, that is, as socially institutionalised normative expectations. It explains political order and stability, however, not by subjective beliefs or orientations but by external guarantees. Although external guarantees do not eliminate freedom of choice and, as such, effectiveness always remains vulnerable, it does increase the probability of order. It allows us to treat actors not as subjects but as objects. The actor remains a 'black box', and research can concentrate on the characteristics of the political system itself.

1.3 Legitimacy Beyond the Problem of Order

The two sociological traditions differ in their analysis of political legitimacy, especially on the question of whether it is necessary to incorporate the subjective realm. It is important to stress, however, that the two traditions are not analytically conflicting or in opposition. Indeed, Weber combines both traditions in his sociology. It is no coincidence that his work has been an inspiration for both interpretative research traditions and for system theoretical approaches. Weber argues that we can draw 'a sharp distinction between subjectively intended and objectively valid

"meanings"' (1978:4).[4] This distinction might lead to different *empirical* theories emphasising either subjective orientations and interpretations or objective social systems, but *analytically* they are congruent. Weber tried to combine the two perspectives in his action-theoretical approach. Social order can be described and explained in terms of objective and externally guaranteed social systems or value spheres with their own inner logics and functional progression, but how actors subjectively orient themselves to each other and how they interpret social systems also matters.

The fact that Weber's sociology combines the two sociological traditions, often portrayed as an 'unbridgeable' divide, is a primary reason why we should adopt his action-theoretical approach. However, this does not automatically mean that we should incorporate subjective beliefs into our definition of political legitimacy. In fact, the sociology of political systems has, in the last decades, shown that political stability does not necessarily need some 'unconditional inner-sanctioned feeling of duty'. Indeed, the whole image of the dutiful, disciplined, law-abiding, obedient citizen seems at odds with the complexity of late-modern politics, as an echo of earlier times. Sociologists like Luhmann have emphasised the complexity, uncertainty, vulnerability, and ambiguity of increasingly differentiated and multi-levelled contemporary politics. The idea that this political complexity finds its counterpart in simple feelings of duty towards 'the' political system seems almost naïve.

Therefore, there are two problems with Weber's legacy, or with the sociology of belief in general. First, if subjective beliefs in legitimacy are not necessary to explain political stability, why would we incorporate the subjective realm into our analysis? Second, even if we do take subjective beliefs into account, does this emphasis on duty and obedience really capture the essence of contemporary political complexity? Let us examine these problems for a moment.

In this book, I claim that we should continue Weber's legacy, as subjective normative orientations matter for politics and legitimacy. However, subjective normativity is not a necessity for political stability. Normative

[4] The problem, however, is that Weber is frustratingly careless in distinguishing these two types of validity (see also Bader 1989).

feelings and conviction matter because they are an essential part of politics and especially of political legitimacy. We should disconnect the question of legitimacy from the problem of stability.

Weber claims that rulers 'establish and cultivate' their legitimate claim to power because, first, it is an inherent human psychological need to justify inequality and one's own fortune. The privileged in general search for 'psychic comfort' and therefore the need to *legitimise* their own fortune. 'When a man who is happy compares his position with that of one who is unhappy, he is not content with the fact of his happiness but desires something more, namely the right to this happiness, the consciousness that he has earned his good fortune' (Weber 1978:491). Although this search for existential meaning by the privileged might be an important human characteristic, the fundamental underlying reason for cultivating legitimacy, according to Weber and the sociology of belief, is that it is the most stable and efficient foundation of political domination. As we have seen, legitimacy as a function of political stability has a long tradition, which goes back at least to Machiavelli and his analysis of the economy of power. If, from a more analytical perspective, one defines politics in terms of a command–obedience relation, the essential question becomes the problem of obedience. Subordinates may obey on diverse grounds, but it makes sense that if people obey because they *feel they ought to*, if the duty to obey is *internally guaranteed*, political stability and efficiency are assured best. It is the most 'reliable basis for a given domination' (Weber 1978:213).

Of course, this analysis is true. However, it is especially true if we analyse domination at the level of intersubjective relations and if our primary goal is to explain obedience. The sociology of political systems, however, shows that what explains the stability of political systems is not so much that citizens feel a duty to obey political 'commands' but that the whole structure of legitimate domination—the 'formalised distribution of decision-making'—is first and foremost a *social fact* that coordinates social and political life. Indeed, this even seems to be Weber's own position, when he states that what is important for the 'legitimacy of a system of domination' is not that 'every case of submissiveness … is primarily (or even at all) oriented to this belief [in legitimacy]' but rather that 'the particular claim to legitimacy is to a significant degree … treated as "valid";

that this *fact* confirms the position of the persons claiming authority' (1978:214, my emphasis).

This is a bit of a puzzle. If the sociology of political systems shows that we do not need to analyse how politics *cultivates a belief in legitimacy* but merely how political systems *establish legitimate domination as a social fact*, why should we incorporate subjective normative feelings into our definition of political legitimacy? We could rather define political legitimacy merely as a socially valid structure. In this book, I do claim that we should incorporate subjective normative feelings towards politics. However, the reason for doing so is not to explain political stability.

Legitimate domination can indeed be understood as an objective and socially valid order, making it possible to analyse politics without giving attention to subjective orientations of actors. Although this is true, it cannot explain important political processes. It ignores all political actions that are normatively inspired. Sure, politics is often 'externally' guaranteed or 'internally' about strategic action, but it is often also about values. We are normatively outraged if the president is not democratically chosen. We feel injustice if the politician is bribed. We feel that we ought to contribute to a clean environment even if we can easily freeride. We feel that certain policies are unfair, even if they are legal and made by a democratically appointed authority. We are politically active because we normatively support a political leader in his fight against the elite. We feel we ought to defend our ideological convictions against the state, maybe even by means of violence. We are convinced by mediated arguments that something ought to be done against global warming. We feel that we ought to go to war to protect our national interests.

In short, normative agreement and disagreement matters for politics. Although legitimate political orders might be social facts we have to deal with in everyday life, we also care about its normative validity. To deny this normative aspect of politics, to deny subjective orientations, is to deny a very important characteristic of politics and, indeed, also of political change and challenges. The much discussed contemporary 'crisis of democracy', for example, cannot be fully grasped without taking into account underlying normative convictions and the failure of political actors and institutions to mobilise normative support. Subjective normative orientations matter in politics.

A second, more normative argument is that without subjective convictions, political legitimacy becomes purely 'artificial' or, even worse, a paternalistic concept. Political legitimacy is purely artificial or symbolic if it is merely a social fact coordinating social and political life where all actors act *as if* they agree with it. Although social facts might have such compulsory and alienating qualities, it drains all normative content and meaning from legitimacy. Expectations of legitimacy are merely social facts one strategically orients to or which are externally guaranteed. They are no longer substantive social values actors evaluate, criticise, agree to, or resist. Political legitimacy is reduced to mere *form,* while *content* no longer matters. This not only seems wrong on empirical and historical grounds but also is normatively very unsatisfying to disconnect legitimacy from values altogether. If values no longer matter, this seems to undermine any form of critical theory. Moreover, a 'subjectless' account of political legitimacy explains why many contemporary political theories threaten to become paternalistic. Letting go of the necessity to explain or make plausible subjective normative agreement allows the theorist to forward legitimacy solely from an outsiders' perspective. It no longer matters whether the actors involved normatively agree with legitimate politics, what matters is the normative judgement of the philosopher, the scientist, or the intellectual. We should resist such paternalism. Some conception of subjective agreement should be part and parcel of any definition of legitimacy, if legitimacy is to be more than mere form and if it is to be more than the playground of intellectual elites. Ultimately, also for normative theory, the goal should be to explain 'how the validity and acceptance of a social order can be stabilised … in the view of the actors themselves' (Habermas 1996:25). As such, both empirical and normative conceptions of legitimacy must connect to everyday normative feelings, experiences, and understandings.

If we appreciate the importance of subjective orientations, both on empirical and normative grounds, we should incorporate the subjective normativity into our definition of political legitimacy, just as Weber did. Yet, this does not mean that we are interested in political legitimacy *because* it explains stability. To confuse political legitimacy with the problem of order often leads to unfortunate analyses where political stability signals political legitimacy, and instability a crisis of legitimacy. Stability

might be explained on different grounds than a belief in its validity, while instability might be explained by conflicting beliefs and convictions. Indeed, values and convictions are often sources of historical political instability and change, which becomes rather obvious as soon as we conceive of politics as group or class conflict. We need to analyse political legitimacy for its own sake, not as a function of stability. This does not mean, of course, that we can or should ignore political and social order all together. First of all, when we talk about the subjective, we do not mean the liberal atomised 'individual' with pre-political values or preferences. Subjective values and beliefs have *social origins*, which becomes clear as soon as one incorporates a more historical perspective. Second, we are not interested in all subjective values and convictions actors may hold; they have to be oriented to politics in some way or the other. Legitimacy is saying something about institutionalised political practices. It is not merely about values, justice, or ideals. Legitimacy is not some metaphysical concept; it concerns real political practices and institutions.

Letting go of the problem of order also broadens the view on political legitimacy and practices of legitimation. Weber defines the essence of politics in terms of domination. There are good reasons for doing so, as domination allows us to differentiate political power from power in general. Weber defines power (*Macht*) as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests' (1978:53). Domination, on the other hand, is defined as 'the probability that certain specific commands (or all commands) will be obeyed by a given group of persons' (1978:212, 53). Weber, then, understands domination as a command–obedience relation. The difference between power and domination is often captured in the difference between the 'power to'—the power to get things done—and 'power over'—the power over others, which constitutes a political relation. As Weber pursues a historical approach and tries to include all kinds of domination, ranging from personal forms to domination based on social roles or rule-based offices, the difference between power and domination is not always clearly defined in his work.[5] Nevertheless, the defining difference concerns the

[5] For Weber, the difference between power and domination seems to be that domination does not include force. Domination implies 'a minimum of voluntary compliance, that is, an interest … in

fact that a relation of domination is institutionalised. Domination means institutionalised relations of command and obedience. For Weber, this is the essence of politics. Many other theorists take this a step further and claim that we should also differentiate between domination in the social and the political realm. In that case, political domination concerns institutionalised expectations of command and obedience that are generalised in terms of formal positive rules and offices. Politics, then, concerns 'positions of domination [that] are the result of formalised distributions of competencies of decision-making' (Bader and Benschop 1988:144). Finally, Weber rightly claims that expectations of political domination are generalised or rationalised not just in the social and material but also in the temporal dimension. In other words, politics concerns institutionalised normative expectations about the right to rule. Politics, then, concerns *legitimate domination*.

We might wonder, however, whether the image of the dutiful citizen obedient to legitimate positions of political commands captures the essence of contemporary politics. Weber was well aware that politics was more than just a rational chain of legitimate command. But for his analysis of legitimacy, this broader conception of politics is not taken into account. This might be attributed to his definition of legitimacy as a function of stability and the corresponding emphasis on the question of obedience. Or it might be explained by his fascination, if not aversion, of the dominant rise of rational bureaucratic organisation at the turn of the century, which he analysed in terms of ideal–typical legal domination. Whatever the reason, it seems strange to limit politics, and with that the analysis of political legitimacy, purely to political domination. If politics is more than just domination, it seems reasonable to suspect that an analysis of legitimacy would yield more and different kinds of legitimation practices than we find in Weber's work.

If anything, in late-modern complex society it seems dissatisfactory to reduce politics to political domination. For sure, domination or the formal distribution of competencies of decision-making is an essential part

obedience' (1978:212). Although Weber is aware that domination easily shades over into power with 'absolutely involuntary slavery' as its boundary case, voluntary obedience is a rather unhelpful criterion, indicating merely some form of internal guarantee, however much restricted externally. It can be shown that in his actual sociology, Weber follows the analytical difference I present here.

of politics. To study politics is to study this organisation of domination, whether this concerns the factory, bureaucracy, the university, intergovernmental organisations, or, and especially, the state. The formal organisation of domination matters, but it is not the only essence of politics. A quick glance at the literature from the last decades shows the increasing complexity of political rule, not so much because the state is disappearing, but first and foremost because the relation with its 'environment' is changing. It has to deal with articulate and critical citizens, fragmented media and ambiguous information, the rising awareness of risks and uncertainties, social, economic, and political problems that cannot be contained or addressed within geographical state borders, the increasing need to negotiate policy in indeterminate institutional contexts, etcetera. The relation between institutionalised politics and complex society can no longer—if it ever could—be captured in command and obedience relations. Political legitimacy is no longer self-evident. It no longer suffices to grasp the formal-legal organisation of politics. Legitimacy is something that is increasingly part of the political process. It must constantly be negotiated, mobilised, reproduced, and argumentatively validated. Political legitimacy, then, has become a contested political recourse, forcing analysis to look beyond formal relations of legitimate domination.

If we separate the question of legitimacy from the problem of order, it seems to me that we can perceive the nature of politics beyond relations of domination. Analysing legitimacy also in relation to politics as coordination, strategic conflict, and reasoned argumentation opens up empirical analysis to different practices of legitimation and maybe allows us to appreciate novel forms of legitimate politics beyond traditional bureaucratic and legal organisation.

Politics is also coordination. Where Weber defines binding decisions in terms of commands which demand an analysis of obedience, political decisions might also be understood differently as a form of 'rule-making' that coordinates social action. It is almost a platitude these days to claim that politics has changed from 'government' directly intervening in society, to 'governance' coordinating society. Political coordination cannot be grasped in terms of commands, but in terms of rules or infrastructures that facilitate collective action. Collective action and social coordination emphasise notions like vulnerability, risks, and trust, not commands and

obedience. Where the image of legitimate domination presents politics as some hierarchical disciplined machine, the image of coordination presents politics as a solution to collective action problems and as a source of trust or confidence. Politics is not a machine but is vulnerable, indeterminate, ambiguous, and complex.

Politics is also strategic conflict. Although Weber was well aware of this fact, he failed to include this into his analysis of political legitimacy. Politics is more than just making binding decisions. Political decisions are 'what politics produces and not what produces politics' (Barber 1988:199). This means that politics is more than an institutionalised structure of chains of command, but also a *process*, in which conflicting groups and organisations in pluralist society compete and try to influence decision-making, to capture offices of political power, to shape policy in all its different stages, or even try to change the political structure itself. Such an image of politics does not call for analysis of political power as institutionalised domination but for an analysis of political power as intentional, strategic, actor-, and resource-based. Power, in Weber's definition, emphasises the probability that an actor can carry out his will despite resistance, 'regardless of the basis on which this probability rests' (1978:53). An analysis of political power, then, is to analyse the basis of this probability in the context of strategic conflict. This does not mean that we have to analyse power in all its manifestations in all social domains, as politics as conflict remains institutionally anchored as it concerns action aimed at formal institutions of decision-making. But it cannot be defined or contained by these institutional boundaries. It is a 'political power game' that transcends the formal boundaries of politics. We cannot reduce politics to its formal structure, but must also perceive it as a process, a process in which conflicts are fought out, brokered, negotiated, and compromised based upon underlying distributions of potential and actual power resources.

Politics is also argumentation. If politics is not merely structure but also an institutionally anchored process, we cannot merely analyse this process in terms of the mobilisation of power resources and competitive bargaining. Politics is also argumentation about what is right, reasonable, and factual. Here we do not analyse power in terms of resources, but in terms of the force of argument, the authority of reason, or in general of discursive power. Such power produces and reproduces 'dominant cognitive

and normative patterns of interpretation, society and worldview' (Bader 1991:259). Such discursive power is dispersed through society and public spheres, in which all kinds of actors publically try to justify or discredit political actions and intentions or try to define collective problems and solutions through argumentation. Here political power is not about legitimate domination but about mobilising authority. It is not claiming the right to do something; it is about claiming it is the right thing to do. And just as politics as conflict, argumentation cannot be contained by boundaries of formal political organisation.

In short, Weber is right that politics is about the organisation of legitimate domination but it is at least also about coordination, strategic conflict, and argumentation. The general approach of this book can be summarised by the claim that there is no singular essence of politics. As a consequence, how we analyse political legitimacy depends on what we perceive politics to be in the first place. It is important to emphasise that these different perspectives of politics are *analytical* distinctions. Empirically they can combine in different and complex ways. However, a study of legitimacy in relation to these different natures of politics should yield an analytical framework of political legitimacy with which to approach empirical complexity. It should help us to understand how legitimacy is constantly produced and reproduced in political practices.

1.4 The Structure of the Book

In each chapter, I will analyse political legitimacy in relation to a specific conception of politics. In Chap. 2, I will discuss how we can understand political legitimacy if we perceive *politics as legitimate domination*, how the objective claim of the right to command yields subjective feelings of duty. The entire chapter will be concerned with a coherent interpretation of Weber's action-theoretical understanding of legitimate domination, which is no sinecure, as Weber's sociology is a combination of ideal–typical analysis, a circular analysis of institutional development and a linear analysis of modernity, understood as an increasing rationalisation and disenchantment. The aim is not just to make his sociology coherent, but especially suitable for empirical analysis of modern-day politics.

Special attention will be given to his famous but under-theorised concept of legality. Many have wondered how rational legality can lead to subjective feelings of duty. The solution to this problem is that we should not understand legitimate domination solely in terms of social action (*Handeln*) but especially in terms of 'being-meaningful-in-the-world' (*Existenz*). The chapter will end with a framework which helps us to analyse legitimation practices that explain unconditional feelings of duty towards politics as domination.

In Chap. 3, I will approach *politics as strategic conflict* and discuss the tradition of the democratic realists, which deals with the disenchanted and conflictive picture of democratic politics that Weber's modernisation and rationalisation thesis introduced. This tradition is quite diverse and includes rational action theories that understand political conflict in analogy to market competition, pluralist theories that understand political conflict first and foremost as social conflict, and, finally, cybernetic system theory that understands political conflict as a conflict between the political system and its environment, between state and society. All these theories of political conflict are ultimately 'output' oriented, which means that the objective political claim is not so much 'the right to rule' but that 'the political rule is right', evaluated in terms of strategic interests and preferences. The main question that structures this chapter is whether political output can explain political legitimacy, that is, whether strategic-rational action can explain value-rational orientations. Despite the common references to 'output legitimacy', the relation between political legitimacy and output effectiveness is quite complicated. I conclude that it can only be grasped in terms of a dramaturgical perspective—a perspective that forces us to distinguish between politics as a strategic game and politics as theatre. A perspective, furthermore, that differs fundamentally from Weber's work by introducing the notion of time. An analysis of politics as conflict directs our attention to dramaturgical legitimation that does not so much explain 'unconditional' feelings of duty, but conditional normative feelings of political support. Legitimacy, furthermore, is not some consensual boundary containing conflict, as is often the dominant theory in political science, it rather emphasises the dramatic qualities of conflict itself, as well as the capacity to absorb conflict and disappointment.

In Chap. 4, I will discuss *politics as coordination,* on the basis of Luhmann's sociology of system and media theory. Luhmann elaborates on Weber's insights that politics can be grasped as a differentiated value sphere or self-referential action system. However, as Luhmann emphasises communication and social coordination over commands and obedience, his description of political organisation highlights its inherent vulnerability, indeterminacy, and uncertainty. The principle claim is not so much the 'right to rule' and whether or not actors believe in this right, but the central claim is that political rule is socially valid and whether or not actors trust politics, despite inherent risks and uncertainties. Although Luhmann is right out hostile to the subjective perspective in sociology, the notion of trust allows us to reintroduce the subjective perspective in Luhmann's work. It does mean that we have to get a handle on the contested concept of political trust, how it differs from confidence and especially how we can explain its subjective normative dimension. If we approach politics as coordination, I conclude, trust can explain conditional normative feelings towards politics, where the central question is not the validity (truth) of legitimate politics, as in Weber, but its social validity.

In Chap. 5, I will discuss *politics as argumentation*. From this perspective, politics does not claim the right to rule but claims that its decisions and actions are reasonable. Where Weber dismisses the relation between reason and political legitimacy as historically irrelevant, this relation is the lifework of Habermas. Habermas provides us with three models that thematise the relation between political legitimacy and the force of reasoned argumentation: the discursive model, the public sphere model, and the lifeworld model. All three models, I will claim, have their analytical problems, but the lifeworld model seems most appealing to understand the legitimating force of argumentation. Habermas, however, is too preoccupied with social consensus, epistemic foundationalism, and functionalism. We need to reconstruct this lifeworld model making it more attuned to complex society—to social plurality and non-foundationalism—without discarding rationality all together. In this chapter, I will try to do just that, by giving Habermas' model a pragmatist or realist re-rereading and by approaching lifeworld coordination from what we can call a performative perspective. From this perspective, we can understand how

social expectations are not so much generalised or rationalised in terms of Weber's and Luhmann's system theory, as lifeworld points to a different kind of generalisation, in terms of narratives and storytelling. Based on a performative analysis of lifeworld, we are able to understand the complex relations between everyday practices, public argumentation, and political legitimacy. Indeed, the force of public argumentation shapes how we understand the political condition in relation to which politics can legitimate itself or present itself as reasonable or accountable. The lifeworld perspective, furthermore, enables a completely different notion of rationality than the one Weber developed, and, maybe, a notion that does not necessarily lead to his pessimistic conclusions.

Finally, in the concluding chapter, I will compare the different analyses of political legitimacy and evaluate whether this Weberian approach delivers what it promises, whether it can enlarge our understanding of empirical politics and legitimacy in complex late-modern society. A Weberian approach to political legitimacy in which the subjective realm is not ignored, it seems to me, forces both normative and empirical social science to take social and political complexity more seriously. If we want to move to a more reasonable and critical social science that is socially relevant, as I think we should, this is the essential lesson we should learn from Weber.

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2

Politics as Domination

Max Weber is the sociologist who most famously analysed legitimacy in political relations of domination. In his work, he tries to understand the sociological and historical processes that generate a belief in legitimacy—subjective feelings of obligation and duty. Not only is Weber's work still relevant in itself, it also structures much of the contemporary debate, as its theoretical framework forms the background—implicitly or explicitly—of many of the theories we will discuss in the succeeding chapters. His work is impressive in its scope and depth, but his main work *Economy and Society* (E&S) has one major flaw: it was not finished.[1] The unfinished, fragmentary character of the book has fuelled its interpretation with many controversies. We must admit that Weber, driving us at times to intellectual despair, is not always that coherent and that the 'conceptual' first part and the 'sociological' second part of the book are not fully integrated. Given the character of Weber's main work, there are two possible

[1] After Weber's death in 1920, his wife Marianne wrote to the publisher that the chapters are 'unfortunately unfinished' and she apparently felt the need to add ('dictate') some pages (Andrini 2004:143). Even the intended order of the chapters is severely doubted. Others have claimed that Weber lacked the 'ambition' to finalise his work (Radkau 2011:96, 99). Particularly unfortunate, for us, is the fact that Weber never finished his promised *Sociology of State* (Roth 1978:lxvi; Weber 1978:286).

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_2

ways to proceed. Either we aim for an exegesis in order to capture the full richness of the work or we aim at a coherent reconstruction in order to gain a robust analytical framework that can be helpful for contemporary empirical research, but which, by necessity, loses some of its interesting details. This chapter aims at such an analytical reconstruction.

A few introductory comments are called for if we want to reconstruct Weber's work. First, Weber is famous for his action-theoretical perspective on social order. As described in the previous chapter, he tries to understand social action and especially social order in terms of interaction between subjective and objective meanings, between subjective action orientations and institutionalised expectations. Legitimacy is similarly conceptualised as a value-rational orientation to institutionalised legitimate orders of domination. Legitimate domination specifically concerns institutionalised normative expectations that one ought to recognise the validity of the ruler's position and that one ought to obey his commands. Only to the extent that actors subjectively orient themselves to these objective normative expectations in a value-rational manner can we say that the factual order of legitimate domination is indeed legitimate. In other words, Weber is *not* primarily interested in explaining obedience—on whatever grounds—but in whether subjects value-rationally believe in the socially institutionalised 'fact' that a ruler has the right to rule (214).[2] This social action perspective is predominantly present in the first part of E&S, consisting of conceptual definitions, and has received much attention from scholars. However, this is not only the most confusing and multi-interpretable part of his work, it also shifts the attention away from a different perspective which is connected to, but independent of, action-theory. This second perspective, which is mostly present in the sociological second part of E&S, does not so much concern a social action perspective, as it does the meaningful relation between *man and the world*. It is not about social action (*Handeln*) but about being-meaningful-in-the-world (*Existenz*). Within this perspective, Weber locates the sources of normative validity, the sources of legitimate domination, as well as

[2] All references concerning Weber are from the 1978 edition of *Economy and Society*, edited by Guenther Roth and Claus Wittich, unless noted differently. Original German texts or adjusted translations by me are based upon the 1964 edition of *Wirtschaft und Gesellschaft*, edited by Johannes Winckelmann.

other seminal notions, such as discipline, self-justification, and intellectualisation. In other words, if we want to understand *why* actors believe in legitimate domination, this perspective deserves our attention.

Second, Weber's sociology additionally holds three different levels of analysis. The first level concerns his famous or infamous *ideal–typical* analysis. Here Weber analyses legitimate domination in terms of charismatic, traditional, or legal-rational ideal-types. The second level of analysis concerns a general model of institutionalisation and institutional development. Especially in his sociology of religion, we can see a *circular* social dynamic of institutionalisation and rationalisation running from charismatic revelation, to traditional sanctity and faith, to intellectual discontent, back to a new revelation—a dynamic that is driven by material and immaterial forces, by economic and intellectual needs. At this level, we can see how the different ideal–typical forms and sources of legitimacy are empirically related, combined, and in tension. Finally, at the third level of analysis, Weber takes a *linear* historical perspective from which he proposes his modernisation thesis: the progressive rationalisation and disenchantment of the world. It is at this level—breaking the circularity of the institutionalisation perspective—that he analyses modern society and democratic politics.

The complexity of a reconstruction of Weber's work on legitimacy, then, must be apparent. Not only is his work not a coherent whole, we must be especially aware of the two different perspectives of *Handeln* and *Existenz*, and of claims concerning ideal-types, circular institutionalisation, and linear modernisation. In this chapter, I will primarily focus on the perspective of *Existenz,* because it is here that we can find the answers important for understanding legitimate domination. Answers necessary to make Weber's work suitable for our study of contemporary politics. Here, most importantly, we will also find the answer to the much discussed but unresolved question of the legitimacy of legal domination.

2.1 Weber's Sources of Legitimacy

Legitimate domination concerns the socially institutionalised expectations that the ruler has the right to rule and the ruled the duty to obey. To the extent that actors actually value-rationally believe in this normative

order, Weber claims political rule should be considered legitimate. The main part of Weber's sociology of legitimate domination focuses on this claim to legitimacy by the ruler or ruling party. It focuses on the validity of this claim, not so much its *social* validity but rather validity in the sense of *truth*. In other words, it is not the question of how expectations are socially institutionalised, but of how these expectations are considered to be true. It is extremely important to distinguish these two types of validity. Something can be a social fact or something can be true. If social facts are ultimately man-made and contingent, truth implies invariability beyond human interference.

A claim to legitimacy can be perceived as a justification why one has the duty to recognise the validity (truth) of domination.[3] Weber recognises four typical sources by which such justification can be validated. One has the duty to recognise validity (truth) because it is god's wish, because it is tradition, because it is logical, or because it is the law (36). Based upon these sources, Weber identifies three ideal-types of legitimate domination: charismatic, traditional, and legal domination. It is interesting to note that Weber discards the possible fourth ideal-type of legitimate domination based upon logical deduction: 'valid is that which has been deduced as an absolute' (36). Weber drops this form of domination because he claims its historical relevance can be neglected. More needs to be said on this issue, but let us first consider the three forms of validity he did think were relevant.

Weber tries to analyse the 'ultimate grounds of the validity of a domination' because such 'justification of legitimacy' is sociologically relevant (953). It is sociologically relevant because the specific social structure of a legitimate domination depends upon it. Without a doubt, it mat-

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[3] Weber is often perceived as an elitist because, among other reasons, his analysis gives the impression that a ruler can just use any argument which the subjects have the duty to recognise as true. However, this is not the case. Weber explicitly states: 'Domination (*Herrschaft*) does not mean that a superior elementary force asserts itself in one way or another; it refers to a meaningful interrelationship between those giving orders and those obeying, to the effect that the expectations towards which action is oriented on both sides can be reckoned upon' (1378). Weber's emphasis upon elites' interest in legitimacy and their attempt to 'cultivate the belief in legitimacy' does not negate this position (953,213). The most fundamental mistake in interpreting Weber, in my view, is to think that Weber's concept of legitimacy is just about the claim of the ruler *regardless* of whether that claim is acknowledged by the ruled (see e.g. Beetham 1991b:36).

ters for the way political order is organised and for its internal social dynamics, whether it claims legitimacy upon a democratic constitution, upon traditional hereditary status, or upon religious revelation. The relevance of the 'ultimate' source of validity then is not about an increased understanding why specific persons obey; its relevance lies in the specific social and political structure it makes possible (947). As such, Weber wants to analyse and classify the organisational structures and processes of domination on the basis of the underlying type of claims to legitimacy (*Legitimitätsanspruch*).

The type of validity (truth) that is claimed by the ruler, first of all, has consequences for the *types of proof* the ruler must present in order to validate his claim. The ruler that claims legitimacy from charisma has to prove his divine 'gift of grace', the traditional ruler has to prove his claims in terms of tradition and traditional laws, while the legal ruler has to prove the validity of his claim upon the 'rational' rules of law. Three features are important to emphasise at this point. It is important, first, to recognise that the validity of the claim to legitimacy is *normally expected* to be true by the subjects. However, these normal expectations must occasionally be confirmed, especially in times of doubt (242). Proof is something that is 'extraordinary', that is, separated from ordinary or normal life, and something that re-establishes the truth of the claim to legitimacy normally expected to be valid. For example, we might say that we normally expect our government to be democratic, while occasional elections confirm these expectations.

Second, proof concerns a *process of truth-finding*, which is more often than not a socially institutionalised procedure. Processes of truth-finding concern extraordinary rituals and symbols that prove the validity of a claim on rational, traditional, or charismatic grounds. What is proven to be valid is true. Truth, furthermore, is always *objective*, which means that actors have to accept a claim which is proven to be true, whether they like it or not. Truth is independent of what they wish to be true—it is externally guaranteed. As such, Weber claims that one has the duty to recognise what is proven to be true—'recognition is a duty' (244). This holds as much for mathematical proof as for truth revealed by an oracle or the truth established by the legal accountability or methods of science. Truth depends on institutionalised methods.

Third, proof can establish both *cognitive* and *normative* truths. Proof can secure the belief that a claim *is* true and the belief it *ought to be* true. This analytical difference, as we will see, is important to understand Weber's analysis of processes of political validation. In cases of traditional and charismatic domination, Weber focuses especially on *normative* validity, while in cases of legal domination, he focuses on *cognitive* validity. The much-discussed problem, indeed the riddle of Weber's work, is that he does not explicate the normative validation of legality and, we might add, overlooks the importance of cognitive expectations for traditional and charismatic rule. In the reconstruction that follows, I will try to resolve these omissions.

2.2 Extraordinary Processes of Truth-finding

Let us first understand how traditional and charismatic claims to legitimacy can be proven and how this secures *normative* validity. In general, Weber claims that extraordinary procedures of proof—procedures outside everyday life and its normal concerns—are able to establish normatively valid truth because in some way the *experience* of the truth-finding procedure moves the inner-orientations of the witness.

2.2.1 Charismatic Validation

Charismatic legitimacy is based on the claim that the ruler or leader is 'extraordinary' and 'endowed with supernatural, superhuman, or at least exceptional power or qualities' not accessible to ordinary persons (241). What these exceptional and inaccessible qualities are depends on the context and relates to the process of proof, but they indicate the grace of god. Charisma is proven ideal-typically through miracles or heroic deeds (1114). The ethical prophet, for example, proves his divine mission and the truth of his revelations by performing miracles. Other forms of proof might be the 'fighting frenzy' and 'spells of maniac passion' of the warrior leader or the 'epileptoid seizures' and trances of the magician (242). Charismatic proofs might also be more institutionalised, as for example

in 'charismatic adjudication' by oracle (1115) and the quasi-democratic procedure of charismatic acclamation. The charismatic quality of acclamation lies in the fact that truth is assumed to be *prior* to the election itself and merely has to be *revealed* through democratic elections (1124). There can only be one right answer and the minority has a 'moral duty' to yield to the truth revealed by the majority vote (1126). In other words, the minority does not have a different opinion, its opinion is wrong. We can readily think of Rousseau's *volunté générale*.

Through such more or less institutionalised processes of truth-finding, the subjects have the duty to recognise the validity of the claim to charisma. But this recognition, according to Weber, is not the foundation of legitimacy (1113). We might say that this recognition of proof only secures *cognitive validity*, similar to the duty we have to recognise truth yielded by scientific method. Proof yields cognitive knowledge. The recognition of *normative validity* as the genuine basis of legitimacy, however, is explained in psychological and emotional terms, as 'a matter of faithful, complete personal submission, born out of inspiration or out of despair and hope' (242, adjusted translation).

The claim to legitimacy is not just cognitively but also normatively validated because the witness of proof emotionally surrenders to the revealed truth (1117). Weber tries to find an explanation for this charismatic submission in the 'extraordinary needs' of the subjects, needs that 'transcend the sphere of everyday economic routines' and which are related to feelings of distress (1111). We might say, then, that the normative validation of charismatically revealed truth is explained by the *need for existential meaning* that transcends the dread and suffering of ordinary life. The revolutionary power of charismatic revelation, whether political or religious, manifests itself 'from within, from a central *metanoia* of the follower's attitudes' (1117). Charismatic revelation must be understood as 'a subjective or *internal* reorientation born out of suffering or enthusiasm' which 'demands *new* obligations' and a 'completely new orientation of all attitudes towards the meaning of ways of life and the "world"' (243–5). Charisma, in short, is a magical and revolutionary force. Its normative power is based on the revelation of ultimate truths that break with the necessities and dread of ordinary life and traditional worldviews. It provides new meaning, a truthful way of living, releasing enthusiasm and

hope. A claim to charismatic domination, then, can be normatively validated because the extraordinary experience of charismatic proof changes the value-rational orientations of the subjects.

2.2.2 Traditional Validation

In traditional domination, legitimacy is founded upon the validity (truth) of tradition 'resting on an ordinary belief (*Alltagsglauben*) in the sanctity of immemorial traditions' (215). The difficulty of traditional domination is that it entails both ordinary and extraordinary elements which Weber has difficulty separating. The extraordinary or 'magical' element of tradition concerns its 'sacredness': 'The belief in the inviolability of that which has existed from time out of mind' (1006). Like charisma, tradition also has a 'religious aura' (1122). Different from charisma, however, tradition builds upon an already socially institutionalised normative worldview. It is not a revolutionary force. We might recognise three types of traditional worldview in Weber's general sociology.

First, a traditional worldview might contain the idea that society is an *organic order* in which differences among men are considered to be a natural fact or ordained by God. Such a worldview is normative to the extent that this stratified society is organised in different status groups (estates) which all are expected to have different functions and 'ethical obligations' (598). It may be clear that such status differences are potential sources of legitimacy for rulers.

Second, a traditional normative worldview may not so much be about hierarchical and functional status differences but about the *sanctity of the community*. Communities (*Gemeinschaft*), according to Weber, are primarily based on 'subjective feelings, whether affectual or traditional, that they belong together' and specifically upon feelings of *piety* (*Pietät*)—Weber's core concept for traditional authority (41). Such an internal sense of belonging arises with the 'consciousness of difference' in relation to outsiders. What starts as pure routine might culminate in a community of memories containing normative perceptions of a 'common descent' or shared destiny or fate (923). Communal consciousness forms the basis of the sanctification of the collective, anchored in feelings of

the superiority of cultural values that must be preserved. For Weber, it culminates in the 'particular pathos' of the individual who is expected to face death in the interest of the group (903). All such forms of communal solidarity are potential sources of legitimacy for power holders, as these rulers can become the bearers of communal prestige, commanding 'unqualified devotion'.

Finally, Weber gives the example of how in a traditional church the original charisma of a revealed religious ethic can be combined with the sanctity of tradition. Although tradition and charisma are antagonistic forces, as the power of charisma is precisely that it facilitates breaking with tradition, they both depend on the belief in ultimate truths. Where religious charisma concerns the revelation of these truths, tradition transforms this revelation into sacred dogma. Traditional sanctity refers to the unalterable—'the belief in the inviolability of what has always been ("*des ewigen Gestrigen*")' (1008)—which also possesses a charismatic quality, overshadowing its subjects (1135). Precisely because of its absoluteness and inalterability, dogma also possesses the 'grace of god' (1162). The domination of the church, then, claims legitimacy from the sanctity of its dogma, which is at least partly traditional.

Legitimacy in traditional domination, to sum up, can be claimed on the basis of organic 'natural' status differences, the consecration of the community or the sanctity of unalterable dogma. What unites these claims is that they are based on normative worldviews that are already expected in everyday life, that is, the normative worldview is not revealed as in genuine charisma but is already socially institutionalised. The subsequent questions then are, first, how these claims to legitimacy are proven and, second, why such proof procures subjective validity.

Proof of traditional legitimacy, it turns out, is a 'symbolic activity' (1139). Indeed, proof *can* be purely symbolic because the normative worldview is already expected to be valid. For example, in case of the church, Weber argues that symbols and rites are means of linking the grace of its dogma to its office (1139). Through rituals such as anointing, consecration, or the laying on of hands, a religious mood with redemptory qualities is established 'by the sheer sacredness of the manipulation' (530). Rituals create a symbolic setting wherein sanctity is directly *experienced* by the subjects. Not only do they find salvation through these

rituals, it also revalidates the normative expectations of the validity of the church that were already present. According to Weber, the whole pastoral care must be understood as a 'religious cultivation of the individual' (464). Importantly, the original charismatic revelation at the basis of any church, a revelation that provided a meaningful, personal, and total relationship towards God, is now reduced by the priests to a mere 'external appearance' of symbolic and ritual acts (466).

However, the church might be considered a special case, as it is related to the extraordinary need for salvation. But also in traditional domination based on status differences, normative expectations are proven symbolically. Weber argues that the 'prestige of ruling groups' (*Herren-Prestiges*) and the 'divine right' of the monarch (*von Gottes Gnaden*) also retain a kind of charismatic status honour acquired by heredity, which requires 'the nurturing of right attitudes … which approximates the character of pastoral care of souls' (846). Status is proven primarily in terms of symbolic *lifestyles* as well as through 'artificial and magical means', as in episcopal ordination or the king's coronation (1139). Elite lifestyles might, of course, differ historically, but all concern a way of life as a means of self-glorification that preserves the status of the dominant strata (1090). As echoed later by Elias, Weber tries to analyse how traditional status groups cultivate codes of honour, etiquette, and dignity. Importantly, such lifestyles of ostentation and glamour are not justified by utility but are 'useless in the meaning of "beautiful"' (1106). Luxury is a means of social self-assertion and an important source of power to maintain status differences.

The symbols and rituals proving traditional status and prestige, similar to the church, are about symbolic appearance. These symbols and rituals prove the normative and hierarchical social order that was already expected to be true. Likewise, we might suspect that bearers of communal prestige can also symbolically prove themselves, but Weber is not very outspoken on this issue. However, we might argue that national symbols and rituals such as flags and anthems are important in order to symbolically prove what was already expected. And we might suspect that nationalism or patriotism also requires the 'cultivation' of the proper attitudes, for example through national festivals, sports, the glorification and canonisation of history, and especially through the glory and honour of war.

In short, claims to traditional legitimate domination are based on institutionalised normative worldviews which are occasionally proven in terms of symbols and rituals that validate what was already expected to be true. The final question, then, is why this proof yields not just cognitive but also normative validity. The fact that I might recognise the legitimate king because he bears the symbols of power does not inherently mean I feel an inner-sanctioned duty to obey his rule. Weber, it seems, tries to explain the subjective normativity of tradition in terms of an inner psychological orientation that inhibits change. Weber argues that 'the mere fact of the regular recurrence of certain events somehow confers on the dignity of oughtness' (326).

However, we can also recognise a different, more satisfactory, explanation in Weber's work. The sanctity of tradition is first and foremost *experienced* in terms of symbolic rituals outside everyday life in which the presence of the unalterable 'overshadows' the witness. Unlike charisma, it does not reveal a new worldview, but one does feel the magnitude of what always has been, a worldview in which the witness feels he is part of something larger than life. He has a specific role or function in the organic hierarchical society and he is a part of a sanctified nation or a sacred congregation. In short, through the ritual, the witness feels part of a permanent truth to which he belongs, however insignificant his specific part. As such, extraordinary symbolic rituals revalidate a hierarchical social order in which the individual finds *existential meaning*. He belongs to a powerful nation and to an organic society. In ordinary life, subjects find dignity and honour in doing their part (1104). Traditional domination, then, consists both of ordinary and extraordinary elements. It consists of 'tradition-determined relationships as well as of the belief in their sacredness' (337). It is this latter belief that is validated and cultivated in extraordinary symbolic rituals of proof.

2.2.3 Normative Validation and Self-justification

The importance of extraordinary processes of proof for legitimate domination in both ideal-types is apparent. These processes validate claims to legitimate domination not only cognitively but also normatively.

Extraordinary rituals of truth-finding explain the subjective belief in legitimacy, 'a belief by virtue of which persons exercising authority are lent prestige' (263). Additionally, we can see that this subjective validation of truth-claims is, for Weber, inherently related to transcending meanings of life. In extraordinary rituals of proof, the witness *experiences* the sanctity of the traditional order or community he belongs to, or he *experiences* the truth of a charismatically revealed mission to which he cannot but submit. In both, the witness experiences that he is part of something that is bigger and more important than his own petty life—that his life has a *purpose*. Indeed, and this cannot be stressed enough, Weber claims that the 'quest for the transcendental meaning of existence' (1178) 'produces the strongest tensions in man's inner life as well as in his external relationship to the world' (451). As such, there is a direct relation between the *existential need* for a meaningful being-in-the-world (*Existenz*) and the normative validation of claims to legitimacy in extraordinary rituals of truth-experience.

On a more fundamental level, we might agree with Luhmann's argument that normative expectations allow a stabilised self-perception in relation to a contingent factual world and in face of disappointments (Luhmann 1985:31ff). Where cognitive expectations need adjustments to disappointments, normative expectations are generalised in time. In Weber's analysis, this relation also becomes visible. Under extraordinary circumstances, claims to legitimacy are normatively validated *because* they enable and stabilise 'self-justification' and fulfil the need for existential meaning. Subjective normativity and meaningful perceptions of self are fundamentally linked.

Weber's analysis of types of legitimate domination based on different claims to legitimacy, then, reveals a whole different social world than is present in his action-theoretical analysis. Instead of meaningful *Handeln* (social action), he is more concerned with meaningful *Existenz* (being-in-the-world). In the former, analysis focuses on social validity, and in the latter on validity as truth. A reconstructed framework of this latter perspective, it seems to me, needs to distinguish analytically between cognitive and normative expectations of validity (truth), between ordinary expectations and extraordinary proof, and between claims to legitimacy and the existential need for self-justification. In most general terms, we

might say that if the right to rule is firmly established in socially valid expectations of how the world ought to be, moreover, if the right to rule is inherently related to how subjects perceive themselves meaningfully in the world, then actors will agree value-rationally with an institutionalised order of domination, which is normally expected to possess that right. The ruler might occasionally feel the need to prove these expectations in extraordinary rituals of proof. These rituals *cognitively* prove socially valid expectations that he indeed possesses the right to rule and, at the same time, secure *subjective normative* beliefs by the sheer *experience* of existential meaning—securing validity (social) and validity (truth). This is, it seems to me, Weber's general argument, ignoring his interest in historical diversity.

2.3 The Problem of Legal-rational Domination

We have, until now, left out legal-rational domination. Legal truth-claims are based neither on the charismatically revealed truth nor on the sanctity of tradition, but on its *rational character*. The claim to legitimacy is validated by rational, positive, and enacted rules. Unlike charismatic and traditional domination, however, legality does not seem to provide a transcendental meaning of life. Legal processes of truth-finding, such as procedures of legal accountability and judicial hearings, do not seem to provide us with the immanent experience of existential truth. But without it, it is difficult to explain subjective normative beliefs, as in the analysis above. Many have therefore commented that Weber fails to explicate how normative validity is secured in legal domination.

Weber states that the validity of legal legitimacy rests upon 'the belief in the legality of enacted rules (O*rdnungen*) and the right of those elevated to authority under such rules to issue commands' (215). But this does not help us very much, as we are interested in what this 'belief in legality' actually entails. Weber points out that in a legal order of domination, validity (truth) is ideally claimed on the 'formally correct' character of the enactments that have been made in the usual manner (37). The

idea that the 'correctness' of rules can explain the normative validity of legal domination—in other words that legality (legal validity) can explain legitimacy (normative validity)—is a claim that is difficult to grasp. As Beetham comments: 'That individuals derive their legitimacy from a system of law cannot be sufficient *on its own* … the so-called legal form of "Herrschaft" is left suspended without any set of beliefs about the rightful source of authority to underpin it' (1991a:39, see also 1991b). Habermas likewise claims that Weber fails to recognise that law needs a 'principle of justification' and that he therefore 'shaded out in favour of sheer positivism' (quoted in Ewing 1987:503). Even Luhmann, who tries to explain how a system of law can be 'self-legitimating'—that is, how a system of law does not need a principle of justification that lies beyond itself—agrees that the legitimacy of legality is 'sociologically the weakest' analysis of Weber despite the centrality in his work (1983:28).

The legitimacy of legality, and whether a system of law is in need of an *external* justification, has been a huge battleground in the sociology and theory of law, which I will not try to reproduce.[4] Instead, I will try to reconstruct Weber's argument. What must be emphasised from the start, however, is that Weber indeed is *in dubio* how to explain the normative validity of legality, but that he was convinced that legal domination was a new and inherently important modern phenomenon.

Let us first address the confusion, which, in my opinion, stems from three sources. First, according to Weber, 'positive enactments' are believed to be legitimate because 'it is imposed by an authority which is held to be legitimate and therefore meets with compliance' (36). It looks as if Weber argues that the belief in legality depends on the validity of another authority situated beyond or above the legal rule. Indeed, Weber admits, for example, that 'at the top of a bureaucratic organisation, there is necessarily an element which is at least not purely bureaucratic' (222, also 1123). Although rulers at the top must relate to the 'sphere of legal "competence"'—that is, they cannot arbitrarily intervene in the rational cosmos of bureaucratic rule—it seems that domination is claimed on other grounds than legality. Weber seems to agree with Habermas that a legal

[4] The most famous debates concerning these are between Hart and Fuller in the Anglo-Saxon community, and Luhmann and Habermas in the German context.

order is in need of some external justification. Although this might often be true *empirically*, this cannot, however, be the case for Weber's ideal-type form of legal domination. He either has to explain how legality can be legitimate on its own or his entire approach of ideal–typical legitimate domination has to collapse.

Second, Weber often confuses *rules* with *legality,* which are not one and the same thing. Rules concern generalised expectations. As discussed in the previous chapter, expectations might be generalised in the 'material' dimension from person, to social role or to office (Luhmann 1985:73).[5] A rule can be a legal rule, but also a traditional or charismatically revealed rule. The point is that legality does not claim legitimacy merely on the basis of rules but on the *rationality* of rules. This points to the third difficulty in Weber's work. When Weber claims, as we have seen, that a rule or office is valid if it is created *correctly* according to the usual procedures, we might confuse validity in terms of truth with validity in terms of social expectations. Without a doubt, social validity and the procedures of law are intimately related. For example, in modern democracy we might expect that the law represents the will of the people, but this does not mean, for sure, that the will of the people is also the law. A law is only a valid law if it is made according to the correct legal procedures. Similarly, we might normally expect the decision of a judge to be just, but this does not mean that if the decision is unjust, we can ignore it at will. The decision of the judge, within certain limits, is *socially valid* regardless of its substance. In other words, Weber's definition of legality in terms of the correctness of procedure can be understood in terms of social validity, that is, institutionalised expectations of what is and ought to be considered as law. Correctness in this case points to what Hart calls a 'rule of recognition'—institutionalised expectations of how to recognise law as law that enables us to separate law-making from other forms of human action and speech (Hart 2012:100).

[5] It is interesting to note that for Weber charismatic domination seems tied to the person, traditional domination to social roles—a 'double sphere' of the personal and social (227)—and legal domination to rules and office. Indeed, it is an important element for Weber's 'rationalisation thesis' that domination is historically increasingly disappropriated from person and tied to office. However, when it comes to the validity of claims to legitimacy, this simple classification does not hold, as Weber's own analysis shows over and over again. The type of generalised expectations and the type of domination mix in complex ways.

However important social validity is from the perspective of action-theory, what should concern us here is not the social validity of law and legal decisions, but rather the validity of its *truth-claim*—the validity of its claim to legitimacy. For Weber, the truth-claim of legality concerns expectations of rationality. This is best grasped by continuing our last example. If the judge makes a decision which we consider to be just, we not only expect his decision to be socially valid but also consider it to be normatively valid—it is the right decision. But suppose we later find out that the judge made his decision by tossing a coin or that he made his decision while he was drinking heavily or that he was bribed, our feelings about the validity of the decision are shaken—justice, we expect, is not about chance, luck, or power. Even when we feel that the substance of the decision is right, the decision procedure matters, that is, the procedure is expected to be *rational*. This rational validity of law must be analytically separated from its social validity and from its substance.

To sum up, legal domination claims a right to rule because of its rationality. This claim of rationality distinguishes it from traditional and charismatic domination, not rules and legal procedures per se. The important thing is not so much the fact that legal domination is rule-based, as that it concerns rational domination. What should concern us, then, is what this rationality entails. Weber, unfortunately, is not very explicit on the issue. To understand legal rationality, it is helpful to shortly address his sociology of law.

2.3.1 Legal Positivism: The Materialisation of Formal Law

In Weber's rather extensive sociology of law, he tries to show how the inherent validity of *formal* law historically collapsed into *materialised* positive law devoid of inherent validity (truth). At first sight, this seems even more confusing, as we are analysing the inherent validity of law, which, as it turns out, already collapsed. Nevertheless, a short analysis of Weber's sociology of law is needed to understand the meaning of rationality in legal domination.

For Weber, the origin of the modern legal order was an intellectual need to create for the first time in history a purely rational law 'free from all historical "prejudice"' (866). Moreover, this intellectual attempt took the form of natural law, which tried to deduce a valid social order based on *formal rationality* instead of on religious revelation or traditional sacredness. 'Natural law has thus been the specific form of legitimacy of a revolutionary created order' (867). Weber considered this revolution itself—the French Revolution—a charismatic revolution based upon the 'charismatic glorification of "Reason"' (1209). The newly revealed order, we might observe, does not concern the personal charisma of the ethical prophet but rather the impersonal charisma of deductive reason. Deductive reason, then, was historically relevant after all, revealing the truth and hope of a brave new world. However, according to Weber, the attempt to install an order of domination upon Reason almost immediately failed (874). It is this failure that Weber tries to analyse. It is an account of how legal experts and intellectuals tried to found legal domination upon formal and deductive reasoning and how this formal structure collapsed under the pressure of material and ethical concerns. But before we can really appreciate it, we must understand what Weber means by formal rationality, in contrast to substantive or material rationality.

Weber understands formal rationality as a form of abstraction or *generalisation*. Economic action, for example, can be formalised in terms of money. The value or 'meaning' of money transcends any *particular* economic action or want. Money as a form of formalisation is especially rational in the sense that it allows us to calculate all kinds of particular actions under the same general premise. What holds for economic action in terms of money, also holds for law in terms of formalised abstract rules. Either based on induction or deduction, formalised laws express an abstract and internally logical system to which empirical reality is subsumed. '[W]hat the lawyer cannot "think" or "construe" cannot be admitted as having legal reality' (854). What formalism points at, then, is how the particular can be understood in terms of the general. However, this does not make formal rules valid per se.

What makes formal law inherently valid is the connection between *generality* and *morality*. In traditional philosophy, many have understood

moral justice in terms of the general or universal. Especially after Kant's categorical imperative, morality is understood in terms of its semantic *form* rather than its substance (888). Moral are those values or interests that hold for all, that are general and universal. Formal law ultimately points to the intellectual attempt to create a legal language which describes and understands the world in terms of this semantic form of universality and *therefore* claims to be morally valid. By describing the contingent world in this formal legal language, by subsuming the particular under the general, substance under form, the world is understood in morally valid terms. This is what the intellectual attempt to create a valid legal order was all about: legal norms 'owe their legitimacy not to their origin from a legitimate lawgiver, but to their immanent and teleological qualities' (867).[6]

In contrast to formal law, Weber distinguishes material or substantive law which allows for *particular* cases to intervene in general laws or rulings. Material law and judgements are 'influenced by concrete factors of the particular case as evaluated upon an ethical, emotional, or political basis rather than by general norms', and most of all by considerations of utility (656). Although material law can also be codified and considered stable and calculable—that is, rational—but different from formal law, there are substantive values—on grounds of expediency or ethical ideals—that are absolutely binding *beyond* the rule, while formal law is 'self-contained' and separated from ethics. It points to a difference between general and specific, form and substance, or law as object and means.

For Weber, the dialectical relation between formal and substantive justice is one of the main driving forces of the historical development of law, explaining the rise and fall of the former (see also Treiber 1985). Weber provides four main causes that explain the historical fall of formal law. First, intellectual scepticism is already present in the foundations

[6] Weber traces the origin of modern law in *intellectual* development contrary to more Marxist approaches. Habermas argues that Weber does not sufficiently appreciate that formal law has a 'legitimising function' of bourgeois interests (Habermas 1986:224). Weber, however, does not deny the relation between formal law and bourgeois interests, to the contrary (811ff.). Weber was not ignoring that fact but was trying to debunk the 'simple' Marxist approach that economic interests explain everything. The relation between intellectual and economic needs in formal law is only *indirect,* through the shared interest in calculability against arbitrariness. For Weber, the French Revolution was not imaginable without 'the spirit of the jurists' (1958a:94).

of formal law, which cannot be proven by deductive reason. As such, when reason turns upon reason scepticism must rise. Formal law is a 'self-defeating scientific rationalisation' (889). Second, the rationality of formalism 'easily slipped into utilitarian thinking' (870). This was especially true for English utilitarians, who no longer oriented themselves towards 'the eternal order of nature and logic' but to rationality in the sense of the practically appropriate. Third, the fact that utilitarian and practical concerns invaded the legal system was also class based. The materialisation of law due to bourgeois interests, Weber claims, would only be strengthened by socialist counter-theories and actions. It only increases the economisation of law in search of ethical and 'substantive justice' (886). Finally, the disintegration of formal law is in no small part due to the fact that formalised laws are abstract and '*lebensfremd*'—mere 'consequences of the intrinsic intellectual needs' (855), infringing 'upon the ideals of substantive justice' (813).

As soon as formal law opens up to substantive interests and ideals of justice beyond the law, it must collapse—in fact, according to Weber, historically it did so almost at its moment of origin. This means that, due to its materialisation and 'modern intellectual scepticism in general', formal law has 'lost all capacity to provide the fundamental basis of a legal system' (874). Law is no longer validated by its semantic form, but by what it does. In other words, the materialisation of law concerns the transformation from law as an inherently valid *object* towards law as a valid *means*. For material law, only the economic and utilitarian 'meaning' of the law counts. As Weber concludes, 'legal positivism has … advanced irresistibly' as law is 'the product or the technical means of a compromise between conflicting interests' (874). We can safely conclude that the rationality of modern positive law as well as bureaucratic rules concerns *instrumental rationality*.

We would expect, then, that if the rationality of legality is instrumental, successful claims to legal domination must relate to the goals and ends it pursues. However, this is not the case. Not only because many of these goals have to do with non-sacred and profane pragmatic and material goals, failing to provide the dignity of normative validity; not only because Weber discards the possibility of a value consensus that might externally validate instrumental law, as politics is inherently strategic and

conflictive; but foremost because external goals just cannot explain the normative validity of legality without destroying legal domination as an ideal-type.

2.3.2 Instrumental Rational Validity

The puzzle that Weber's analysis provides is how legal domination can validate its claim to legitimacy on the basis of instrumental rationality. A first important insight is that a legal or bureaucratic order, in contrast to traditional and charismatic orders, is a social order that can rationally adjust to historical, social, economic, and political circumstances. A legal order is a *cognitive* order that is able to adapt to and learn from the factual contingencies of the world. A legal order, then, does not establish a normative worldview, but a cognitive 'disenchanted' worldview. A legal order is, in Luhmann's terms, a 'reflexive' order (1989:141). This means, secondly, that in normal life we expect that the rules of law or bureaucratic rules are instrumental rational, that they have utility. This expectation is independent of the specific end or goal of the rule in question. Indeed, often we do not even know what the precise goal is, but we nevertheless expect the rule to be rational. Useless, arbitrary, or irrational rules are anathema in legal domination. Thirdly, and importantly, this also means that our expectation of rationality is partly cognitive—I expect the rule to be rational—but also partly *normative*—the rule ought to be rational. Many writers have tried to show that Weber mistakenly claimed that bureaucracy with its hierarchical organisations of rules and offices is the most rational organisation. But this critique misses the point. Anybody who has ever worked in a bureaucracy knows that it is not that efficient and never works as it is *supposed* to. The point is not that bureaucracy *is* efficient, but that we expect it to be and, moreover, we think it *ought to be* (Hilbert 1987:71). As such, a bureaucratic order is not just a cognitive but also a normative order, quite independent of the goals it pursues.

A ruler who claims the right to rule on the basis of such rational order has to prove these social expectations of rationality occasionally. Weber, it must be said, does not really discuss processes of legal truth-finding, but we might reason that such processes especially concern the *symbolic*

procedures of accountability. Although procedures of accountability are complicated affairs in their own right, we can recognise that political actions or decisions must occasionally be accounted before a forum. For example, the prime minister has to account for his actions in parliament or the professional before some collegial body.[7] However, not all procedures of accountability necessarily concern a form of legal accountability where actions or decisions are judged according to positive law. Which norms are appropriate depends on the type of forum in which accountability is demanded (Bovens 2005). Instead of the norm of legality, a forum might base its judgements on ethical norms, democratic norms, or norms of efficiency or effectiveness (Elzinga 1989:70). As such, it is not about legal accountability per se but about *legal procedures of accountability* which, we might say, constitute 'symbols of controllability' (Bovens 1990:129). Indeed, whatever the norm, accountability concerns a symbolic 'incantation of control' that proves *expectations of rationality* for the entire legal or bureaucratic order (van Gunsteren 1989:106). It is a process of truth-finding that proves that legal domination can be expected to be rational and not arbitrary. This is why it is disturbing when a judge makes his decision by irrational means, quite independent from whether his decision was right. It breaks with the normative order of legality.

Like all processes of truth-finding, symbolic procedures of accountability prove claims of legal rationality, which the witness has the duty of recognising. The problem, however, is that social expectations might be proven—that is, rules are not arbitrary but rational—but that accountability procedures do not explain subjective normative beliefs, that is, because rules are instrumental rational one feels a duty to obey. Unlike the procedures of proof of charismatic and traditional domination, legal proof does not *move the soul* as when one feels the sanctity of unalterable tradition or as when a whole new meaningful worldview is 'suddenly awoken through drastic means' (322). Legal-rational proof remains a cognitive affair that might prove objective social expectations; it fails to

[7] It is interesting to note that Weber does not consider democratic elections as a form of accountability, but rather as a ritual that re-establishes the charismatic component of democratic dogma (1146).

explain subjective beliefs. The legal-rational order of domination is *disenchanted*. It does not serve our extraordinary or existential needs.

This is part of Weber's famous thesis about the increasing rationalisation and disenchantment of modernity. Although the legal system can no longer claim legitimacy from the inherent validity of law itself, as law is increasingly materialised, we are nevertheless dependent on it as there is nothing to replace it. Weber argues that we cannot fall back on traditional or religious worldviews, which formal legality helped to destroy (1209).[8] We are dependent on bureaucracy and legal rule. The only thing left is the 'logic' of legalism itself, even if that logic does not have any inherent validity. Modern man is stuck in this 'iron cage' (Weber 2001:123).[9] In a Hegelian mood, Weber argues that where 'an inanimate machine is mind objectified' providing it 'with the power to force men into its service and to dominate their everyday working life', this also holds for that other machine, the bureaucratic organisation (1402). Both machines are 'busy fabricating the shell of bondage which men will perhaps be forced to inhabit someday' (1402). The main problem of this gloomy world, according to Weber, is that it is disenchanted. 'As intellectualism suppresses a belief in magic, the world's processes become disenchanted, lose their magical significance, and henceforth simply "are" and "happen" but no longer signify anything' (506). Although men still crave existential meaning, they can no longer find it in public life or politics structured by legal positivism. Meaning has disappeared into the 'pianissimo' of private life (Weber 1958b:155).

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[8] This analysis is echoed by Habermas. However, where Weber thought that legal formalism collapsed under pressure of materialisation and intellectual scepticism, Habermas thinks it collapsed because the legitimacy of law ultimately shifted from public reason to the justice of the free market, which it could not autonomously bear as it is crisis ridden and often unjust. Notwithstanding these differences, both point out that with the destruction of tradition and religion as a source of legitimacy, modern legal authority could not fall back on it (Habermas 1975:34–40).

[9] The famous concept '*Stahlhartes Gehäuse*' was wrongly translated by Parsons with 'iron cage'. Baehr (2001) eloquently traces how this metaphor was used by the Protestant Bunyan, and that if Weber wanted to refer to this metaphor explicitly he could have used Nietzsche's '*eiserner Käfig*'. The crucial differences between an 'iron cage' and a 'casing as hard as steel' are: (1) steel is man-made and therefore, in contrast to iron, a symbol of modernity; (2) a cage can be opened to free those inside, while a casing cannot. The metaphor therefore holds the transformation of humanity due to modernity, not the imprisonment of it. Nevertheless, due to its widespread currency, I will also translate it with 'iron cage'.

Here we finally come to the core problem of the legitimacy of legality. Where in traditional and charismatic domination the extraordinary processes of truth-finding and truth-experience are able to explain subjective normative validity, processes of legal accountability seem to yield only cognitive validity. The question, obviously, is why legal domination is legitimate if its subjective normative validity cannot be explained. In other words, how does legal domination explain feelings of duty? According to Luhmann, the 'unsupported readiness' to accept the legitimacy of law, an 'acceptation, almost without motivation, similar as in cases of [factual] truths, is the sociological problem' (1983:28). Yet it is exactly this 'unquestioned' and 'unmotivated acceptance' of legal legitimacy that is 'a character of the modern political system' (Luhmann 1983:29). The acceptance of legitimacy as a 'self-evident' *fact* depends, according to Luhmann, upon a specific form of 'consensus' (*Grundkonsens*) or 'social climate'. But this, it seems to me, is an unsatisfactory explanation.[10] Although Weber would probably agree with Luhmann that the validity of legality is about factual cognitive truths and *empirically* obedience is explained in terms of routine action, the core question is why this would in any sense secure subjective normative validity. If Weber cannot explain this, his *analytical* scheme of legitimate legal-rational domination must collapse.

To understand the subjective normative validity of legal domination from a Weberian perspective, I claim that we should not look at *extraordinary* procedures of truth-finding, but change our perspective to the *normal expectations* of validity (truth). It is from this perspective that Weber tries to explain why a bureaucrat feels an inner-sanctioned duty to obey the hierarchical rules of office—why the bureaucrat feels a duty to obey out of duty's sake. The core concept with which to explain normative validity of legality is *self-discipline* in ordinary life.

2.4 Cognitive Validity and Self-discipline

Extraordinary rituals of proof in traditional and charismatic orders move the soul of witnesses and inherently validate subjective normative expectations.

[10] To be fair, Luhmann does recognise that the 'inner consistency' of the legal system and 'symbolic-ceremonial' actions are important factors of legitimacy (*Legitimierungfaktoren*) (Luhmann 1983:36).

These rituals explain the ideal-values of subjects and, as a consequence, their value-rational orientations to the political normative order. However, quite separate from such normative validation, rituals of truth-finding also prove cognitive expectations. Such cognitive knowledge contains normal expectations that the ruler *is* divine, the ruler *holds* an elevated status or that the hierarchical legal order *is* rational. When we analyse these everyday cognitive expectations, Weber is able to explain feelings of duty through a different social mechanism. Duty is not explained by normative validity (truth) and extraordinary rituals of proof, but rather by *cognitive* validity (truth) and mechanisms of *self-discipline*.

Weber defines discipline as a form of domination: 'the probability that by virtue of habituation a command will receive prompt, automatic and schematic obedience' (53, adjusted translation). Weber's principle example of 'rational discipline' is the mass army in which 'blind obedience' and the 'unconditional suspension of all personal criticism' is secured by drill, training, and education in a context of 'compulsory integration' (1149–50). According to Weber, 'military discipline is the ideal model for the modern capitalist factory' and, of course, also for 'the bureaucratic state machine' (1156). It is safe to conclude that Weber understands discipline in a context of rational bureaucratic domination and considers it a power instrument to 'uniformly condition the masses' (1150). However, Weber's definition is unsatisfactory. First, Weber unnecessarily limits the notion of discipline to legal domination. As I will claim, it is also present in charismatic and traditional domination, even in Weber's own work. Second, Weber's rather crude top-down 'Taylorist' approach and the emphasis on habit and routine contradicts his own more subtle theory of ascetic *self-discipline*. In what follows, I will combine these two insights and show how self-discipline can be a source of subjective normativity.

Self-discipline, in most general terms, concerns the inner-self-sanctioning of an actor, that is, the actor commands himself that he *ought to* do A even if he feels an urge to do B. From the start, then, it is clear that self-discipline is closely related to subjective normative validity. Secondly, we have to understand self-discipline within a social order that is externally guaranteed. This is what Weber means when he points to the context of compulsory integration in the mass army. As discussed, a social order might be externally guaranteed through force, social factuality, or factual

truth. Especially factual truth should interest us at this point. Indeed, we can say that if an actor normally expects the order of domination to be cognitively valid—that is, to be divine, traditional, or rational—this order is externally guaranteed by factual truth. What self-discipline points at, I try to argue, is that an actor might *meaningfully* relate to an externally guaranteed factual order and this relation might be a source of normativity.

When we reconstruct Weber's work, we can distinguish three types of self-discipline, depending on the type of cognitive validity (truth) that is normally expected. First, in a charismatic order of legitimate domination, the actor normally expects the ruler to possess extraordinary and even divine qualities. In relation to this *omnipotent power*, the individual actor might obey because he fears vengeance. Obedience out of fear is not about some strategic-rational calculation of cost and benefit; it is an irrational fear, as vengeance is expected to be terrible and total. Fear explains why the actor disciplines himself to the will of the ruler. However slight the chances might be that the ruler will notice his transgressions, the consequences are unthinkable. We might say that the actor internalises *the terrifying gaze of the omnipotent*. The disciplinary effect of fear is not that articulate in Weber's work. However, Weber does recognise how the supreme power of the Prince has a charismatic quality, especially 'the power to dispose over life and death' (904). We are also reminded of Foucault's work when he describes how the Prince proves his terrifying power by obliterating the body of the condemned on the scaffold (Foucault 1995:32–69).[11]

However, the supra-human or divine power of the ruler might inspire not only fear but also hope—hope for salvation. In Weber's framework, the need for this-worldly or other-worldly salvation is especially important for charismatic domination. Salvation is born out of 'promises of redemption from oppression and suffering' and out of 'liberation from the senseless treadmill and transitoriness of life as such', that is, liberation from meaninglessness (527–8). However, the factual expectations that the ruler has the power of salvation might explain obedience, but does not necessarily seem to explain an inner-sanctioned duty to obey.

[11] Indeed, Foucault is heavily indebted to Weber's work (Foucault in Rabinow 1984:248; Foucault 1991:78–9).

We might obey the rules of the casino, for example, because we *hope* to win a large sum of money, but such obedience can solely be explained in strategic terms. What we should recognise, however, is that hope can also be about *faith,* which allows the individual actor to give meaning to his own life. Disciplining oneself in terms of sheer faith in the capabilities of the leader allows a form of *self-justification*. Weber argues, for example, that the authoritative relation between the church and the laity is based upon such faith—'an attitude of utter trust' (569). This faith must be understood as an unconditional surrender and confidence in the authority of the church to guarantee the salvation of souls—'*fides implicata*' (566). This 'unlimited trust' may result, according to Weber, in a 'proud virtuosity of faith' (567). In other words, because the actor proves himself in terms of unconditional surrender and utter faith, he finds dignity and pride. Through self-discipline, the actor finds existential meaning. Ultimately, the basis of self-justification through self-discipline, in Weber's work, rests upon the 'demonstration' that one can transcend human nature, the temptations of the flesh and the world (539). Self-justification is based upon the proof *of self-denial*.

Second, we can trace this same mechanism of self-discipline in relation to traditional order. As we have seen, traditional domination is based on status differences and collective identity. If an actor expects a distribution of status to be factually true—either socially or in terms of traditional truth—we might argue that he obeys this order out of feelings of shame. Shame accounts for a form of self-discipline to avoid the public humiliation of transgression. The actor internalises *the gaze of the public*. The actor sanctions his own actions in light of what is socially expected of him. Weber is not overtly concerned with the disciplinary mechanisms of shame, but it is the basic mechanism he uses to explain convention. Convention, Weber argues, is not based on coercion or 'any direct reaction other than the expression of approval or disapproval on the part of those persons who constitute the environment of the actor' (320). He further mentions how one of the disciplinary aspects of Protestant sects concerns the 'mutual control' of the public gaze in which 'a man must hold his own under the watchful eye of his peers' (1206). Even bureaucratic discipline is partly explained by the sheer 'possibility of public criticism' (968).

Weber is, however, much more outspoken when it comes to the positive side of shame: honour. Indeed, holding one's own under public scrutiny is a 'basis for self-respect' (1206). In Weber's framework, the integrating component of traditional domination is status honour. Status is that 'typical component of the life of men that is determined by a specific, positive or negative, social estimation of *honour*' (932). An actor might find dignity by sanctioning himself in light of a lifestyle and a positive ethos or code of honour—whether this concerns his social *role* (function) or a more artistic 'cult of the personal' (1105). Importantly, 'men of honour' are able to prove themselves, precisely because they commit to this ethos even when it is strategically irrational. The ideal concerns the man who rather faces death than to dishonour himself (and his family) by breaking a promise. Again, self-justification is based on self-denial.

Thirdly, a subject of legal domination cognitively expects this social order to be *rational*. An actor might discipline himself to these expectations of rationality out of feelings of *guilt*. Guilt relates not to what is normal in terms of social expectations, but in terms of expectations of rationality. An actor sanctions himself to these expectations out of feelings of guilt because he knows that his transgressions or urges are abnormal and irrational. We might say that the actor sees himself as an object and even a project of rational knowledge. The internalised gaze is that of himself, of his *conscience*. We are clearly reminded of Foucault, who argues that, as our subject becomes an object of 'observation' and 'examination' of external compulsory institutions, it also turns into an object of knowledge for ourselves (Foucault 1995:188–9, 304). The actor examines his own actions and thoughts with a body of knowledge he expects to be rationally true. The core of this type of self-discipline is that normal conduct is no longer about social *appearance*—the symbolic presentation of self—but about *being* normal.

Weber traces this type of self-discipline based on guilt especially in his sociology of religion. Without giving a full analysis of Weber's sociology of religion, I will point out some of the social mechanisms that Weber thought to be foundational for the rise of the notion of guilt. The historical development of guilt, according to Weber, must foremost be understood as an offshoot of the *intellectual* attempt to understand religion in non-magical terms. The intellectual—priests and lay-intellectuals—opposed

the superficial external appearance of the symbolic rituals in the church and of faith as the 'the death of intellectual pride' (567). Instead, the intellectual tries to recapture the original charismatic meaning of the prophetic revelation that necessarily had undergone a 'recession' when it was institutionalised in the church. The intellectual longs for individual salvation and embarks on a 'quest for the transcendental meaning of existence' not contaminated by the material needs of daily life (1178). The *paradox of the intellectual*, however, is that he longs for a charismatically meaningful world, while his rational method destroys the magic he seeks. In Weber's work, this intellectual paradox is the force that explains religious and institutional change: how religion increasingly becomes a rationalised ethic, in which God changes from an amoral to a rational being (1179); how the meaning of piety changes from the importance of appearance in 'good works' to the importance of being good (533); how the rituals of church change from something outside normal life (the magic of sacrament) to rituals that probe into normal life (confession) (531); how the meaning of sin changes from something that can be forgiven through magical rituals to the unforgiving knowledge of predestination (438ff.); and how the church changes from an universal institution into a 'community of saints' from which one can be rejected (1201ff.). The intellectual search for true meaning, then, explains why symbolic appearances and magic sufficed less and less and why, in contrast, true knowledge of the relation between oneself and a rational God is what really matters. What really matters is who we truly *are* in relation to goodness and sin.

Guilt is born with the factual truth of a rational God. One is not just guilty when one behaves unethical but also when one has impure thoughts or inclinations. Sin is no longer about what you do but who you are. This type of guilt, Weber argues, is also present in 'modern secular man'. In the direct analogy to rationalised religion, we might say that the knowledge of a rational God is replaced with the knowledge of a rational social order. 'Not that he has *done* a particular deed, but that by the virtue of his unalterable qualities … he "is" such that he *could* commit the deed – this is the secret anguish borne by modern man' (576).

The intellectual attempt to find original charismatic meaning also explains how individuals find existential meaning in terms of self-discipline. By submitting oneself to rigorous rational rules an individual

can prove himself and find dignity in terms of his *vocation*. Weber traces such self-discipline and self-justification from the '*world-fleeing*' bodily suffering of the ascetic (1143) to the rationalised total order of the monastery (1172); from the monastery to the '*inner-worldly*' rationalised ethic of the Protestant (543)[12]; and from the Protestant ethic to the *secular* rationalised vocation of modern man, especially the bureaucrat (1200; 2001:124).[13] In other words, individuals can find meaning and dignity by disciplining themselves in terms of rules prescribed by a rational order or rational God. Weber tries to trace the rise of disciplined modern man with a sense of calling (958) and an inherent 'sense of duty and conscientiousness' (1149). Furthermore, self-justification is once again based on proof by self-denial. Actors find dignity in a calling and the knowledge that they *are* virtuous, that they *are* a dutiful bureaucrat or a law-abiding citizen. It is not what others might think of them; it is what they know to be true about themselves. Important, however, is that one expects the rules to which one disciplines oneself to be rational. One does not find dignity by submitting to useless or irrational rules—one would rather feel stupid or embarrassed. And as such, we can see the important difference with honour, for which the demand of usefulness is rather unimportant.

The dignity of vocation explains why the bureaucrat does his *duty for duty's sake*. It is a form of self-justification in a rationalised cognitive world. Self-justification by ascetic self-discipline spreads from the monastery into general society with the rise of a cognitive rational order and the intellectual need for meaning. It is in these terms that we can understand Weber's disenchantment thesis as the *bureaucratisation of society*. Foucault

[12] It is possible to read Foucault's work as a critique on Weber's preoccupation with Protestantism. Foucault argues that the counter-reformation of the Catholic Church yielded the same kind of self-disciplinary mechanisms (1978).

[13] Weber famously traced the historical origins of the modern 'capitalist spirit'—but not capitalism itself—to the rise of this Protestant ethic (Weber 2001 [1920]). Much has been said about this thesis, even in Weber's own days (Radkau 2011:96.). The Protestant ethic, for sure, is not the cause of capitalism nor is capitalism the source of this religious ethic. Both religious and economic spheres have their autonomous dynamics. Weber's main point is that the 'rigorous ethics of bourgeois rationalism' (1194)—an ethic favourable to capitalism—has a religious origin that disintegrated in modern capitalism but not the ethic of duty itself (Weber 2001:124). Indeed, the bourgeois reformers did not conflict with the church because of the church's difficulty for coping with the needs of capitalism, rather the reformers thought that 'the religious penetration of worldly life … did *not go far enough*' (1197). For Weber, this means that Protestantism 'produced a capitalistic ethics, although unintentionally' (587).

argues along similar lines when describing how disciplinary techniques leave the confines of specific institutions and 'spread throughout the whole social body, the formation of what might be called in general the disciplinary society' (Foucault 1995:209). For sure, Weber is aware that finding meaning in individual vocation does not come easy, as the intellectual paradox remains present in secular life and easily slips into scepticism or despair. The 'need for meaning and experience' can therefore also result in different means of coping with a disenchanted reality. However, these methods are 'world-fleeing' or necessitate intellectual death.[14] Only when existential meaning is found in a conscientious performance of one's duties can we explain the subjective normativity of legal rationality.

The 'gaze' in relation to self-justification explains subjective normative orientations. But we need to remember that for political legitimacy these orientations are related to the social organisation of domination. This means that for bureaucracy and legality, it is not so much about rational knowledge per se, but about a rational organisation in which bureaucrats and maybe even citizens find their vocation. In other words, it is not about 'free-floating' discourses of truth, but about practices of discipline in which coercion is never far away. Expectations of rationality are embodied in the impersonal organisation itself. Bureaucracy is 'domination through knowledge' (225) to the extent that it is expected to be rationally organised in pursuit of higher goals that cannot be clearly perceived by individual bureaucrats. According to Weber, a defining characteristic of bureaucracy is secrecy or the monopolisation of information, making it difficult to determine on which grounds decisions are made, other than being instrumental to abstract, ambiguous, and canonised goals of 'raisons d'état' (992,979). The analogy between the calling of the Protestant in relation to a rational but incomprehensible God and that of the bureaucrat in relation to a rational but impenetrable bureaucracy should be apparent. Although

[14] Besides the meaning of duty for duty's sake, Weber discerns: (1) *escaping from the world* in forms of mysticism. This escape tries to recapture magic in terms of *private experience*—the celebration of the 'intimate'—which can be religious, sexual, or concern experiences of brotherhood and solidary love (1958a:128, 1958b:155); (2) giving up one's intellectual needs altogether. This '*intellectual sacrifice*' is not so much about the *faith* of the masses, but rather about 'acceptance' and material happiness for its own sake (2001:124); (3) Weber points out that the intellectual might not solve the problem of meaning in modernity. For this intellectual, and maybe for Weber himself, all that is left is *despair* and 'bitterness' (1958a:128).

the officeholder or citizen does not know the higher goals the bureaucratic machine is pursuing, he finds meaning in obedience and submission to rational rules, doing his duty for duty's sake.

What we should also remember is that we must not mistake these normative orientations for obedience itself. What the famous Milgram experiments, for example, show is that obedient *behaviour* is explained not by unconditional duty to authority but by psychological mechanisms that absorb tensions that arise between conflicting normative demands or orientations. In other words, Weber tries to explain where duty towards legal-rational domination comes from in the first place, not why actors obey in morally dubious situations. Action and behaviour are two different things.

Nevertheless, the disturbing conclusion must be that social practices of discipline and self-justification explain, at least partly, political legitimacy itself. This conclusion is precisely Weber's worry. Legal domination is characterised by a 'careful avoidance of the use of authoritarian forms' (730). Although coercion does not disappear, all 'normal sentimental content' is drained from authoritarian relations. Such sentiments—which at least hold the will and possibility of emancipation—seem to disappear in the rational system as such, which means, for Weber, that 'the resulting system of domination is practically indestructible' (987). This is the essence of his 'iron cage' or modernity thesis.

In conclusion, in all forms of self-discipline, the actor *proves himself* in relation to what is cognitively expected to be true, which enables him to justify himself and find personal dignity and meaning, proof that always concerns some form of *self-denial*. And because the actor perceives himself meaningfully in terms of an order that is expected to be true, the actor claims that this order *ought to be true*. Because the bureaucrat finds meaning in vocation, he not only expects the rules to be rational, but they ought to be rational. Subjective validity, then, does not so much arise from extraordinary emotional rituals and truth-experience, but from the actor's own meaningful perception of Self in externally guaranteed factual relations. The normative expectations of the social order are based on self-justification. Whereas charismatic revelation is a revolutionary power from *within* changing our external worldview, the logic of legality and bureaucracy is for Weber a revolution from *without* changing the 'inside',

that is, changing who we are (1117). Modern bureaucracy, Weber confirms, developed a 'moral discipline and self-denial, in the highest sense', without which 'the whole apparatus would fall to pieces' (1958a:95). What Weber failed to address explicitly, however, is that this external revolution in terms of self-discipline holds for all ideal–typical forms of legitimate domination (see Table 2.1).

2.5 Conclusion: Legitimacy as Unconditional Duty

It is one thing to reconstruct Weber's sociology of legitimate domination in an analytical coherent way, it is quite another thing to assess what contemporary research can learn from it. Weber's sociology does not provide an easy framework for studying concrete historical forms of institutionalised legitimate domination. It demands from the researcher extensive knowledge of Weber's work and a creative mind. There are two reasons for this somewhat unsatisfactory conclusion. First, the method of ideal-types only provides a general guide for empirical research. Second, the three levels of analysis—ideal–typical, institutional, and progressive—readily intertwine but provide different analytical perspectives. To conclude this chapter, I will try to provide the researcher with a more concrete Weberian conception of political legitimacy.

2.5.1 Legitimacy and the Modernisation Thesis

Weber's modernisation thesis of rationalisation and disenchantment is of little value for empirical research if it means that contemporary political legitimacy is purely based on legality or that the 'iron cage' is a social fact. We have to distinguish carefully between, on the one hand, charismatic,

Table 2.1 Different types of self-discipline

The gaze of the omnipotent	The public gaze	Conscience
Fear	Shame	Guilt
Faith	Honour	Vocation

traditional, and legal *types of social orders* as part of a larger modernisation process—that is, of a historical rationalisation and disenchantment process—and, on the other hand, between charismatic, traditional, and legal-rational *sources of legitimacy* that explain the normative validity of a specific empirical order of legitimate domination. The types of social order or the social–historical context are, obviously, an important factor explaining different kinds of legitimate domination. There is nothing wrong with the sociological practice of *heuristically* differentiating between pre-modern, modern, and late-modern societies. Such conceptualisations can inform us of general social changes and dynamics especially in relation to knowledge, values, worldviews, and social differentiation and organisation. However, they should not be mistaken for social–historical realities. History is more complicated than this.

Whatever the social–historical context, all three sources of legitimacy can be present, often simultaneously. Weber readily admits that tradition still plays a role in modern society even if it is no longer a traditional society (337). In his fragmented comments on modern democracy, we can recognise the role of charisma—for example, the charismatic origin of democracy (1209), charismatic experiences in electoral acclamations (1451), or the political leader who gains emotional devotion through 'charisma of the tongue' (1126). The parallel between the church and the democratic state in which the original charisma of the democratic revolution is institutionalised in liberal-democratic dogma, with all the necessary accompanying symbolic rituals, is also fairly obvious.

In short, the social–historical context is important and modernisation theories might provide us with a focus on political change; we cannot, at face value, take over Weber's 'iron cage'—or any other grand theory—as historical reality. To analyse specific instances of legitimate domination, we need to descend to Weber's institutional level of analysis and understand how different sources of legitimacy can combine empirically.

2.5.2 Legitimacy at the Institutional Level

Even if Weber acknowledges that different sources of legitimacy—or different ideal-types—can combine in distinct historical contexts, the relation

between historical variation and his ideal–typical method makes a concrete analytical framework quite difficult. What Weber's sociology does provide on this level is an analysis of the inherent dynamics that exist between the different sources of legitimacy. The three kinds of validity (truth)—revealed, traditional, and rational truth—differ in some analytical dimensions but re-enforce each other in others. Traditional and rational validity align where it concerns *ordinary* expectations of everyday life, while charismatic validity, on the other hand, implicates extraordinariness, a break with ordinary life. Similarly, charisma and tradition both have a *magical* quality opposing the disenchanted rationality of legality, while legal and charismatic validity allow for *social change,* as opposed to the status quo of tradition. These different oppositions explain tensions within historical empirical orders of legitimate domination.

Weber's sociology also explains institutional dynamics as the relation between sources of validity associated with specific existential human needs. The relation between revealed and rational truth is where Weber locates the *intellectual need* to understand the meaning of life, and, hence, also the intellectual paradox. The relation between legal rationality and tradition, in contrast, is grasped in terms of *material needs*—securing material stability and calculability—whereas charismatic revelation has an inherently anti-material and transitory character. Finally, the relation between traditional and revealed truth—analysed in dogma and institutional grace—might best be understood in terms of a need for some form of normative security—the need for a 'permanent habitus' or normative worldview (536).

The full force of Weber's analytical model of sources of validity is depictured in Fig. 2.1. It shows not only the importance of *Existenz* in Weber's sociology and the possible multidimensional character of empirical legitimate domination, but especially its inherent conflictive and dynamic character. Political legitimacy is never final. It is an ongoing process. However valuable this framework is for approaching social and historical dynamics, it still does not provide a concrete analytic framework for researching legitimate domination. A final attempt, then, might be to reintegrate the reconstructed Weberian view of legitimate domination with his general action-theoretical approach, and to show how it emphasises different orientations and questions for research.

2.5.3 An Integrated Weberian Framework of Legitimate Domination

The crucial characteristic of a Weberian conception of political legitimacy is the existence of *feelings of duty towards institutionalised legitimate domination*. Furthermore, political legitimacy can be approached from the perspective of *Handeln* or *Existenz*, and always implies the underlying distinction between subjective and objective 'meanings'. Taken together, we can see in Fig. 2.2 that Weber's approach to legitimate domination can be divided into four quadrants, based on the *Handeln*/*Existenz* and subjective/objective distinctions, each giving rise to specific research orientations and questions.

In the upper-left quadrant, research concerns the social validity of legitimate domination. In other words, it concerns questions about insti-

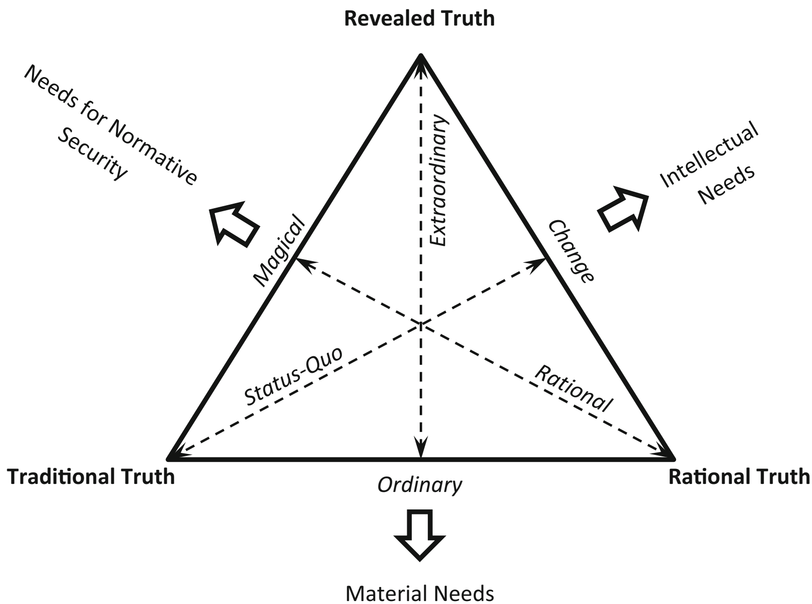

Fig. 2.1 Weber's multidimensional analytical framework of sources of validity

tutionalised expectations about *who has the right to rule* and how this right is socially organised. It primarily emphasises formal political organisation and legitimacy connotes its social validity. Nevertheless, remembering Luhmann's dimensions of generalisation (see Chap. 1), expectations might be not only be office oriented but also more personal or social role oriented. The question, in any case, is whether the duty to obey is a socially valid expectation and how this expectation is socially organised. It investigates legitimacy as a social fact.

In the lower-left quadrant, research analyses how actors interpret social reality and how they orient themselves towards the objective structure of legitimate domination. Here research primarily concentrates on the *internal guarantees* of political order. Actors orient to objective legitimate domination in many different ways, but only to the extent that they do so in a value-rational manner, only to the extent that they normatively agree with this institutionalised right to rule, can we say that legitimate domination is genuinely legitimate. In short, the question is whether actors feel a duty to obey, quite separately from their actual behaviour. At this

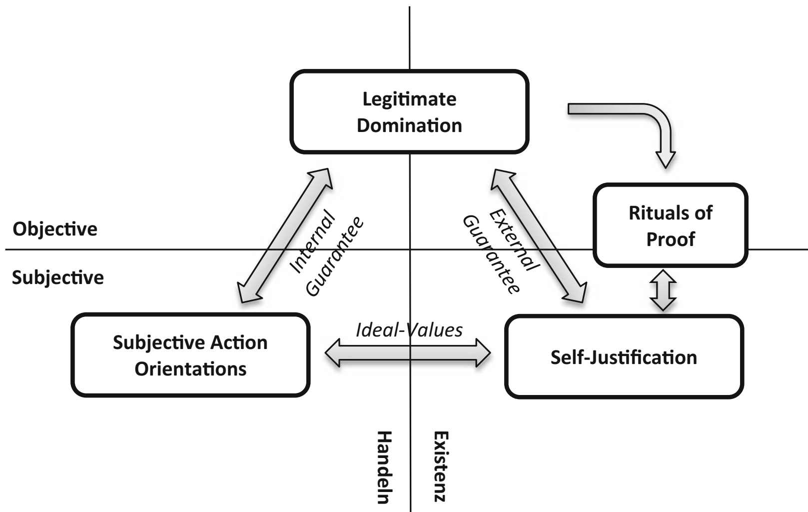

Fig. 2.2 A reconstruction of Weber's analytical framework of legitimate domination

point, a host of other questions could be posed about the meaning of factual legitimate politics, ranging from normative agreement, to strategic compliance, to acquiescence, to alienation.

In the upper-right quadrant, objectivity no longer connotes social validity, but validity in the sense of truth. This means that research should concentrate on the claim to legitimate domination. Important to recognise, claims to legitimate domination always concern claims about the structure or the position of domination, not the substance of commands itself. The main question concerns how legitimate domination is *externally guaranteed* in terms of factual truth. This means that, first, we should uncover which claims of validity are being made. Although this sounds simple enough, it is precisely at this point that Weber's work is most diffuse. Empirically there might be multiple claims to legitimacy, some overt, others covert, pointing to different ideal-type sources of validity, that in concrete historical contexts show an enormous amount of institutional variation. The complexity for empirical research is obvious. It seems to me that we should, initially, not be overly concerned with Weber's ideal-type sources of validity. We should first try to understand the external guarantee of legitimate domination in factual truths. For example, what is important in relation to the state are naturalised conceptions or 'myths' about national identity and history, leadership and leadership status, expertise and rational organisation, rule of law, the sanctified goals of the common good and progress, and, of course, the sovereignty of the people. These are not 'truths' freely floating around in some discursive space, as if political legitimacy is some kind of social contract between state and society, but they are conceptions that are embodied in what we perceive the state to be, even if empirically things are strikingly different. Similarly, one could try to analyse social conceptions of the patriarchal father, the teacher, the pastor, the church, the bureaucracy, the factory, and so on. Claims to legitimacy have to be proven in 'social bodies of knowledge' about legitimate domination, and as such depend on what is socially expected to be true. Politics does not directly control such expectations, but expectations cannot be separated from politics either—they are not ideals, but idealised conceptions of reality.

More concrete, Bourdieu's work on habitus or 'doxic' knowledge is probably a good example of such analysis, although we must be careful

not to overstate the existence of single, consensual social conceptions (1977:163ff.). Society is more complex and fragmented. Analysis, in any case, should concentrate on the social conceptions of particular forms of legitimate domination, and on the symbols and rituals of proof through which claims of legitimacy are validated and social conceptions are produced and reproduced. Legitimacy, in this case, concerns *the objective duty to recognise* the validity (truth) of legitimate domination. So, for example, the duty to recognise that the political system *is* democratic, proven through formal elections, or *is* representing the nation, proven through emblematic symbols like flag and anthem.

Finally, in the lower-right quadrant, research concentrates on the questions of why and how proven claims to legitimate domination assure *subjective normative agreement*. As discussed, feelings of duty can be explained by two general sociological mechanisms: through extraordinary rituals of proof that 'move the soul' or through everyday processes of self-discipline. Where in the former actors directly experience the 'unalterable' or 'revealed' truth, in the latter factual cognitive truths are normally expected to be true. In both, however, the explanation for feelings of duty arises from the human need for existential meaning, the need for purpose and self-justification. In other words, normative feelings of duty are inherently related to meaningful self-conceptions. Legitimacy is understood in terms of feelings of duty, and the crucial question is how structures of domination provide and cultivate meaningful self-justifications. Existential meaning, in this Weberian framework, ultimately depends on the experience of ultimate truths that overshadow the actor and in which he finds purpose, or on a form of self-denial in which the actor proves himself in relation to factually guaranteed structures of domination.

The richness of Weber's sociology of political legitimacy should be apparent. Legitimate domination can be analysed as a social fact, in relation to internal and external guarantees, and especially in terms of subjective feelings of duty. Yet, the framework is limited to the extent that Weber solely understands legitimacy in terms of hierarchical command and control relations and in terms of 'unconditional' duty. In the remainder of the book, I want to show that different perspectives on the nature of politics and political relations yield different explanations of subjective

normativity towards politics, that is, different explanation of political legitimacy.

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3

Politics as Conflict

Many have pointed out that the autonomy of politics rests precisely upon its intrinsically conflictive nature. Political judgements are inherently different from scientific, moral, aesthetic, or economic judgements, to the extent that there is no single value that rules over politics. Indeed, where consensus exists or 'where reason claims to speak, politics is silent' (Barber 1988:205). Politics, then, is to deal with conflicting values, the 'warring of the gods' (Weber 2004a:27). The autonomy of politics is based on the necessity of making binding collective decisions under conditions of conflict.

Politics as conflict and domination are therefore not inherent in opposition. In traditional liberal normative theory, these concepts are often intrinsically related as well. Legitimate domination is a solution for the conflictive and self-interested *nature of man*, as can be seen most dramatically in the political theory of Hobbes. The liberal tradition does not deny conflict, but identifies political legitimacy in terms of the common good and shared interests. Indeed, political faction and conflict are inherently irrational, the failure of passionate man to listen to Reason. To put it more strongly, the whole project of the Enlightenment and, of liberal theory in particular, is to subject politics to Reason. It does not deny the

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_3

conflictive nature of politics as such, but does deny the legitimacy of conflict (Mouffe 1989, 2005). Legitimacy is about Reason and consensus, not self-interest and conflict.

In empirical theory, too, this is the dominant position. Preoccupied with the problem of order, legitimacy is the value-consensual bond that counterweighs the centrifugal force of social and political conflict. To a certain extent, this is also Weber's position, although he remains far away from presuming some unproblematic societal value-consensus. Instead of the conditional and contingent foundation of instrumental politics in which actors pursue their own interests or values, the stability of politics must be explained by the validity of legitimate domination, the subjective and objective validity of the political structure itself.

Yet Weber is one of the most prominent scholars to emphasise the irreconcilable conflictive nature of politics, especially democratic politics. Political conflict is unresolvable, which poses problems for the rationality of the democratic process and for its stability and legitimacy, especially as conflict emphasises its strategic and instrumental character. Despite his fragmentary comments on modern democracy, scholars of political and democratic theory have been grappling with Weber's problematic legacy ever since. Especially within the political sciences, a broad tradition of *democratic realism* tries to understand the viability, rationality, and legitimacy of democratic politics, based on the supposition that politics is inherently conflictive. Democratic realism is characterised by a strong economisation of political theory, emphasising strategic-rational actions of utility-maximising actors and the consequent importance of political output-effectiveness. In general, analyses that start with the conflictive nature of politics tend to reproduce the analytical opposition between *political effectiveness* and *political legitimacy*, an opposition between conditional strategic political support and unconditional value-rational commitment (see Table 3.1). What makes the tradition of democratic realism potentially interesting, however, is that their primary concern with political stability forces scholars to analyse the relation between political effectiveness and legitimacy. It is this relation, giving rise to some kind of 'output-legitimacy', that promises a different understanding of political legitimacy, different from Weber's belief in legitimate domination.

Table 3.1 Analytical opposition between political legitimacy and effectiveness in democratic realism

Political legitimacy	Political effectiveness
Unconditional	Conditional
Value-rational belief	Strategic-rational action
Politics as object	Politics as means
Evaluation of political structure	Evaluation of political output

In this chapter, I will analyse three of the most prominent strands within democratic realism: the market analogy, pluralism, and the cybernetic model. Although these different strands do provide us with interesting insights into the relation between conflict, output, and legitimacy, democratic realism fails to come up with a qualitatively different or analytically robust notion of political legitimacy. Many claims concerning the relation between political effectiveness and legitimacy remain intuitive but poorly analysed. Worse, this tradition easily slips into crypto-normativism. This might seem as a rather disappointing conclusion for a tradition so dominant in the political sciences. However, as I will try to show, it does broaden our Weberian understanding of politics, especially where it analytically differentiates between three political arenas: the *political system* of legitimate domination, *the political game* of strategic pressure politics, and *the political theatre* of symbolic mobilisation of support. Although hardly developed by democratic realism itself, the political theatre, emphasising a dramaturgical analysis of politics, offers a different understanding of political legitimacy—based not on Weber's unconditional duty, but on conditional normative support—which, furthermore, does not oppose the conflictive nature of politics, but is inherently related to it. But let us first appreciate Weber's problematic legacy for democratic theory.

3.1 Democratic Realism and Weber's Legacy

We can understand democratic realism as a theoretical tradition that tries to deal with the problematic legacy of Weber where it concerns modern democracy. This legacy contains: (1) the inevitability of conflict in

modern society, (2) the problem of rational politics, and (3) the analytical separation of political legitimacy and instrumental interests.

First, in the previous chapter, we have seen that Weber fears the unstoppable progress of disenchanted instrumental legal-rationality, but this does not negate the fact that Weber also identifies modernity as the rise of social differentiation, the rise of different social 'value spheres' with their own specific *logics* and *values*. The primacy of instrumental rationality does not mean that there is only one type of reason. Weber already discerns the value spheres of science, religion, law, the market, aesthetics, art, religion, and, indeed, politics. For Weber, the *internal* demands, rules, and methods of each social sphere are instrumental to their specific value—their specific 'god'—while at the same time these ultimate values are disenchanted, that is, have lost their magic or inherent validity (2004a:23). While this might generate problems of validity (truth), we have seen that processes of self-discipline and self-justification can explain the subjective validity of instrumental rules for 'their own sake'. A different problem, however, is that there is no longer a single value or truth that transcends these different value spheres, these different logics, worldviews, and different gods. Modernity, according to Weber, is not only disenchanted but also inherently conflictive—'the conflict between these gods is never-ending' (2004a:27).

Second, modernity understood as a conflict between the gods has direct implications for the political value sphere. When politics makes binding decisions or 'value judgements' for the collective, it is inherently confronted with this 'insoluble struggle' between different value systems (2004a:22–3). For Weber, this means, first, that politics is itself conflictive, that is, politics is 'to strive for a share of power or to influence the distribution of power' (2004b:33). According to Weber, this is especially applicable to modern mass democracy with its characteristic political 'party machines' pursuing interests and 'fighting' for votes, funds, and power (1978:1396, 2004b:54ff.).[1] Second, it means that the rationality of the political value sphere itself seems threatened. Although it is not

[1] Weber explicitly contrasts mass democracy or 'plebiscitary democracy' with genuine *herrschaftsfremde* democracy, which concerns the levelling of relations of domination, while the 'decisive aspect' of modern democracy is 'the *levelling of the governed* in face of the governing' (1978:266,985). Also, the inevitability of the party machine in modern democracy explains, for Weber, a further

true, as Habermas states, that Weber's vision of positivist law must 'feed on legitimate law-making', we could argue that the rationality of legality is threatened when politics itself is an irrational process of decision-making (Habermas 1996:169). Weber is indeed worried. On the one hand, he fears the 'emotional exploitation' by the demagogue who woos the masses and strives for power for its own sake, reducing politics to meaningless theatre (2004b:61ff.).[2] Politics needs some 'purpose'—a cause. On the other hand, Weber fears a 'pure ethics of conviction' in which actors 'take no responsibility for the *consequences* of their actions' (2004b:91). Without an ethic of conviction and without an ethic of responsibility—the two 'moral sins' of politics—politics becomes meaningless and irrational. To solve this problem of political rationality, Weber rests his hopes on the personality of political leaders to combine the two 'antitheses'. Political leaders must find a balance between expedience and conviction.

Finally, mass democracy, according to Weber, inherently 'means the division of all enfranchised citizens into politically active and politically passive segments' (2004b:54). The passive supporters, moreover, are hoping to obtain 'rewards' from politics. This instrumentalisation of politics problematises the stability of democracy, as it emphasises conditional strategic interests and the evaluation of politics as a means. It problematises the relation between political effectiveness and legitimacy. As such, Habermas is partly right when he claims that, because Weber emphasises 'the rationally irresoluble pluralism of competing value systems and beliefs', he cannot provide a justification for the 'rational value-oriented foundations of the belief in legitimacy' (1975:100). It is not that Weber cannot explain these beliefs, but legitimacy and effectiveness remain analytically separated. There remains a divide between legitimate domination and politics as strategic conflict.

The tradition of democratic realism deals—implicitly or explicitly—with this legacy of Weber. Primary to their endeavour is the problem of

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kind of disenchantment: the 'spiritual proletarianization' of its followers—the 'loss of their souls' (2004b:74).

[2] Interestingly, Weber argues that striving for power for power's sake makes politics a 'meaningless activity' (2004b:78) whereas 'science for science's sake' is precisely what explains science as a vocation (2004a:12).

order: what holds democracy together if politics is inherently conflictive and instrumental? It tries to find solutions for the problems of democracy—the problems of conflict, rationality, and legitimacy—by a general *economisation of political theory*. Indeed, the market and economic theory seem to promise answers of how conflicts of interest can nevertheless yield a rational and stable social order. Democratic realists construct a general economic model of democratic politics along the following idealised lines: (1) politics concerns the allocation of value; that is, politics, in Lasswell's famous definition, concerns 'who gets what, when, and how' (1958 [*1936*]); (2) this implies democratic politics is about conflicts of interest and struggles for power; (3) the dynamics of political interest competition is organised by the institutional structure of representative democracy; (4) this institutional structure consists at least of a political labour differentiation between the political active and passive; (5) it presupposes an instrumental view of politics emphasising the importance of political output; (6) political output is the unintended consequence of democratic competition and strategic-interest maximisation; and (7) effective political output at least partly explains the legitimacy of the institutional structure. The concepts of value allocation, interest competition, labour differentiation, unintended consequences, and output effectiveness readily testify to the economic nature of this tradition.

If this is the general political model of democratic realism, we might discern three strands within this tradition, each based on a different notion of political conflict (see Table 3.2). Of course, these approaches are often combined within a single theory, but it allows a coherent presentation of the broad tradition of democratic realism. First, I will discuss

Table 3.2 The three stands of democratic realism

	The market analogy	Pluralism	Cybernetics
Type of conflict	Interest competition	Horizontal conflict	Vertical conflict
Main concern	Rationality	Democratic stability	Democratic stability
Output and legitimacy	Output efficiency equals legitimacy	Output effectiveness relates to legitimacy	Output effectiveness explains legitimacy

theories that perceive political conflict as interest competition in direct analogy to the market. The main question of this approach concerns the rationality of the democratic process, while legitimacy is equalled with output-efficiency. Second, the pluralist strand understands political conflict primarily in terms of horizontal social conflict and cleavage. The main concern is the stability and viability of democratic politics, while democratic legitimacy is understood in relation to output effectiveness. Finally, the cybernetic system approach perceives of conflict as vertical political conflict between 'state' and 'society'. The primary question is the stability of the political system, while political output effectiveness is thought to explain legitimacy. In what follows, I will examine these three approaches of democratic realism and evaluate their understandings of political legitimacy.

3.2 The Market Analogy: Conflict as Interest Competition

The main thrust of the democratic realist tradition is the explicit or implicit analogy between the economic and the political system. The market analogy seems promising where it concerns the relation between strategic interests and the public good and between interest competition and market stability. Economic theory seems to hold the answers that are so problematic for democratic theory: rationality, stability, and validity despite inherent conflict. Modern welfare economics merges the 'private vice and public good' mechanism of Smith and Hume with Bentham's and Mill's objective norm of utility. Market actors are perceived as strategic-rational actors trying to maximise utility, while the public good arises as an unintended consequence from the competition between these actors. This public good, furthermore, is understood in welfare-utilitarian terms. Although there are many different utilitarian norms to judge the public good, the most potent of them seems to be Pareto-efficiency (Sen 1979:488). As such, at the risk of over-simplifying, we might say that the normative project of welfare economics is to organise and regulate economic competition in such a way that the market is *rational*, that is, the market is in Pareto-optimal equilibrium (Beckert 1996:806).

If this is the basic simplified model of modern welfare economics, we can recognise four problems with a direct analogy between politics and market. The first problem, as Sen has extensively argued, is that welfare economics perceives economic behaviour as a 'revealed preference' (Sen 1977:322). This behaviouristic understanding must be explicitly separated from our action theoretical perspective. We should not so much object to the reduction of human action to strategic action, as to the fact that in economic analysis, behaviour is thought to 'reveal' strategic-rational action orientations of economic actors. The problem is not that people do not act strategically—they often do—the problem is rather that other subjective orientations are dismissed a priori as irrelevant. Revealed preference theory is a tautological argument. Economic actors are predefined to be rational utility-maximisers, which means that all behaviour is rational per definition and that only the market itself can be irrational.[3] While such simplified understandings of human action might be a tool—although not a particularly successful one—for predicting market *behaviour*, caution should be taken with respect to political *action*.

Second, the public good arising as an unintended consequence is perceived in terms of the utilitarian norm of Pareto-efficiency. This objective norm as the legitimate goal of politics has been severely criticised in normative political theory. Rawls most famously criticised utilitarian justice because its distributional indifference fails to deal with social inequality. Indeed, equality of utility and preferences in a context of social inequality seems perverse from a normative standpoint. On an even more fundamental level, Sen shows in a thought-experiment that Pareto-efficiency and liberal values are not always compatible. From this 'liberal paradox', he concludes that Pareto-efficiency, and all other norms of utilitarian justice for that matter, cannot be the sole normative standard of social justice and political legitimacy in a liberal democracy (Sen 1970, 1976).[4]

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[3] Actors cannot escape rationality except through inconsistency, breaking the assumption of 'transitivity'. Sen provides several reasons why this idea of internal consistency at the core of traditional economics does not hold, from which he subsequently argues that we must return to the original utilitarian idea of *subjective* utility-preferences (Sen 1992, 1973, 1977).

[4] It sounds counterintuitive, as *win-win* sounds like a powerful reason to accept validity, but the problem lies in the distinction between merely looking at preferences and looking at why people have these preferences and whether they should count. The Pareto-rule is *context insensitive*. So, for example, from the perspective of the much analysed Prisoners' Dilemma, a Pareto-optimal solution

These fundamental attacks on Pareto-efficiency as a normative standard of validity have not resulted in a decline of its popularity in scholarly, political, and public debate—to the contrary. Normative critiques furthermore do not necessarily mean that Pareto-efficiency has no empirical value, but we should at least be cautious about taking its normative validity at face value.

Third, the objective norm of Pareto-efficiency concerns the validity of the market from an *outsiders' perspective*. The *internal validity* of the market is a far more complicated affair. A common explanation is that individuals accept the validity of the market because they perceive it to be in their best interest. However, this explanation does not hold. When market actors are said to act strategic rationally, they calculate the best action based on (secondary) costs and benefits. In order to do so, they must perceive the market as a social–empirical *fact*. As such, they do not evaluate the market in terms of their preferences, they rather evaluate their *actions* in terms of preferences and factually given interest-configurations. In short, from within the market, questions of market validity are not 'thematised', in Habermas' words (1975:5). When actors do thematise the normative validity of the market, they no longer act as economic but rather as political actors. This makes any simple analogy between market and politics problematic, as market validity is already a political judgement.

Finally, it may be argued that, faced with collective action dilemmas, Pareto-efficient solutions may also be an *internal* standard of validity. In rational action theory (RAT), actors are not merely perceived as utility-maximisers in factual interest-configurations, but as rationally reflecting on this structure itself—taking a 'second order' perspective. As such, actors may agree that a solution in which everybody is better off and which avoids the so-called tragedy of the commons is rationally valid. This solution, however, must be externally guaranteed, as it is vulnerable to 'free riders', to disintegrating forces. In classic RAT, especially where anonymous markets are concerned, this external guarantee is transposed to political and legal domination. Ostrom therefore argues that 'the theory

hardly relates to intuitions of justice if we assume that one of the prisoners is innocent. Context matters.

of collective action is *the* central subject of political science. It is the core of the justification for the state' (1998:1). In other words, the centrifugal tendencies of an efficient market are *contained* by the political system. This obviously makes an analogy with the political system problematic, as there is no external authority on which politics can rely. Modern forms of RAT, it might be objected, rely less on external guarantees of political domination, but rather emphasise the role of social institutions and cultural contexts (Ostrom 1998) or even reintroduce moral commitments separate from subjective utility-preferences (Sen 1985, 1996). These theories resonate readily with the neo-institutional approach in economics that claims that we must perceive markets as being 'socially embedded' (Granovetter 1985; Beckert 1996, 2003). As Sen puts it, traditional economic theory 'has too little structure' (1977:335). Modern forms of RAT therefore often assume that social and political institutions arise in functional evolutionary terms as effective solutions to collective action problems, uncertainty, complexity, and information problems (Ostrom 1998). These institutions are themselves the result of unintended consequences, of 'trial and error', and not constituted by conscious agreement among rational actors. However, by now we might wonder whether the market is still a useful analogy, or whether it has itself become a very complex theoretical and empirical sociological problem.

If the analogy between market and politics has the potential of providing us with new insights into political legitimacy, we must acknowledge from the start that all too simple and direct analogies are unsatisfactory. Explicit economic analysis of politics has been, and still is, popular in political theory. These theories tend to be preoccupied with the rationality of democratic politics and decision-making. The problem, unfortunately, is that they often use implicit or explicit welfare-economic norms as a benchmark. If, additionally, political efficiency is equated with political legitimacy, we must admit that these theories are inherently normative.

One of the earliest examples is the democratic theory of Schumpeter, who stressed the irrationality of the masses and of politics of conviction. According to him, representative democracy is a historical solution for the 'extra-rationality' of the masses, who 'are terrible easy to work up into a psychological crowd and into a state of frenzy in which attempt at rational argument only spurs the animal spirits' (1976 [*1943*]:257).

Democracy is 'simply the response to the fact that the electoral mass is incapable of action other than a stampede' (1976:283). Democracy is not government by the people but government for the people, where rationality is safeguarded by elites 'selling policies for votes' and competing for power and office, a strict 'division of labour' between active politicians and passive voters, and by the exclusion of politics of conviction, that is, the exclusion of interests and ideals 'on which people refuse to compromise' (1976:296).

But at least Schumpeter tried to explain the support of the inactive and irrational masses for democratic politics in terms of the 'psycho-technics of party management and party advertising, slogans and marching tunes' (Schumpeter 1976:283). These techniques, Schumpeter warned, are not mere 'accessories,' but the essence of politics. The interests and preferences of the electorate are not pre-political, as 'the will of the people is the product and not the motive power of the political process' (1976:263). Political output is not some utilitarian common good, as what the people want is not 'a genuine but a manufactured will' (1976:252,263). Furthermore, Schumpeter's theory of democracy was inherently critical, showing what democracy *must be* if it was to function in capitalist society. This critical comment was lost in the appropriation of his economised theory of democracy by American political scientists, which can be clearly seen in the work of Downs. Downs, crediting Schumpeter, formulated a purely economic theory of party politics still widely used as the basic model for electoral analysis.

Downs discarded the idea of an irrational electorate. The voter is a rational utility-maximiser who 'estimates the utility income from government action he expects each party would provide him if it were in power in the forthcoming election period' (1957:138). What ensures a rational representation of interests, then, are two processes perceived in direct analogy to the market: the competitive struggle of political parties for 'income, prestige and power', on the one hand, and a strategic-rational exchange between voters and politicians or between votes and influence, on the other. Downs showed that, when all actors act strategically rational, political output is 'suboptimal', not because interests are manufactured, but because of informational asymmetries and the costs of acquiring information. Notwithstanding these rationality problems of democracy,

Downs provides the dominant welfare-economic model of democratic politics, a model in which voters' preferences are pre-political, politics of conviction is excluded a priori and the political decision-making process is only structured by the distribution of votes. Most importantly, it is a model in which rational output is evaluated in welfare-efficient terms and in which the democratic process is subsequently evaluated by its ability to produce rational output.

This general model also informs the contemporary work of Scharpf, a dominant voice in the legitimacy debate and an example of what Habermas calls 'post-democratic theory' with its emphasis on output legitimacy (Habermas 2012:12). Scharpf claims that output legitimacy is based on win–win solutions, which are thought to have 'intrinsic legitimacy' (1997:21). Political output is not valid because it derives from a democratic process, but the democratic process ought to produce rational efficient output, regardless of whether it is the result of democratic 'input' or post-democratic expert-rule. 'Input' and 'output' perspectives on democratic legitimacy, according to Scharpf, are two complementary perspectives of the same 'normative premise that legitimate government must serve the "common good" of the respective constituency' (1999:6, 2006:2).[5] For Scharpf, the problem with present-day politics—especially in the context of the European Union—is that majority-voting is 'generally not welfare-efficient' (1997:20). To yield efficient output, Scharpf argues, the utility-maximising motive of voters must at least partially be offset by a concern for the common good. In the absence of feelings of solidarity, democracy is irrational or welfare-inefficient (1999:20). The demand for efficient but effective politics pushes Scharpf's argument towards post-democratic expert-rule, an argument in which he is indebted to the work of Majone. Majone, another champion of post-democratic theory, claims that democracy is irrational because it is 'government pro tempore', unable to provide credible and effective policies demanded by market and society (Majone 1999:5). Both Scharpf and

[5] Scharpf also argues that the normative core of democracy is 'collective self-determination' (1997:19, 1999:6). Although this does play a significant role in his theory where empirical *legitimation* processes are concerned, collective welfare is the normative core of his concept of *legitimacy*. Nevertheless, Scharpf's work cannot simply be reduced to the market-analogy approach. In fact, as we will see, also the pluralist and cybernetic strands of democratic realism are present in his work.

Majone propose to rescue democratic rationality and legitimacy by some form of post-democratic expert-rule, that is, by policy-makers insulated from the democratic electoral process.

For this argument to hold, however, a 'normative consensus on the validity of certain norms, or the desirability of certain outcomes' must be presumed (Scharpf 1997:21). Output-rationality, Scharpf argues, is not 'technical rationality' but 'political-democratic rationality', which means it must be intrinsically related to the common interest (1970:26). Expert-rule, then, is a type of *exchange relation*—a 'contractual arrangement' (Majone 1997:147)—between the people and non-democratic institutions. To counter the danger of 'technocratic paternalism' (Scharpf 2000:116), this contract is not so much enforced through democratic accountability, but through 'accountability by results' (Majone 1997, 1999). Through monitoring mechanisms, expert agencies, it is claimed, acquire '*ex post*' democratic legitimacy. Even if we accept this dubious normative argument, it is clear that a contract between society and politics based on consensus no longer seems to deal with political conflict.[6] In their attempt to rationalise democratic decision-making, political conflict seems to have disappeared altogether.

These examples show the inherent normative character of 'economised' political theories. The conflictive nature of politics raises questions about the rationality of the political process, which is subsequently evaluated against the benchmark of some welfare-economic norm. And just like in economic theory, proposals are made to 'rationalise' politics, with the presumption that politics that produces rational output is legitimate. Sometimes, the normative intentions are made explicit, for example when Scharpf writes that his aim is to provide 'an empirically informed, normative democratic theory' (1970:92). However, more often than not, the normative nature of these theories disappears behind empirical orientations and methods. Such a crypto-normative approach, in any case, does not yield a genuine empirical understanding of legitimacy. Indeed, it remains an outsiders' perspective, ignoring the orientations and interpre-

[6] It is dubious because the argument is that 'lack of intervention can be interpreted as tacit acceptance' and as 'popular support for—and hence as input-oriented legitimisation of—the independence of these counter-majoritarian institutions' (Scharpf 1999:21).

tations of the actors involved. And even if we would accept the normative argument, value-consensus or common interests often comes in through the backdoor, or it excludes certain types of conflict from politics and politics from conflict. Concerning the exclusion of conflict, if democracy must lead to rational compromise, it implies that all politics of conviction, all non-negotiable identity, or ideological politics, must, on normative grounds, necessarily be excluded (Scharpf 1999:77). Concerning the exclusion of politics, where Schumpeter explicitly acknowledges the 'manufactured' quality of political interests, the economic model often adopts the rather problematic, if not naïve, notions that preferences are *pre-political* and that politics are merely the impartial means to aggregate these preferences. In sum, it is safe to say that the market analogy strand of democratic realism, despite its wide currency, is highly problematic.

3.3 Pluralism: Conflict as Social Cleavage

The second strand of democratic realism is pluralism. What is clear from the start is that for pluralists politics is inherently conflictive. Dahl warns that it might be attractive to get rid of political conflict by proposing some 'harmony of interests', but that this is a 'dangerous illusion' (1982:186). This illusion urges people to be 'enlightened' and to discard their petty preferences in light of the general interest, but, as Dahl rightly argues, 'on some questions, "objective" conflicts of interest are sharp and real'. As such, the pluralists differ from welfare political theorists. Conflict is real—that is, conflict is often a zero-sum game—and conflict is 'an inevitable and entirely *appropriate* aspect of political life' (Dahl 1982:187, my emphasis).

The main reason why political conflict is inevitable, according to pluralism, is that democracy is unable to categorically exclude group interests from entering the political arena (Lipset 1960:ix). If political influence is, at least partly, an expression of the mobilisation of support, then political organisations and parties try to capitalise on latent interests of 'political groups or sub-cultures' (Dahl 1978:196). This emphasis on the mobilisation function of democratic politics leaves open the question of whether political conflicts are strategically 'manufactured' in a Schumpeterian sense or reflect 'objective' interests in a critical sense.

What is clear, though, is that political conflict is not about a competition between individual preferences but about conflicting group interests—about *social cleavages*. Such social and collective conflicts have destabilising and disintegrating tendencies precisely because collective conflict not only concerns material interests, but often also entails identity issues, questions of moral justice, and diverging goals of alternative economic, social, and political orders. It is about Weber's *politics of conviction*. The main question of the pluralists, then, is how to explain democratic stability, despite the destabilising force of politically mobilised social cleavages. They must explain how democracy moderates conflict without suppressing it (Lipset 1960:1). Even if we are not principally interested in the 'problem of order', pluralist theory does entail interesting analyses of the relation between political conflict, output effectiveness, and legitimacy.

Having said this, there is a strong tendency in pluralism to perceive political legitimacy as a constraint on political conflict, as an explanation of democratic stability. Legitimacy expresses *value-consensus*. '[W]ithout consensus … there can be no democracy', Lipset argues (1960:1), while Dahl claims that democracy requires a stable consensus on 'regulative structures and principles', distinguished from political conflicts over particular issues (Dahl 1982:160–1). Political legitimacy, then, is an integrating force where the disintegrative forces of political conflict are 'a constant threat' (Lipset 1959:1). Democratic stability calls for specific 'beliefs and presupposition', transmitted from one generation to the next, that support democratic ideas, values, and practices (Dahl 1998:157). Like Weber, pluralists understand political stability as a function of the belief in the legitimacy of the political structure, in legitimate domination. But in contrast, they tend to understand this belief in terms of a value-consensus. This is a definitive step back, as the pluralists do not make the important analytical distinction between objective and subjective validity that Weber introduced. Separating objective democratic norms and subjective beliefs at least opens up political legitimacy to value plurality and heterogeneity. But more important for our argument, the relation between legitimacy and conflictive politics is lost. Legitimacy is opposed to conflict.

A more interesting answer to the problem of order is the answer pluralism is most known and renowned for—it concerns the analysis of

organised interest and its influence on the democratic decision-making process. Dahl explicitly argues against both the simplistic idea that 'the people' indirectly govern through political representation and party competition, and the pessimistic idea that democracy is in reality rule by the elite (1961:5, 1966:296). As such, pluralism argues against the elitism of scholars like Schumpeter, as well as the formalism of scholars like Downs. Instead, the answer to the question 'who governs?' is thought to be more complicated.

According to pluralism, neither the people nor the elite govern but rather organised interests. This does not mean that pluralism denies the importance of political representation or general elections. Instead, they make an analytically important distinction between the *political theatre* of electoral mobilisation and party competition, and the *political game* of pressure politics and group conflict (Dahl 1961:1). As the vote is only one amongst many and often an insufficient political resource to influence political decision-making, pluralism focuses on other political resources that are, in contrast to the vote, unequally distributed (Dahl 1982:170). This implies that not every interest or preference counts equally in a democracy. The idea that political output is justified in norms of Pareto-efficiency is therefore naïve—democracy is neither rule by the people nor for the people. However, as Dahl rightly argues, this inequality does not necessarily lead to elite-rule as long as nobody is entirely without politically relevant resources and no single resource distribution dominates all others (1961:228).[7]

Political influence on the decision-making process, the pluralists claim, is a function of control over political resources. Vice versa, political resources are those resources that can be used to influence the political process. Political resources include 'physical force, weapons, money, wealth, goods and services, productive resources, income, status, honour, respect, affiliation, charisma, prestige, information, knowledge, education, communication, communications media, organisations, position, legal standing, control over doctrine and belief, votes, and many others' (Dahl 1998:177). Much has been said about this pluralist analysis of

[7] It does problematise the belief in democratic values if 'the moral foundation of democracy, political equality among citizens, is seriously violated' (Dahl 1998:178).

political influence. The primary critique is that they fail to analyse other forms of power that influence political decisions—such as control over the political agenda, institutional bias, structural dependency, and the manufacturing of preferences. Although these forms of power are indeed important to explaining the bias of politics, and these critiques therefore have *normative* significance, it does not deny the fact that we can analyse social and political conflict in terms of strategic-rational action. Politics is often about the strategic game of pressure politics in which people *act* strategically to further their interests.

A resource-based strategic analysis of politics entails at least the following insights (based on Bader & Benschop 1988). First, political influence is a function not only of (1) control over resources but also of (2) the willingness to employ these resources, (3) the competence to use these resources strategically, and (4) the symbolic presentation and credibility of threats or promises. This means that simple possession of a political resource does not directly indicate political influence. Resources are only potential resources. Second, which type of resource is effective depends on the specific policy field, the specific political arena, and the specific stage in the policy-making process in which influence is sought. Third, control over political resources can be effective in the policy-making process because it allows one to make *direct* promises or threats or because it enables one to influence the policy process *indirectly* by setting the cognitive and normative boundaries of solutions or problems. The first type of resources, for example, allows the wealthy to influence politics by financing political campaigns, business organisations by threatening to leave the country, and labour unions by threatening to strike or promise wage-restraint. The second type of resources points to knowledge, prestige, or credibility which allows actors to influence the cognitive and normative facts of a certain policy or problem. Such actors might be (pseudo-)scientific think tanks, expert and professional organisations, publicists and scientists, charismatic politicians, but also the famous and the successful. Here we can also situate protest organisations trying to influence politics indirectly through the media, by dramatic actions and happenings.

Although effective political resources might be controlled by a single private actor, more commonly *organisation* allows the combination and coordination of the relatively ineffective resources of the many into a

single effective political resource. Organisation is one of the few resources that even the powerless have in a democracy. Although Dahl warns it is 'witless' to argue that this implies they 'can always escape domination', it does mean that by cooperation and organising the few resources they do have, they 'can sometimes push the costs of control' and influence the political decision-making process (1982:34–5). The importance of this process for pluralism cannot be underestimated. For one thing, the emancipatory processes through which the powerless and the marginalised organise themselves and 'struggle for autonomy' explain the historical rise of democratic pluralism (Dahl 1978:191). It also plays a crucial role in explaining the stability of conflictive politics. Stability is based not on some functionally necessary value-consensus, but on overlapping memberships and the existence of cross-cutting cleavages (Lipset 1985:151). Interest heterogeneity avoids destabilising cleavage patterns, as interest fragmentation leads to 'cross-pressures' (Lipset 1960).[8] The more groups are integrated into mainstream society *because their demands are partially met*, the more they are exposed to cross-pressures, the less they are politically isolated and the less committed they are to 'rigid fundamentalism and dogmatism' (Lipset 1960:100). Political isolation leads to *politics of conviction* (Lipset 1959:92). The argument is not that a stable democracy needs interest heterogeneity as a structural pre-condition, but that the democratic process explains interest fragmentation and stability. The democratic decision-making process, we might say, acts as both a *filter* on interests and a *cap* on conflict.

To appreciate the democracy as cap and filter, let us shortly take a look at what Dahl calls 'ethnic politics'. Dahl depicts immigrants as being 'at the bottom of the pile' and frustrated with the dominant values of society and the unequal status of their culture (1961:33). To overcome the 'handicaps and humiliations', Dahl describes how the *political entrepreneur*, in a strategic search for a loyal electorate, tries to politically capitalise on this latent social cleavage on an ethnic political platform. This type of politics, then, mobilises ethnic interests and conflict. Although demo-

[8] The social integrative mechanism of 'cross-pressures' is, without a doubt, something that Lipset emphasises most often in his work. He credits Simmel to be the first to have discovered this mechanism but that 'social research' neglected it (1959:96, 1985:117).

cratic politics *increases* social conflict, the very success of ethnic politics in terms of increased political influence and, hence, in favourable political *output*, ultimately undermines the very foundation of ethnic politics. The socio-economic homogeneity of the ethnic group, which allowed political mobilisation and organisation of group interests, is weakened by the very success of political action. Political success translates into increased interest heterogeneity—that is, cross-pressures—making political mobilisation more difficult. It follows that ethnic politics is a transitional phenomenon (Dahl 1961:34).

The idealised account of this process is apparent, especially where it concerns identity politics. Nevertheless, the very nature of the political game, characterised by strategic action, influence, and resources, might function as a *cap* on social conflict. Lipset argues along similar lines that the 'compromising character of political power' is 'self-destructive because politicians in office necessarily must alienate support in deciding among conflicting interests' (1960:295–6). However, Lipset is less confident than Dahl and emphasises, like Weber, the responsibility of political leaders. Responsible leadership has to deal with the dialectic of political mobilisation and influence, on the one hand, and the willingness to negotiate and compromise, on the other—a dialectic between representation and integration (Lipset 1960:74). We might say that political leaders have to deal with the different logics of the *political theatre* and the *political game*. In short, there is nothing inevitable about this cap on conflict. The political game remains inherently vulnerable, as history shows. Lipset argues that access to the political game for newly mobilised interests and cleavages explains gradual reform and stability. Suppression of conflict, in any case, leads to political isolation, extremism, and instability, or to critical 'superimposition' of cleavages and key-issues from one historical period to the next. If Lipset claims that political legitimacy therefore 'requires the manifestation of conflict' (1960:1), it does not mean that political conflict explains political legitimacy, but that suppression of conflict is the breeding ground of political extremisms and of possible crises of legitimacy, that is, 'symbols of legitimacy' of the regime are questioned with the rise of sharp cleavages 'organised around different values' (1959:87). 'Gradual reformism' allows the preservation and continuity of legitimacy

and allows the 'value-integration' of traditional and contending groups (Lipset 1959:92)

Democracy is not just a cap on social conflict, it is also a filter, as not every interest or every conflict of interests is equally capable of entering the political arena. It is at this point, however, that pluralism especially tends to become crypto-normative. Pluralists claim that to the extent that political inequality is 'dispersed' throughout society—that is, political power is not in the hands of the few—and to the extent that people have reasonable opportunities to organise themselves politically, a pluralist democratic system always addresses those problems which are most salient and pressing. The fact that political resources are not equally distributed is less problematic if one agrees that political resources are only potential sources of influence. What really matters, according to Dahl, are a person's 'subjective reasons' and 'objective situation' (Dahl 1961:274). The former points to whether someone is willing to use his resources for political action instead of for private or civic life, while this willingness is a function of someone's 'objective condition', that is, his social-economic situation. According to Dahl, whether one is *Homo politicus* instead of *Homo civicus*, whether one will spend one's resources for a political cause instead of for private goals, depends on one's objective social condition and must be seen in terms of some strategic utility calculation. In other words, the more socially marginalised, discriminated, or frustrated, the higher the chance that one will spend resources on political action.

Analysing the political game as a filter on the kinds of interests and issues that are able to enter the political arena is a reasonable claim. Problematic, however, is turning this relation upside down: those interests that enter the political process are the interests that matter. Especially disastrous would be a behavioural account in which the lack of political action or protest is seen as an indicator of satisfaction with democratic politics. But we should not turn Dahl into a straw man. His project of formulating a *normative* model to 'maximise' democracy without denying real and existing political inequality is laudable (1966:302). Dahl is quite aware—or increasingly became aware—that there might be structural and institutional biases in existing democratic regimes that counter

his normative argument.[9] Democratic pluralism, in short, does not deny the possibility of a critical theory in which more attention might be paid to depoliticisation processes and manufactured and objective interests (Dahl 1982:163).

Despite this possibility, however, there is a strong tendency in pluralist theory to understand *political apathy* as an indicator of political legitimacy. Lipset, for example, explicitly argues that low levels of political participation might be interpreted as a sign of political satisfaction (1960:185, 227).[10] Indeed, a low voter-turnout, he claims, points to the 'end of ideology' in modern democracy in which 'the fundamental political problems of the industrial revolution have been solved' (1960:442). Discarding such crypto-normativism, a more interesting relation between political legitimacy and mechanisms of political pluralism presents itself. Political legitimacy is indicated by neither political apathy nor a function of democratic stability, but political apathy and depoliticisation processes rather explain democratic stability and *the decreased need for political legitimation*.

This latter argument can be seen most clearly in the works of Lipset and Scharpf. Both argue that there is an inherent relation between *political effectiveness* and *political legitimacy*. Lipset defines political legitimacy as 'the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society' (1960:64). Political effectiveness, on the other hand, is defined in terms of output-satisfaction—'the extent to which the system satisfies the basic functions of government as defined by the expectations of most members

[9] Dahl is aware that 'major public problems go unsolved' (1978:199). Dahl recognised at least 'four problems of democratic pluralism: they [i.e. political organisations] may help to stabilize injustices, deform civic consciousness, distort the public agenda, and alienate final control over the agenda' (1982:40). It is also worthwhile to note that Dahl worries about the immense resources available to non-democratic capitalist corporations with their clear and distinct interests, as opposed to the diffuse interests of the majority: 'On the landscape of a democratic country great corporations loom like mountain principalities ruled by princes whose decisions lie beyond the reach of the democratic process' (1982:194).

[10] However, Lipset also argues that 'lack of participation and representation also reflects lack of effective citizenship' and 'always means under-representation of socially disadvantaged groups' (1960:227).

of a society'—and in terms of problem-solving effectiveness—the extent to which social problems and conflicts can be effectively addressed before they transform into sources of major instability (1959:86, 1960:64). Political effectiveness is a *depoliticising* force as it undermines the need for and the possibility of political mobilisation by interest satisfaction and fragmentation. Lipset argues that output-effectiveness increases 'political tolerance', understood as political satisfaction and indifference. It is not so much about whether people 'believe in the appropriateness' of the political system, but whether effective output raises the threshold for political mobilisation and action and, hence, for conflict.

For Scharpf, this means that political output-effectiveness decreases demands for legitimation.[11] Indeed, what is at stake is not so much political *legitimacy* but political *legitimation* (Scharpf 1997:21, 2006:11). Scharpf's theory is not just a normative account of output- or input-legitimacy, as we have discussed above, his empirical theory addresses 'input- and output-oriented legitimating arguments [which] only come into play if a policy violates political salient constituency interests' (2006:3). The need for legitimation is a function of saliency. In other words, legitimation problems are not a general problem, but depend on a 'permissive consensus', the saliency of interests, and the depoliticising force of effective output (Scharpf 2006:6).

In conclusion, for pluralism, political conflict is inevitable and concerns social cleavages. To explain the stability of politics, pluralists make an analytical distinction between the *political system*, which concerns the formal organisation of legitimate domination, the *political theatre*, which concerns politics as representation and mobilisation of support, and the *political game*, which concerns resource-based strategic-action in pursuit of interests and values. Stability is, on the one hand, explained by the belief in the legitimacy of the political system, not unlike Weber's account; on the other hand, stability is also explained by the output of the political game of pressure politics, by conflict itself. Conflict is 'the

[11] Scharpf explicitly claims that the 'positive interpretation of political apathy' by the pluralists is not something that can be 'model immanently' proven (1970:43). He argues it would require a normative defence of pluralism 'on better grounds' (1970:66ff.). Nevertheless, Scharpf also claims that a 'lack of [public] intervention can be interpreted as "tacit acceptance"' or as 'popular support' (1999:21).

life-blood of the democratic system' (Lipset 1959:91). Although stability always remains vulnerable, effective political output explains interest fragmentation and political indifference. Political output does not explain legitimacy. But if nothing else, pluralism and output-effectiveness might explain different *needs for political legitimation*. This, however, does not refer to the political system of legitimate domination or the political game of strategic action but to the political theatre in which political actions and decisions have to be symbolically justified. If anything, it refers to the dramaturgy of politics—to the 'plebiscitary' basis of democratic legitimation (Scharpf 1970:75). Finally, effective political output might explain stability and political inaction without denying the conflictive nature of politics; it does not signal normative agreement. The inactive might feel politically dissatisfied, alienated, and powerless. Although the explanation of political apathy entails more than just the political game of strategic action with its caps and filters, and should include the more critical approaches of power mentioned above, the differentiation between the political active and the political passive does open up a different kind of political conflict to which we will turn now, the vertical conflict between 'politics' and 'society'.

3.4 Cybernetics: Conflict as Political Dissatisfaction

The pluralist branch of democratic realism understands the relation between political effectiveness and legitimacy in terms of interest fragmentation and legitimation needs, and in terms of the avoidance of critical cleavages, polarisation, and legitimacy crises. But the analytical distinction between legitimacy and effectiveness, between unconditional beliefs and contingent strategic action, remains. The cybernetic branch understands this relation, however, in *causal* terms. This interpretation of output legitimacy is quite dominant in contemporary political science, and can be traced back to Easton and his influence on Scharpf. Easton claims that political effectiveness can 'spill-over' into political legitimacy (1965:343, 1975:446, 1976:436). In the cybernetic model, furthermore,

political conflict is not so much understood as social cleavage, but as political dissatisfaction emphasising the 'vertical' relation between society and politics.

Easton introduced his formal model of politics in his book *A System Analysis of Political Life* (1965), which still has significant impact on political science today, especially on quasi-behaviouristic empirical studies. Nevertheless, this model is more complicated and, at times, confused, than these contemporary studies usually want us to believe. It can be claimed on good grounds that contemporary models ignore many of the assumptions and analytical goals that preoccupied Easton, without providing the necessary theoretical justifications. In other words, Easton's model is often misused, something he was aware of himself (Easton 1990). Easton, however, contributed to the confusion, when he changed some of the core concepts of his earlier theory in the 1970s, without explicitly acknowledging this. In my opinion, these changes were required, as the original work under-theorised many of the fundamental concepts that draw scholarly attention. In the following analysis, I will not address all these issues—although they deserve attention—but will analyse Easton's cybernetic theory where it concerns the relation between political legitimacy and effectiveness—a relation, as we will see, that is complex enough.

Cybernetics analyses a political system as an open system embedded in an environment, between which 'flows a constant stream of events and influences that shape the conditions under which the members of the system must act' and to which the system must 'adapt' and 'respond' in order to survive (Easton 1965:18). Based on direct analogy with the biological body, survival depends on communication between the system and the environment, understood in terms of input and output exchanges. Inputs for the political system concern political *demands* and political *support* deriving from the environment, while outputs concern political *actions*, especially the 'decisions and actions of the authorities' (1965:27). Obviously we will have to look at the precise meanings of these concepts. For now, we might appreciate that political demands increase system stress—not least because they often express social cleavage and conflicts of interest—while support alleviates stress. Political actions are the means through which the system tries to 'grapple actively, aggressively,

and constructively with its environment', 'to modify the supportive conditions under which the system is operating' (Easton 1965:467–8). By looking at the relation between the system and the environment in terms of input and output exchanges, one can analyse how a political system manages to keep its core functions outside the critical range. If successful, the system remains in a dynamic equilibrium with its environment.

Easton's object of analysis, then, is nothing less than the 'life processes of a political system' (1965:vii). If the ultimate goal is survival, the defining core functions of a political system are 'those interactions through which values are authoritatively allocated for a society' (1965:21). This definition sets the analytical boundaries of the political system and is consciously echoing Lasswell's definition of 'who gets what, when, and how'. The explicit addition is the emphasis on *authoritative* allocation. Easton perceives the core function of a political system in terms of legitimate domination. However, for Easton, too, the nature of politics is inherently about conflict, 'the flesh and blood of all political systems' (1965:48). Without it, there is no need for a political system. Indeed, Easton considers the 'centrifugal tendencies' created by political conflict to be the primary sources of system stress (1965:250). Political survival is defined as the political ability to deal with conflict.

Demands stress the political system in two different but interrelated ways. First, demands are stressful when they are expressive of social cleavages and allocative issues difficult to satisfy. Second, demands may be too demanding, too complicated, or just unrealistic, on the one hand, or the authorities ignorant, incompetent, or unwilling, on the other. In this latter case, there is not so much stress born of social conflict and polarisation, as stress born of political dissatisfaction with political ineffectiveness. Instead of horizontal social conflict between groups, it is more about vertical conflict between 'society' and the authorities.

Where it concerns horizontal social conflict, Easton clearly adopts a pluralist analysis. He emphasises the function of responsible political leaders, who should avoid 'totems and taboos', that is, issues with 'socially disruptive potential', generating social cleavage (1965:106). Like Lipset, Easton warns against non-responsive elites, as unsatisfied demands and ignored conflicts may lead to a 'build-up of a backlog of latent demands' and possible 'violent modes of expressing demands'

(1965:122). If anything, elites should be pre-emptive, satisfying wants before they become political issues. Conflicts of interest are ideally dealt with through *non-salient* compromise by political mediators, 'anticipating' wants and demands of citizens, which alleviate 'cleavage stress' by 'atomizing' interests and demands through cross-pressures (1965:256ff.). When cleavage conflicts do become salient, Easton argues, authorities must appeal to political legitimacy. Legitimacy, again, is the integrative boundary on disintegrative conflict.

In short, Easton recognises social cleavages as potential sources of political stress and his theory is clearly inspired by pluralism. However, his cybernetic method primarily emphasises a different kind of political conflict: the conflict between system and environment or between 'state' and 'society'. First of all, demands are not stressful per se, only unfulfilled demands are stressful, as they might lead to political dissatisfaction (1965:57). Political stress, for Easton, is a function of 'the volume and content of demands' and the political responses available for meeting those demands (1965:70). This means that horizontal social conflict might explain political dissatisfaction, but not all political dissatisfaction is caused by social cleavages. More importantly, in Easton's model, political stress *per definition* expresses itself in vertical political dissatisfaction. Second, when Easton analyses the contemporary crisis of democracy, he is not so much worried about social cleavages, but about 'demand overload' and the 'revolution of rising expectations' (1965:106, 109). Easton fears that rising demands rather than social conflict undermine the effectiveness of democracy, that is, the ability to address, solve, or satisfy demands (1965:38). Easton's worry about rising demands in 'post-ideological' liberal democracy was readily shared by other political theorists at that time (Huntington 1975; Crozier et al. 1975; Bell 1977). Finally, Easton claims that citizens are generally passive spectators outside a political system guarded by 'gatekeepers', that is, by mediating institutions like political parties, interest organisations, and opinion leaders (1965:88). Citizens are only inside the political system when they are politically active and express their support and demands 'unmediated'. Citizens, then, are partly inside and partly outside the political system, moving between 'political and non-political roles', which seems to parallel Dahl's distinction between *Homo politicus* and *Homo civicus* (Easton

1965:53).[12] In short, emphasising the stressful relation between a political system and its environment implies that the primary conflict analysed concerns the *vertical relation* between the active and the passive or between 'state' and 'society'. This vertical relation does not so much point to group conflict and cleavage but to individual self-interests and political dissatisfaction.

3.4.1 Political Support: Legitimacy and Effectiveness

A political system, to recapitulate, is stressed when it no longer manages 'to induce most members to accept … [its] allocations as binding' (Easton 1965:22). Political demands, furthermore, are stressful because unsatisfied demands can lead to a decline in political support (1965:57). Political support, then, can best be understood in relation to stress. For Easton, support in general, and this cannot be emphasised enough, concerns the acceptance of binding decisions on whatever grounds. Acceptance may be based on force, fear, strategic interests, political apathy, or feelings of value-rational duty. Support principally concerns *functional behaviour*. When a political system tries to alleviate stress and increase support through political actions, this primarily means it either tries to satisfy demands or wants to prevent future demands (1965:402). In other words, Easton assumes that, as long as citizens are satisfied, they will accept the decisions of the political system. From a behavioural point of view, this does not necessarily mean that they have a favourable attitude towards politics, but rather that the utility of political action or even resistance is too low in comparison to other goals in life. Functional support therefore also includes feelings of political inefficacy, of lack of alternatives, and of political alienation. Just as for Dahl, political apathy does not necessarily signal contentedness, but is 'an indication that the

[12] At this point especially, however, Easton's rather sloppy treatment of the analytical boundaries of a political system is confusing. Easton, on the one hand, differentiates a political system between two institutional sub-systems: (1) the formal system making and executing binding decisions; and (2) a sub-system consisting of mediators between society and government, especially including political parties and interest organisations (1965:95–7). On the other hand, Easton also distinguishes in his general analysis between three 'political objects' within the political system: the political community *which includes citizens*, the regime, and the authorities (1965:157, 1957:391).

politically relevant groups have not moved beyond the point of indifference' (Easton 1965:224). Functional support points at a pluralist analysis in which output-effectiveness explains interest fragmentation and the differentiation between the political active and passive.

However, political actions may also encourage a more subjective evaluative support. Easton famously makes a distinction between two fundamentally different forms of political evaluation. *Diffuse support* explains why political support is relatively independent of political actions and demand satisfaction, while *specific support* explains how authorities can organise support through specific actions or political output. Easton has great analytical difficulty to differentiate between the two, but in general the distinction is analogue to the distinction between political legitimacy and political effectiveness, the unconditional belief in legitimate domination and conditional strategic support. In relation to the core functions of political life, specific support concerns *satisfaction* with the allocated values, while diffuse support concerns the *authoritative* part of this allocation.

The core question is how these two kinds of support are related. On a basic level, Easton agrees with Lipset, who claims that political effectiveness and legitimacy are in a compensatory relation. Legitimacy, according to Lipset, allows the political system to survive crises of effectiveness and, vice versa, if a political system is effective over a long period, it might 'develop new strong symbols of legitimacy' over a number of generations (1959:91). Easton, however, also claims a more direct relation, in which effectiveness explains legitimacy, which in Easton's model means that specific instrumental support can 'spill-over' into diffuse support for politics as legitimate domination. In what follows, I will show that Easton's analysis ultimately cannot justify such spill-over while simultaneously upholding the analytical boundaries between specific and diffuse support. However, even if Easton's explanation fails, he does provide us with a different and fruitful insight into the relation between effectiveness and legitimacy, between strategic-interests and normativity, which is qualitatively different from our Weberian understanding.

3.4.2 Specific Support

Specific support concerns a '*quid pro quo*' exchange relation and 'the favourable attitudes that stem from offering the members of a system some felt or perceived returns and that accordingly appeal to their sense of self-interest' (Easton 1965:343). In short, if citizens perceive that they benefit from political outputs 'they can be expected to offer support' to political authorities (1965:382, 1975:437). Specific support is about instrumental political effectiveness.

Given the allocative and conflictive nature of politics, it is of course unlikely that every political output (action) is evaluated favourably. Easton therefore argues that it is important 'to satisfy some of the members … some of the time' (1965:409). Specific support is about 'satisfaction with outputs on the average' or 'perceived general performance' (1976:436, 1975:438). This means that specific support is already quite diffuse and relatively independent of specific output. Specific support is generalised not only in time (average) but also in terms of content. As Easton acknowledges, it is fairly difficult to evaluate the performance of authorities in terms of interests and preferences (1975:439). The causal relation between political actions and the final result—the difference between output and outcome—is difficult to perceive in a complex society even for a 'professional social scientist'. As such, evaluations are often based on *symbolic shortcuts* or heuristics. So, for example, support for authorities might be linked to the state of the economy, expressed in symbolic figures like the gross domestic product (GDP) or unemployment rates. On the other hand, symbolic shortcuts might also concern mediated public opinion or the opinion of public intellectuals. What counts is not just 'direct' interest satisfaction, but 'the feeling of being well governed' (1975:441).

The point is that these generalising tendencies explain that specific support no longer concerns the evaluation of authorities in terms of specific output or in terms of direct personal experience, knowledge, or interests. Specific support, we must acknowledge, is already quite diffuse. It cannot simply be reduced to interest satisfaction through political action.

The political authorities must first and foremost be *perceived* as satisfying interests (1975:439). Given the emphasis on perception and given the fact that the most stressful and important demands concern *salient issues*, it seems that specific support does not depend on instrumental evaluation of all political output—implying some kind of utilitarian bookkeeping model—but on the evaluation of particular salient issues that are symbolic of effective performance. In other words, what seems to matter the most is the satisfaction of *symbolic interests*, that is, interests that are symbolic of government effectiveness.

However, specific support is not just about satisfaction of symbolic interest but also about the *symbolic satisfaction* of interests. Political demands concern not only preferences and interests, but *expectations* of what authorities ought to do. As such, I might also be dissatisfied because politics failed to live up to my expectations. Expectations are the basis for support mobilisation by political leaders and parties (1957:396). Political leaders mobilise support and loyalty by *committing* themselves to a cause or demand in *exchange* for loyalty from supporters (1965:226). Specific support, we might say, concerns a contractual relation between supporters and political leaders. As such, it is not about evaluating *effective results*, but about evaluating political actions that show the *commitment* of politicians to results. Output satisfaction, we can conclude, is symbolic of the implicit contractual relation between leaders and supporters, not about the actual fulfilment of preferences or interests. Indeed, Easton clearly acknowledges this type of 'symbolic gratification' (1965:390).

Easton's understanding of specific support, then, is already quite complicated. Any simple relations between specific support and interest satisfaction must immediately be qualified. Not only is such satisfaction already quite generalised or diffuse, as it concerns the *satisfaction of symbolic interests*, but specific support also seems to entail contractual expectations, which provide the possibility of a *symbolic satisfaction of interests*. Although the difference between the two is analytically clear, we might wonder whether this distinction can reasonably be drawn at all in practice, as symbolic interest satisfaction often includes notions of contractual expectations.

3.4.3 Diffuse Support

Diffuse support, in Easton's framework, explains why people accept political decisions despite political or social conflict, despite political dissatisfaction and despite the fact that the decision may be contrary to their interests. In contrast to specific support, diffuse support is 'unconditional', which means it is independent of output. In short, Easton understands diffuse support primarily in terms of a Weberian kind of subjective belief in legitimate domination—'the strong bonds of loyalty to the objects of a system as ends in themselves' (1965:273). Legitimacy, for Easton, connotes 'the presence of an ingrained belief, usually transmitted across the generations in the socialization process' (1965:208). And like Weber, legitimating 'rituals, ceremonies, and physical representations … serve to bolster an aura of sanctity, respect, and reverence for the existing political institutions' (1965:308).

However, diffuse support consists not only of such Weberian unconditional beliefs, but also of *conditional* normative orientations to political validity. In his early work, Easton labelled this 'ideological legitimacy'—in contrast to the unconditional 'structural legitimacy'—and in his later work, he labelled it political trust (1965:286, Easton 1975:453). Ideological legitimacy points to ideological values and goals embedded in a political regime, 'articulated' as a 'set of ideals, ends, and purposes' (1965:290). Crucial for ideological legitimacy, according to Easton, is 'whether *the outputs of the system* are perceived to be consistent and harmonious with the expectations roused by the ideological promises and commitments' (1965:294, my emphasis). This means that, first, ideological legitimacy is conditional and based on outputs, and that, second, concepts such as expectation, promise and commitment seem to connote an underlying contract. Easton explicitly refers to the 'basic truths' of social contract theories and criticises Weber for ignoring these (1965:318). The most important form of legitimating ideology, according to Easton, is the belief in the common good: 'the conviction that there is a general good, that it can be determined or defined … and that the authorities … ought to pursue and promote this general good' (1965:312).

This conditional kind of legitimacy means that political authorities are believed to be legitimate because people *expect* them to effectuate, and *believe* them to be committed to, common interests. In his later work, Easton understands this contractual relation in terms of political trust, which 'would reveal itself as *symbolic satisfaction* with the processes by which the country is run' (1975:447, my emphasis). In short, it is not about political actions that satisfy interests per se, but whether actions satisfy contractual expectations. It is not whether authorities actually realise the common good—whatever that may be—it is whether they are seen to be committed to the common good.

The problem for Easton is not that contractual expectations mobilised by an explicit promise or public commitment cannot be both *normative* and *conditional*, the problem is rather that the analytical distinction between specific and diffuse support seems to have collapsed. Easton's claim about a *causal* relation between specific and diffuse support—that is, between political effectiveness and legitimacy or between strategic-interests and value-rational commitments—is no longer a mystery, as the two kinds of support can hardly be separated at all. It is telling that, when Easton provides examples of 'output failure' in post-war USA, he mentions solely actions of authorities that breach people's expectations of what is right and proper—'outputs that affront human and legal norms' (1976:440). In short, Easton made specific support quite diffuse and he made diffuse support quite conditional. Easton therefore rightly wonders if it is possible to differentiate between diffuse and specific support at all (1975:448).

What is interesting for our present argument is that Easton's analysis, however confused, at least opens up a different understanding of legitimacy than Weber. Intentionally or not, he opens up a new analytical space between cognitive and conditional strategic action, on the one hand, and normative and unconditional beliefs, on the other. Although we need to analyse this further, this perspective allows us to perceive legitimacy as normative but conditional support for politics. However, the idea of a 'spill-over' between specific and diffuse support or a causal relation between political effectiveness and legitimate domination remains problematic, to say the least. We might agree with Lipset that this relation can be understood in terms of compensation but not in

terms of causality. There remains a divide between conditional strategic action and unconditional value-rational commitment, between politics as instrument and as object, which is not easily bridged. Precisely for this reason, conditional normativity offers an interesting and different perspective. Unfortunately, contemporary discussions about output legitimacy remain analytically too confused to really appreciate this point. The discussion might benefit from differentiating between the three political arenas discussed or, at least, by distinguishing more clearly between different kinds of political output—between preference satisfaction and symbolic satisfaction.

3.5 Three Political Arenas: System, Game, and Theatre

The three branches of democratic realism discussed, grapple with Weber's legacy in their own specific ways, and try to analyse the relation between political conflict, output, and legitimacy. Democratic realism in general, we might conclude, fails to come up with a different, analytically robust notion of political legitimacy. Worse, this tradition easily seems to slip into crypto-normativism. And, finally, where political legitimacy is concerned, this tradition tends to let consensus in through the backdoor. It seems that democratic realists eagerly point out that politics is inherently conflictive but deny the conflictive nature of legitimate politics. Despite these problematic tendencies—which persist up until today—democratic realism also provides us with interesting insights, especially where it concerns the possibility to understand legitimacy in terms of conditional normative support. The possibility of conditional legitimacy becomes clear if we maintain the analytical distinction between the political game, political theatre, and political system. Each political arena gives rise to different kinds of analysis.

Easton analyses the political system, like Weber, in terms of unconditional normative beliefs to explain social action, which means that citizens are part of the political system, part of the relation of legitimate domination. In Weber's account, citizens are not passive spectators, as

legitimate domination explains social action. The political game is analysed, on the one hand, as rules of the game perceived by 'active' actors as a cognitive and conditional social fact that coordinates and is dependent on strategic actions and interest-configurations. Participants of this game clearly include more than just legitimate office-holders, but exclude the non-active part of society. The other main question, then, is how actors, interests, and issues are excluded from the political game. Here, the pluralist model explains its social validity neither on normative grounds nor on the basis of conditional interests, but by how pressure politics satisfies and fragments the wants and interests of the general public. Political 'support' in this analysis merely refers to functional behaviour, political passivity, and the 'distribution of satisfactions' (Easton 1965:407). Finally, in the arena of political theatre, Easton's analysis points at the mobilisation of normative expectations among a passive audience by politicians making public promises and commitments, and at how these conditional expectations are symbolically satisfied. This theatrical or symbolic arena is present in democratic realism in general. It can be found in Dahl's and Lipset's description of political mobilisation, in Scharpf's emphasis on the 'plebiscitary basis' of legitimacy, and in the 'psycho-techniques' of Schumpeter, who warns us that these are not mere 'accessories' but the essence of politics. The analytical differences between these arenas, then, depend on whether support is normative or cognitive, conditional or unconditional, and especially upon the differentiation between active and passive actors (see Fig. 3.1).

The theatre model of politics becomes apparent when we take a closer look at Easton's understanding of political output. Political output is not just about effective 'performance' satisfying interests and demands, output is especially about *symbolic actions*, that is, about 'statements'. 'The importance of all statements', Easton writes, 'derives from the fact that persons obtain some satisfaction from symbols' (1965:354). Political output, then, also includes statements expressing 'rationales and commitments' that aim to 'create a general sense of good will' (1965:353, 465). Scharpf, who admits being influenced by Easton's work, also emphasises this side of political output. Indeed, when Scharpf talks about 'output legitimacy' he often means 'output-oriented' legitimation by symbolic action (1970:75, 1997:28, 2006:4). Output evaluation, then, is not

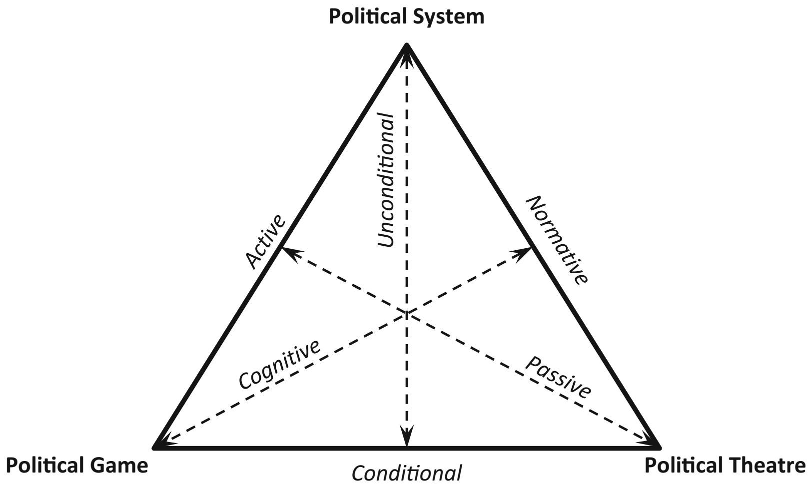

Fig. 3.1 The three political arenas in democratic realism

about effectiveness, system performance, or the actual result of political decisions, even if these are not unimportant, but about effective *symbolic actions* of politicians—it is not about interest satisfaction but about symbolic satisfaction (Scharpf 2006:3).

3.6 Legitimacy as Conditional Normative Support

The political theatre opens up the possibility of a different kind of analysis of political legitimacy—a *dramaturgical analysis*—explaining conditional normative political support. Although democratic realism emphasises the instrumental function of politics, the arena of political theatre shows that politics also has expressive functions. Politics is not just about the *fulfilment* of interests, but *expressive* of interests. The reason, furthermore, that we can analytically separate between these two functions or perspectives is, first, because of the time dimension. If a politician commits himself in the present to a goal he will realise in the future, it is clear that we

cannot equal the present symbolic action expressive of commitment and interests with the binding decision and interest satisfaction in the future. Second, the separation between expressive and instrumental politics reflects and depends on the social differentiation between the two political arenas, game, and theatre, or the differentiation between the active and the passive.

A dramaturgical analysis emphasises symbolic actions over the actual output or outcome of a political process. Politics is generally not about taking final and binding decisions, let alone about the outcome of such decisions: most of the time, politics is about mediatised political talk and events—about symbols. This does not mean that output does not matter, but as utility or interest satisfaction lies in the indeterminate future, it is expressive action that gives meaning to the immediate present (Luhmann 1983:226). Expressive and instrumental functions are connected, but pulled apart in time. Dramaturgical analysis holds that there exists no necessary 'harmony' or symmetry between the instrumental and expressive functions of politics. Symbolic action or political theatre is relatively independent of actual outcome—relatively independent from the actual effects of the political process on the conditions of everyday life. Not only does effective output lie in the indeterminate future, as stated before, we often also do not have a clue about how political decisions play out in reality. Outputs need interpretation.

A dramaturgical perspective lends its analytical power from a direct analogy to theatre.[13] In theatre, there is, in general, a clear 'division of labour' between the actors performing a play and the audience watching the play. This differentiation between actors and audience is essential for a dramaturgical perspective. The actors perform a play through active use of all kinds of symbols—ranging from scene to clothes, to gestures, tone, style and image, and, especially, to language. The audience, on the other hand, is passive; that is, spectators are not part of the play, even if they are part of the theatrical setting. The audience, furthermore, does not see actors performing, they see roles and characters, they see a

[13] In this section, I use the works of Luhmann and Edelman, but the importance of 'drama' and 'theatre' in politics has occupied more scholars, see, for example, Burke 1941, 1951, 1963; Goffman 1971, 1974; Schechner 1973; Geertz 1980; Manin 1997; de Beus 2001; Hajer 2005a, b.

meaningful story unfolding. They do not see the cardboard props and the bare stage; they see a castle, a battlefield, or a dungeon. In short, a theatrical performance opens up a meaningful reality that is disconnected from 'real' life—it is a symbolic reality. The performance, furthermore, draws the audience into this meaningful symbolic world to the extent that the audience can *identify* with the story and the actors are competent (Luhmann 1983:224). The audience gets caught up in the unfolding narrative, in its plots and turns. The passive audience, to this extent, co-experiences (*miterleben*) crises and defeats, challenges and solutions, threats and hopes, conflict and harmony, enmity and friendship, heroism and cowardice, fear and love—in general, it experiences the drama of anxiety and reassurance (Luhmann 1983:195; Edelman 1988:123). The audience, then, might be passive, but it is also 'drawn into the story'. We might therefore speak of a kind of '*uninvolved involvement*' (Luhmann 1983:123). Importantly, despite the symbolic nature of the play, the audience experiences real emotions, excitements, and opinions. The people in the audience experience real meaning, either because they recognise themselves—their own life-experiences—in the symbolic play performed, or because the play shows them how life could be. As Jameson argues, symbols rouse real meaning either by *sentiment* or by *utopia* (1979:142, 1982:153). This implies that people in the audience do not necessarily experience a similar meaning—there is no consensus implied. Furthermore, the dramaturgical force does not depend merely on positive sentiment or hopeful utopias, in the contrary, it often depends on the summoning of aversions or fearful dystopias. A final characteristic of the audience is that it shows appreciation by applauding or booing, by acclamation. However, in a theatre, the applause at the end of the performance, when the script has reached its conclusion and the curtains come down, if it is not mere ritual, usually concerns the appreciations of the actual actors, not of their characters. More interesting for us, however, is the cheering and booing we do when we lose ourselves in the narrative itself. When we hail the hero and jeer the villain.

A dramaturgical analysis of politics analyses how politics is able to sustain the same dramaturgical pre-conditions as can be found in theatre. Politics, then, is first and foremost about performing dramatic stories that rouse anxieties and reassurances before an audience. 'Politics',

Edelman argues, 'is a spectator sport' (1985:81). The symbolic narratives must mobilise real meaning by arousing sentiments and offering utopias to draw the public into politics. To this extent, politics has to be entertainment, in order to avoid that the public stands outside politics, that is, to avoid that the public perceives the cardboard stage (Luhmann 1983:196). To ensure the public's involvement, politics is *dramatised*—for example, by romanticising the political vocation, highlighting the importance of leadership, by personalising politics, by scandal, conflict, and competition, and especially by arousing fear and hope. At the same time, this dramatisation of politics only holds to the extent that the public—the audience—does not get too involved. The people must remain in a state of uninvolved involvement. But precisely to the extent that political 'spectacle' opens up a symbolic reality over and beyond the worries and drags of everyday life the passivity of the audience is guaranteed (Edelman 1985:9). Politics as theatre, then, must simultaneously uphold this disconnection from 'reality' and assure a connection to 'real' emotions and fears. This, of course, is not a simple accomplishment, as can be seen when politics has to deal with issues that are too concrete, as, for example, in Not in my back yard (NIMBY)-cases (Luhmann 1983:102). Finally, this kind of analysis tries to understand how, through dramatization, the political process organises its own *support by acclamation*.

Dramaturgical analysis, described as such, seems almost inherently inclined to *functionalist* and *critical* analyses. Functionalism, it seems, is almost inevitable to the extent that without it, politics as theatre is difficult to perceive. As long as analysis remains connected to subjective action orientations, there is nothing intrinsically wrong with functionalism. So, for example, we must make clear why political parties or interest organisations are motivated to dramatise their actions or the actions of their opponents. This is something that might be explained by the fact that many issues compete for public attention and that the 'attention-span' of the audience is fairly limited. Drama, obviously, sells. We can even agree with Luhmann that the use of drama has the function of decreasing social complexity and absorbing political conflict (1983:39, 171). This means that we might understand political theatre as a necessary result of social conflict and interest plurality.

We need to be more careful, however, and avoid making broad sweeping claims, when combining functionalism and critical analysis. Habermas, for example, claims that 'diffuse mass loyalty' in 'advanced capitalism' rests upon acclamation and consumption (Habermas 1975:36–7; also Offe 1984:60). As long as the system is able to guarantee 'civil privatism' by providing the masses with leisure, consumption goods, and career opportunities, he claims, the system remains legitimated (1975:75). Such claims, however, are analytically fairly poor, confusing stability and legitimacy or expressive and instrumental functions of politics. We can, of course, be critical of the political theatre. Dramaturgical analysis can provide the basis for neo-Marxist analyses in which drama is perceived as a kind of 'fetishism', 'mystifying' social inequalities (Edelman 1988:11, 1985:2). Politics, we readily admit, often concerns the creation of 'pseudo-events' and 'non-issues' (Edelman 1988:34, 2001:66). One can also be critical of the fact that what attracts political and public attention is a function not of the severity of a problem, as pluralism wants us to believe, but rather of its dramatic appeal. Finally, we can also critically analyse how political drama is a *depoliticising* force, that is, how it keeps the public passive or 'docile', why the public accepts the differentiation of political labour or how politics distracts attention from the concrete to the remote and the symbolic.

However, we need to be cautious. Recognising the dramaturgical force of politics—and its importance for legitimation—does not mean that sinister elites are capable of manufacturing the emotions and interests of the malleable mass at will. First of all, we have already discussed that symbols must remain connected to real experiences. Politics is not merely a 'text' that no longer needs to connect to real life, as Edelman sometimes seems to imply (1988:36, 2001:6). As such, there are certain boundaries to the flexibility of political dramaturgy—not everything is possible. Second, as Luhmann rightly points out, political drama decreases complexity not only for the passive audience but also for the political actors. They are also 'drawn-in' to the dramatic narrative from which they cannot step out at will as 'the scene carries itself' (Luhmann 1983:39). They are committed to the story they perform through their own symbolic actions and 'presentation of self'. I will address both issues further in Chap. 5, but we

should at least concede that both postmodern fantasies that everything is possible as well as elitist theories that testify to the omnipotence of elites must be qualified. This also means that we should be careful about drawing strong boundaries between 'real' and 'deceptive' politics, between the political game and political theatre. If anything, political theatre *is* real politics, as Schumpeter already warned.

The final question we need to address is how this dramaturgical perspective provides a different analysis of political legitimacy—how it explains conditional normative support. We usually do not say that a play performed in theatre generates legitimacy. The main difference between theatre and politics concerns the fact that politics *also* has an instrumental function. The specific dramaturgical qualities of politics relate to the fact that we do expect politics to 'determine' the future—that politics *does matter* for future conditions and interest satisfaction. Without the instrumental function, expressive political actions seem to lose their specific dramatic force. To this extent, the contractual notions in the tradition of democratic realism do make sense. Political support as a form of legitimacy means that we agree in the present that politics ought to realise some goal in the future. However, such a contractual perspective often seems to connote some underlying social consensus—which is not necessary at all in a dramaturgical perspective. Furthermore, a contract tends to emphasise the importance of future output and interest satisfaction. It tends to emphasise the instrumental over the expressive function of politics. A dramaturgical perspective, in contrast, explains how normative expectations are symbolically aroused and satisfied quite independent from political output, but not from interests.

The basis of support mobilisation in the tradition of democratic realism depends, first, on expectations aroused by political leaders who successfully show that they are committed to the realisation of some goal or interest in the future, and, second, on supporters who agree with this goal or interest. Support mobilisation is perceived as an *exchange relation* between political 'influence' and 'loyalty', based on some underlying calculation of utility and motives of interest maximisation. This relation between political leaders and supporters is perceived as a kind of economic exchange, and the reason why it is often mistaken for a

trust-relation. However, political support is not like buying a car. The dramaturgical analysis explains how supporters become 'involved', how they emotionally identify with their protagonist, co-experience the unfolding of his story, and how support expresses itself as acclamation. Although support does depend on interests and goals, although the relation is instrumental, support is not some detached evaluation of utility. It depends on the dramaturgic force of politics, through which the audience is 'drawn in'. And even though support is based on instrumental expectations of future interest satisfaction, the emotional identification and 'uninvolved-involvement' of the supporters explain why they now have expectations of what the political leader will and *ought to* do. Support mobilisation, then, arouses not just cognitive-instrumental but also normative expectations. Finally, support does not depend on actual interest satisfaction of mobilised expectations but on symbolic interest satisfaction, on the 'immediacy' of 'symbolic gratification' (Luhmann 1983:225; Easton 1965:390). Political support, then, depends on the continuous arousal and satisfaction of normative expectations through dramaturgical actions.

The key, then, is that both normative expectations and fulfilments are produced by symbolic actions not by 'real' output (Edelman 1988:106). The political process, we might follow Luhmann, is therefore *self-legitimating* to the extent that the process can prove its own validity, that is, it can answer the questions it raises itself (1983:252). From a dramaturgical perspective, we might define political support as the *constant suspension of judgement*. By the use of symbolic actions, by dramaturgy, the leader continuously postpones into the future the ultimate strategic and utilitarian judgement of whether support was worth it—the cost–benefit analysis. Dramaturgy is the constant 'reconstruction of the past and its evocation of unobservables in the present and of potentialities in the future' (Edelman 1988:108). In short, the strategic-utilitarian evaluation and day of reckoning never comes, as long as the political process is kept open (Luhmann 1983:38, 51ff.).

Time and the indeterminacy it implies are the core concepts of this kind of political legitimacy, of political support. It is telling that time

is not a crucial concept in Weber's analysis of legitimacy.[14] In contrast to Weber, we might therefore explain why political support is neither about conditional strategic interests (utility) or unconditional belief in validity (truth). Time allows us to perceive political legitimacy as conditional normative support. It is conditional upon future interests but not upon their actual realisation or satisfaction. Rather it is conditional upon the capacity to continuously arouse and satisfy normative expectations through dramaturgical actions. As such, political support is about *subjective normativity,* and therefore a form of political legitimacy. However, the object of this normativity is less definite. Support might be directed to 'particular actors or political parties', but it might also concern the 'political drama' in its totality—its 'history' (Luhmann 1983:194). Political support, it seems to me, is fairly dynamic, fluid, diffuse, and fragmented. It is inherently caught up in multiple and ongoing political narratives. This means that this kind of political legitimacy might not so much explain subjective duties to obey but does consist of normative support for political actions and actors, however fluctuating.

Finally, how does political support relate to the conflictive nature of politics? The supportive kind of legitimacy is not necessarily explained by conflict. But social and political conflict do have specific strong dramatic qualities. Cheering for the protagonists and booing the antagonist is the essence of political dramaturgy. The friend/enemy opposition is not only expressive of shared interests and identities but also the basis from which fear and anxiety is mobilised (Edelman 1988:66, 2001:7). For the pluralists, this means that support mobilisation explains social conflict and that political stability must be guaranteed by effective output and interest fragmentation, that is, by the political game. Stability is explained by the exclusion of most people from strategic political action, which in turn leads to the possibility of 'vertical' conflict, of political disappointment with or alienation from political elites. However, we might appreciate

[14] It is not true, of course, that Weber was not aware of the importance of time, especially where it concerns the ideology of progress in modernity (Weber 2004a:13). However, when it comes to his analysis of political legitimacy, time hardly plays a role.

that political theatre is not just about capitalising on conflict, but it is also highly tolerant of conflict and disappointment.

Narratives are often ambiguous, abstract, and not necessarily coherent, which means that actions can have multiple meanings and cater to different interests (Edelman 1988:71, 2001:96; Luhmann 1983:116, 195). As such, the multiple interpretability of symbolic actions can also absorb conflict. Adversaries can both claim victory. Furthermore, as long as the narrative remains open-ended, it always remains open to different plots and turns. Postponing the final decision also absorbs conflict (Luhmann 1983:102). We might have lost today, but tomorrow we will win. The expressive function of politics might also explain how disappointments can be 'absorbed'. Disappointed expectations can be dealt with, for example, by the displacement of political leaders, the dramaturgic satisfaction of the fall of the mighty, the appointment of responsibility, blame and punishment, and so on. Indeed, political support can be understood as the ability to process disappointment (Luhmann 1983:119). To this extent, political disappointment and conflict do not deny political legitimacy but rather provide the dramatic sources for the mobilisation of normative expectations. As long as the narrative remains open and the people 'involved', as long as politics is entertaining, and as long as people do not withdraw from politics altogether, it is part of the dramaturgical legitimation process.

In conclusion, a dramaturgical analysis of the political theatre allows us to appreciate conditional normative support. This symbolic reality of politics becomes possible by both the time dimension that separates the instrumental and expressive function of politics, and by the 'division of labour' between active elites and passive audiences. Political support is conditional because it depends on the instrumental perception of politics and on the symbolic satisfaction of interests and expectations. It is normative because the dramaturgical force of support mobilisation emotionally draws in the audience and arouses and satisfies normative political expectations. Finally, legitimacy as political support does not deny the conflictive, strategic, and instrumental nature of politics; it is its essence.

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4

Politics as Coordination

In Weber's sociology, politics concerns legal domination and conflict, the 'warring of the gods'. Modern society, moreover, is differentiated into value spheres with their own specific values and logics. It is this latter perspective that is picked up by the third generation of system theory. However, this type of system theory, mostly developed by Luhmann, discards Weber's action theory. Luhmann is outright hostile and dismissive of the 'subjective' (1973:21). We will therefore fail to find a subjective understanding of political legitimacy in this approach. Yet, I want to argue, Luhmann's system theory, or media theory, is compatible with Weber's work to a large extent, but offers a different perspective on politics, legal domination, and bureaucracy, a perspective in which the coordinative nature of politics is central.[1] Where Weber's emphasis on command, obedience and duty leads to a disenchanted machine-like description

[1] Luhmann's work can be divided into two general periods, with the turning point somewhere in the 1980s. The second period is a full and technical elaboration of system theory, concentrating in particular on the theory of self-reference or 'autopoiesis'. These later developments notwithstanding, I will concentrate on the earlier period, because in that period the relationship between his media theory and his theory of social expectations is analytically more lucid. It seems to me that this relationship at least leaves open the possibility to incorporate a (subjective) action perspective in Luhmann's system theory.

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_4

of modernity, Luhmann's emphasis on coordination leads to a description of *late-modern* society as inherently vulnerable, uncertain, and risky. Where Weber is primarily concerned with the problem of meaning and truth (*Existenz*), Luhmann emphasises the problem of trust in a complex world in which everything is uncertain. In this chapter I want to argue that trust has a subjective normative foundation, which might explain political legitimacy. It leads to a profoundly different understanding of legitimacy, as it is not the belief in the validity (truth) of political power that needs to be explained, but trust in its coordinative force.

Weber and Luhmann agree that society consists of differentiated value spheres or social-action systems. A value sphere is a meaningful selection of society. It is a specific aspect of social action, providing it with specific meaning, value, or logic. Simply put, in daily life we can understand the same concrete empirical situation from a legal, political, economic, or scientific perspective, but it will yield different meanings, different realities. For Luhmann, this means that the whole concept of society must be reconsidered as politics, law, or economy are merely 'special versions' of society (1977:31, 1989:138). Luhmann and Weber also agree that there is nothing inherently 'true' about these different values or meanings, but that they merely are different selections: 'a finite segment of the meaningless infinity of the world process, a segment on which *human beings* confer meaning and significance' (Weber 2011:81). Weber discusses this most clearly in his work on legal positivism, where law validates law. For Luhmann, this means that all social systems are self-referential, coordinated by their own 'symbolic codes' (1975:248, 1977:32). This differentiates the third-generation 'media-theory' from the second-generation 'cybernetic' system theory (Teubner 1984:292). Value spheres or systems are 'self-referentially closed', which means that a system can only understand the world in terms of itself and therefore cannot genuinely communicate with other value systems or their environment (Luhmann 1984, 1989). Or, as Weber put it, 'what the lawyer cannot "think" or "construe" cannot be admitted as having legal reality' (1978:854). It also implies that there is no absolute (moral) truth within or beyond law, science, politics, or economy. They symbolise different meanings, values, or truths, different social realities, which forms the basis of Weber's 'warring of the gods', as no selection is better or worse than the other, just different. In sum, for

both Weber and Luhmann, the world is inherently disenchanted, conflictive, and positive.

Luhmann and Weber also diverge on some points. Although they both agree that the specific value of the political system concerns legitimate power, Weber understands politics as relationships of command and obedience. His goal is to explain obedience and feelings of duty, clearly visible in his description of modernity, where his favourite metaphor is the machine. Weber fears a society in which people are enslaved to the bureaucratic machine, in which they do their duty for duty's sake. Furthermore, he problematises the self-referential characteristic of legal domination as a loss of meaning (*Existenz*). Man is a meaning-seeking creature, and Weber analyses the problem of meaning in a modern world without absolute truths. To a certain extent, he describes the existential crisis of postmodernity, when reason turns upon reason and finds nothing there. Weber tells us that there no longer is 'truth' or magic in modern life, and that we must be brave enough to face this modern fate, find our calling and dutifully obey it (2004a:31). For Luhmann the self-referential quality of 'truths' does not pose a problem of meaning but primarily a problem of social validity. If there is nothing inherently true about law or legitimate power, these systems can only coordinate social action to the extent that we act *as if* we believe in their validity (truth). Legitimate power or politics, we might say, is suspended in mid-air, neither inherently true nor grounded in subjective beliefs and duties. The social validity of legitimate power is therefore inherently vulnerable and social action inherently risky. Social validity must be explained by political organisation and especially by the organisation of trust. Luhmann, in a sense, replaces Weber's problem of validity (truth) with the problem of trust.

In short, despite their agreements, Luhmann emphasises the coordinative nature of politics, the vulnerability of legitimate power, and the need for trust. And even if Luhmann ignores subjective orientations, I argue that we cannot understand trust without incorporating the subjective. Political trust, furthermore, provides us with a different understanding of political legitimacy. In what follows, I will first elaborate more on the coordinative nature of politics in Luhmann's work and how this provides an analysis of late-modern society characterised by complexity, vulnerability, and indeterminacy. Second, we will have to address the difficult

question of the nature of trust. Despite massive attention to the concept in the last decades, trust remains poorly analysed. I want to show that trust, properly understood, has a subjective normative foundation that might explain legitimacy. Finally, the equally difficult question of the role of trust in politics also has to be answered. Even Luhmann, despite the importance of trust in his work, wondered where, when, and how trust could play a role at all in politics (1968:70). If trust has no place in politics, it cannot explain its legitimacy.

4.1 Coordination as Communication

The general claim of media theory is that 'society consists of communication, it consists only of communication, it consists of all communications' (Luhmann 1984:311). Importantly, society consists of differentiated social systems in which social action is coordinated by different values, logics, or expectations, captured and communicated by different symbolic media. This means that most media theorists claim that social action in the political system is coordinated by legitimate power, the economic system by money, the legal system by law, and the scientific system by truth, though disputes remain. The main undisputed claim, however, is that political, economic, legal, and scientific actions can be analytically differentiated *because* they are coordinated by different symbolic media. Symbolic media, furthermore, can be perceived as 'specialised languages' (Parsons 1963a:38), and, just like language proper, they allow communication.

We might say in very general terms that communication consists of the following analytical parts. First, communication concerns the *transfer* of meaning from one person to another. Meaning is a *selection* of all possible possibilities; communicated meaning is thus a reduction of social complexity (Luhmann 1975:5). Second, communication only *coordinates* social action if meaning is effectively transferred, that is, if persons accept the meaningful selection that is offered as the basis for their own understandings and actions (Parsons 1963b:242). Expectations of meaning thus have to be shared by both actors. Third, this implies that the inherent problem of all communication is *double contingency* (Luhmann 1975:5,

1974:238; Parsons 1953:621). Contingency means that expectations of what is real or meaningful can differ from one actor to another—contingency denotes the presence of alternatives—while double contingency means that these expectations are in themselves dependent upon the contingent expectations of others (Luhmann 1974:238). Fourth, this inherent contingency can only be solved if expectations are *generalised*, that is, when reciprocal expectations of meaning become non-contingent or socially valid in space and time. Finally, this means that communication is especially possible by means of a shared code—a language—that *symbolises* these generalised expectations of meaning (Parsons 1963a:38). When the communication of meaning is made possible by this shared 'symbolic code', the code in itself does not have intrinsic meaning (Parsons 1963a:38). In sum, '[t]he general function of generalised communication [is] to make reduced complexity transferable' (Luhmann 1974:240). Such a process is 'contingent', but nevertheless 'non-arbitrary'.

If this is how we can understand communication in the most general terms, a media theoretical analysis perceives legitimate power as a special kind of language that makes it possible to transfer a specific meaning, which subsequently coordinates social action. Communication of meaning makes social action possible in the first place, as it allows actors to define a specific context meaningfully, that is, as a finite selection of infinite possibilities, under the specific human condition that we never truly know the subjective orientations and interpretations of others. Communication therefore does not *guarantee* performance or obedience, but successful communication does *coordinate* actions by limiting 'the space of possibilities' (Luhmann 1995:149). Power as language communicates the 'definition of the situation' or the 'concrete context of departure' in which social action subsequently takes place—it coordinates but does not determine the result (Parsons 1963b:242, 1953:626; Luhmann 1975:8). The force of communication is therefore not dependent on proving the 'truth' of the selection, but about replacing contingency and complexity with generalised expectations. 'Order is brought into this chaos only on the condition that in every case only a *part* of concrete reality is interesting and *significant* to us' (Weber 2011:78). But such communication or coordination is always vulnerable, as it always allows rejection, misunderstanding, or deceit (Luhmann 1975:5). Communication

makes 'explicit and plausible that one must act and experience in a specific way, although … it can also be different' (Luhmann 1975:250). Communication does not guarantee, it merely increases the *probability* of meaningful social action.

All types of symbolic media structure or 'influence' expectations and, subsequently, social action. One could argue, therefore, that all media concern power. This seems to be Foucault's argument when he claims that the type of 'symbolic medium' through which power is communicated is less relevant for the study of power (1982:786). For Foucault, power is an *effect*, while for media theory, power is a specific *medium*, a specific language in its own right. The specific meaning that is transferred with this language consists of expectations of asymmetrical interests to avoid conflict or force. Power, for Luhmann, is the probability to pursue one's will without the use of force, avoiding the costly and risky use of violence (1975:25). As its effectiveness depends on expectations and the expectations of expectations, media theory describes how expectations of power, of asymmetrical interests, are generalised beyond the specific, the subjective and the contingent. Legitimate power as a symbolic medium allows the communication of non-contingent expectations in the face of social complexities and contingencies. The inherent social complexity of 'double contingency' and the always present 'possibility of conflict' is precisely what *all* symbolic media have to resolve (Luhmann 1975:5ff.). The generalisation of expectations can be analysed along the three dimensions we already discussed in Chap. 1. In the material dimensions, expectations are generalised from persons to offices—'the de-personalisation of the medium' (Luhmann 1975:37). In the social dimension, expectations are generalised from intersubjective to objective expectations, that is, power is socially institutionalised and becomes a 'social property'. And in the temporal dimension, finally, expectations are generalised from cognitive to normative, from factual to counterfactual expectations. In modern-day politics, then, expectations of power are socially institutionalised, office-based, and normative, explaining why power becomes independent of actual underlying asymmetric interests or capability of force. Legitimate power communicates the right to make binding decisions, just as in Weber's sociology.

Weber explains the rise of such legal domination in terms of a historical rationalisation process driven by material and intellectual needs. For Luhmann, however, it is the result of a functional-evolutionary process, where the benefits concern increased freedom for both ruler and ruled, as expectations become non-contingent (1975:14, 1977:48). It is the result of an unplanned, non-coordinated, and contingent process, and because of the symbolic character of legitimate power—no longer based on *real* power differences—also an 'improbable' accomplishment (Luhmann 1977:31). We need not dwell on these differences too much, or which explanation is more probable. Important for the present argument is that politics is organised in terms of rules and offices that communicate expectations about who has the right to make decisions. In short, we are talking about legal domination in bureaucratic organisations.

However, politics is not merely understood in terms of rule-based communication of generalised expectations, politics is also a socially differentiated system. For Luhmann, the social differentiation of politics depends on its 'second-coding' in law (1975:43). Only when legitimate power is coded in law, we can appreciate how legitimacy is no longer grounded in the 'moral order of society', but becomes a socially differentiated and self-referential system. When legitimacy becomes legality, politics is able to 'regulate its own regulation' (Luhmann 1975:29). Politics is socially differentiated to the extent that the *normative order* of politics is coded in positive law, that in itself is the result of political decisions—by turning 'power upon power' (Luhmann 1984:314). Law, furthermore, solves 'the power question' as Luhmann calls it, the peculiar position of the sovereign at the top of the bureaucratic organisation (1975:38). Only if the sovereign himself is subjected to law—the 'expropriation of the expropriator' (Weber 2004b:38)—is the political system self-referentially closed and socially differentiated.

The importance of the relation between politics and (positive) law is readily present in Weber's work. However, Luhmann rightly emphasises an additional importance of law. Weber perceives legitimate domination first and foremost in terms of bureaucratic organisation, which directly intervenes and controls society outside the bureaucracy. This, of course, readily reverberates with the modernist image of the state as a bureaucratic

machine directly providing public goods and services. Luhmann argues that the relation between bureaucracy and 'society' might be better grasped in terms of the coordinating role of law. It is law that integrates society into the political organisation of legitimate power and allows politics to gain societal relevance beyond bureaucratic organisation (1975:30).

To understand the integrative force of legitimate power coded in law, we might compare its boundary problems with those of money. Money, in media theory, is also a 'specialised language' that symbolises *factual* expectations of objective market value (Parsons 1963a:39; Luhmann 1984:313). Money can be seen as a 'universal language' to the extent that every object for which there is a (potential) market can in principle be objectified in terms of money.[2] To exclude certain goods or services from the market or economic rationality, the economic system must be *bounded* in terms of power and law, if not by social norms. Where this boundary is drawn, however, cannot be explained by the logic of the economic system itself. The inherent boundary of money only concerns the possibility of market value. This explains, according to Luhmann, the colonial tendency and 'functional primacy' of the economic system—even if it might undermine its own social foundations (1975:102). Legitimate power, in contrast, rests on *counterfactual* expectations that inherently seem to limit its colonising tendency. Legitimate power in the family, the factory, the organisation, and the state does not symbolise the same 'objective value'. One cannot understand domination of the paterfamilias in terms of legitimate state power. This is not just a question of different symbols necessitating some form of 'translation', as in the case of money in relation to different currencies. Different codes of legitimate power symbolise *different normative orders* (Parsons 1963b:241). Of course, legitimate state power might also try to colonise the legitimate power of the private family or factory, but in contrast to money, the external environment must be drawn *into* its value sphere, rather than the environment protected *from* it. This easily leads to conflict between normative orders, which cannot be settled by legitimate power itself, but

[2] This does not mean, of course, that capitalist market logic is, in some sense, a *natural* human orientation. As Weber has already shown, economic rationalities are historical and cultural products that must be learned and acquired.

only by threat or force. Such use of political power in different spheres of life with different normative orders would easily lead to normative questions, politicisation, and conflict (Luhmann 1983:203).

This might seem counter-intuitive, as countless theorists have warned for the power of the omnipotent state. But what makes legitimate state power so powerful is not that it directly governs or 'colonises' other social spheres, organisations or systems through the use of legitimate power in terms of commands, but can 'export' its legitimate power through law into all spheres of life *without* politicising those spheres (Luhmann 1975:95; Parsons 1963b:244).[3] What integrates the family, the factory, and the private organisation into legitimate state power is law, as law allows the symbolic codification of different normative orders simultaneously in a single 'language'. As such, the state or the ruler does not so much rule by legitimate command, as by legitimate law-making (Luhmann 1975:49). Law is a symbolic code through which politics can *integrate* and *coordinate* social life and prevent the use of political power, leading to its politicisation. Of course, conflicts might still arise, but conflict does not, at least in the first instance, challenge the normative right of political power—a conflict that cannot be settled by legitimate power—but rather its legal correctness (Luhmann 1975:44).[4] Law allows the integration of different political organisations and institutions, different normative orders, into one single political system, coordinated by legitimate power.

Finally, we might appreciate how legitimate power as a form of communication not only reduces social complexity by making expectations non-contingent, but also allows more complex forms of social and political organisation. Or, in the vocabulary of media theory, how it increases 'degrees of freedom' as actors are freed from contextual, particular, and contingent knowledge (Parsons 1963a:40). For the ruler, this means that

[3] It is therefore not surprising that legitimate political power—especially in comparison to money—is very difficult to globalise or even to regionalise. Political globalisation tends to take the form of international law, if not outright force and threat.

[4] When Luhmann claims that challenging legitimate domination remains purely 'ideological' as long as it cannot develop a 'functional equivalent' for the duality between legal/illegal, it seems to me that he does away too easily with the existence of different *segmented* normative orders (Luhmann 1975:44); we should not, of course, mistake the model for empirical reality. Furthermore, Luhmann does away too easily with the possibility and necessity of normative critique (see Bader 2001).

his power can be formally and counterfactually organised or, in Weber's terms, rationalised. For the ruled, the prominence of law means, first, that the arbitrary will of the sovereign is bounded. It replaces the 'omnipresence' of violence by 'a regulated present' in which 'future conditions' that initiate violence are known (Luhmann 1975:65). It therefore becomes possible to *avoid* the use of power. Second, law also gives 'the powerless a share of societal power' (Luhmann 1975:49). Law backed up with political power provides means of assurance and insurance in all kinds of social relations, including political relations, lowering the need for trust. Law as a 'functional equivalent of trust' increases freedom, as it allows us to engage in (exchange) relations with relatively anonymous others.

Luhmann, in sum, tries to show how legitimate power as a form of communication reduces social complexity by making expectations non-contingent, which, at the same time, increases societal complexity (1975:31). This increase in societal complexity, however, comes at a cost, which is increased vulnerability. Like all symbolic media, legitimate power entails a truth claim, which is the claim to the right to make binding decisions. However, given the self-referential character of the political system, there is nothing inherently 'true' about this claim. Just as in positive law, there is no absolute or moral truth *beyond* legitimate power. Law validates law and power validates power. We might say that legitimate power symbolises the political system as a whole. It has no value or validity outside of the political system; it *is* the political system. Many have struggled with this '*Abschluss Problematik*' in search of real meaning or validity (truth) (Luhmannn 1975:55). Parsons, for example, ultimately found the validity of legitimate power upon societal value consensus or solidarity (1963b:250). However, his analysis is unconvincing, as this unproblematised consensus becomes a functional necessity of social order itself. Or, to put it differently, every political order is automatically legitimate. Habermas, as we will discuss in the next chapter, tries to solve it in speech and communicative rationality. And even Weber, who would agree with the self-referential character of legal domination and the absence of 'truth' or 'magic', still tries to found legitimate power in subjective beliefs and feelings of duty. Luhmann, however, is more interested in the social validity of legitimate power. How can expectations of legitimate power coordinate social action if there is nothing inherently

true about it, merely symbolic and counterfactual, and therefore without intrinsic motivation? We do not obey legitimate power because we believe in its validity (truth), rather we normally act *as if* it is true. This explains why social action coordinated by legitimate power is inherently vulnerable and risky. We have to trust or be confident that others also accept expectations of power as if it is true. To explain the social validity of legitimate power, then, we need to explain the political organisation of trust. Trust is necessary because communication remains vulnerable, expectations only probable, and action therefore risky. It is about the problem of trust, not about the problem of validity (truth).

However, the vulnerability of legitimate power is not just about some kind of collective action problem. Political power still concerns expectations of asymmetry and hierarchy, however counterfactual these expectations might be. The specific problem of power is that its use, in terms of commands or binding decisions, must expect resistance and conflict. The possibility of conflict immediately gears analysis back to Weber's problem of obedience and the problem of the effectiveness of power in the face of resistance and conflict. However, Luhmann takes a different turn and provides two answers of how conflict might be *absorbed* in political organisation and, as such, how this specific problem concerning the vulnerability of legitimate power might be addressed. First, political organisation is not about commands in the first place, but about coordination. Second, conflict can be absorbed by increased organisational indeterminacy. Both answers provide a fundamentally different analysis of bureaucracy as compared to Weber, less machine-like and more complex and ambiguous.

Bureaucratic organisation, for Luhmann, is not a hierarchical chain of command, but a chain of decision-making coordinated by legitimate power. It concerns the transfer of 'reduced complexity of decisions upon decisions' (1975:41). Ruling by command, in system-theoretical analysis, not only increases the risk of conflict, but is also of limited rationality. Increased organisational rationality is made possible by increased 'liquidity' of power. This means that bureaucrats lower in the hierarchy are not just following commands, but they themselves gain legitimate power to make decisions. The ruler 'spends' power to make power, and rules by rule-making. In other words, we might understand liquidity as

the 'circulation' of decisions (Parsons 1963b:244). As a consequence, the 'final' decision becomes a property of the political organisation as a whole (Luhmann 1966:293). It can no longer be located in the single act of the sovereign, but only in the entire process of decision-making itself. Because the sovereign no longer rules by command but by rule-making, power is freed from his cognitive limitations, allowing him to increase the scope of his power (Luhmann 1975:41; Parsons 1963b:235). The ruler no longer has to 'know' everything, but he can rather 'program' the bureaucracy in terms of conditional rules and office competencies (Luhmann 1975:29). Organisational rationality and complexity is increased by the possibility of such 'conditional planning' and even more by 'political planning'. The problem of conditional programming, according to Luhmann, is that it is relatively inflexible and rigid, which makes it difficult for the bureaucracy to adjust and learn from the contingencies of actual and concrete situations, and as such increases demands of detailed knowledge about social conditions in advance, running against inherent epistemological limitations of rational organisation (1966:276–7, 1983:210; also Scott 1995, 1998). Political planning concerns 'making decisions over decisions' (Luhmann 1966:286). Politics is not about rule by commands or rule by rule-making, but about setting bureaucratic functional goals and targets and rule by budgetary control. The ruler only decides on the goals and budgets of specific agencies, not which decisions they have to make to realise these goals, although, such goal programming is often accompanied by conditional rules that prescribe how efficient and effective solutions can be found, as for example in the current ideology of 'new public management' (Pierre and Peters 2000). Although political planning decreases direct control, it increases flexibility and learning and softens rationality problems. It also absorbs conflict as, first, decision-making is not about commands others have to obey, but about rules that make social action within the bureaucracy possible. Or, in Weber's words, it explains why the 'pathos of domination' is not particularly felt. Political power is not repressive, but enables action. Second, it absorbs conflict to the extent that it increases *organisational complexity*. Political decision-making becomes rather *abstract*, enabling politics to vary the 'coherence' of bureaucracy (Luhmann 1966:290) and therefore to pursue conflicting goals simultaneously—for example, stimulating industry

and fighting pollution, or trading with dictatorial regimes and promoting international democracy. Conflict is absorbed, as it allows politics to cater to different constituencies and interest groups simultaneously, to present decisions as solutions without really changing anything or to translate ideological conflict in different budgetary distributions.

Conflict is also absorbed by the increase of *organisational indeterminacy*. Bureaucracy, to an extent, is 'de-bureaucratised'. Bureaucratic decisions are not just based upon legitimate power—that is, the *right* to make decisions—but are *additionally legitimated* in terms of expertise—that is, it is the *right decision* to make. Bureaucratic self-understanding in relation to their specified functions means that bureaucracy is not just coordinated by legitimate power, but also by expert knowledge. For Parsons, this means that the bureaucratic organisation of the decision-making process is not 'in the analytical sense political' but rather that legitimate power is 'interpenetrated' by other systems (1963b:236ff.). As such, it makes sense to differentiate between the *legitimacy* of decisions symbolically coordinated by legitimate power and the *legitimation* of decisions coordinated by expertise (Luhmann 1975:29, 1983:152). This increases indeterminacy as a binding decision is both an exercise of power and a claim to expertise. The reduction of social complexity through symbols of legitimate power is, to an extent, *reversed* in the modern organisation of political decision-making. Indeed, the 'de-bureaucratised' decision-making process is 'indeterminately structured', as it is structured by different and sometimes conflicting legitimating rationales and expectations (Luhmann 1983:173). Indeterminacy absorbs conflict to the extent that resistance does not so much thematise the right to make decisions, but rather the content of decisions. It is not a conflict over power, but over knowledge. In fact, legitimate power might even be accepted as a necessity to deal with conflicts between experts.

What is most striking of Luhmann's description of bureaucracy is that the risk of conflict is addressed by an *increase* of organisational complexity and indeterminacy absorbing the pathos of domination. This complex character furthermore seems to be more attuned to empirical bureaucratic experience. In modern liberal-democracies, according to Luhmann, the political system of decision-making in general, including the bureaucracy, is not just coordinated by legitimate power, but additionally legitimated by

expectations of the common good, popular support and expertise, increasing indeterminacy, and absorbing conflict (1966, 1983). Additional legitimations and increased indeterminacy soften the pathos of domination. Because of its indeterminacy, the decision-making process is left open to alternative expectations, enabling the legitimation of decisions through *symbolic actions* rather than only through its symbolic power structure (Luhmann 1983:173ff.). And precisely because these legitimations are themselves ambiguous—what is the common good?—they remain open for interpretation. As such, it allows and necessitates a shift from a focus on the *structure* of legitimate power to the symbolic *process* of the legitimation of decisions. The problem of conflict and resistance, then, can be dealt with at the organisational level by increased complexity, by opening up the political system to indeterminacy and 'contradictory expectations'. This, Luhmann argues, is a 'difficult social performance' as politics must continually keep up the illusion that politics is coherent and problems can be definitely solved; this form of 'high complexity' does, however, give room to conflict *and* stability (Luhmann 1983:161).

To sum up, in Luhmann's analysis, the problem of validity (truth) of legitimate power is understood foremost as a problem of social validity or effectiveness. To understand the coordinative force of legitimate power as a symbolic language, we must understand how the inherent vulnerability of communication is *organisationally* dealt with. Part of this concerns the increase of political complexity, explaining its indeterminate, contradictory, and ambiguous character. Politics is not a well-oiled bureaucratic machine; it is risky. The social validity of political power is 'a permanent problem' which points to the need to organise trust: the constant ongoing production of political assurance that, despite the uncertain, ambiguous, contradictory, and contingent nature of political coordination, legitimate power nevertheless remains socially valid (Luhmann 1983:193). It is this concept of trust I want to address now.

4.2 Trust and Its Normative Dimension

The vulnerable nature of legitimate power and the complex and indeterminate nature of political organisation emphasise the importance of

trust. The amount of literature on the concept of trust is impressive. Trust became the buzzword of the 1990s and the foundation of a whole scholarly industry. Despite this attention, the whole concept often remains elusive and poorly analysed, especially in political theory. Before we can analyse the possible importance of trust in politics at all, we need to get some grip on the concept. In what follows, I want to argue that trust has a normative dimension that might explain political legitimacy. To do so, we must first acknowledge that trust is best analysed from an action-theoretical perspective. Second, we must get rid of the dominant economised perception that trust only concerns instrumental exchange relations. Finally, we must make a careful analytical distinction between trust, confidence and chance, to appreciate the subjective normative foundation of trust.

4.2.1 An Action-theoretical Perspective

To understand the nature of political trust, it seems prudent to start with a working definition of trust. Most scholars probably agree with the claim that trust has something to do with a commitment to social expectations, where this commitment involves a risk, understood in terms of uncertainty and vulnerability.[5] Starting from this definition, we can appreciate how trust has both been approached as an objective and a subjective phenomenon. The objective approach is most clearly visible in sociological modernisation theories. At the risk of oversimplifying, this sociological approach heuristically opposes modern with pre-modern society. Only with the historical rise of modernity—understood as increasing societal differentiation—do we witness the rise of risks, which constitute a need for trust (Luhmann 1988:96ff., 1993b:5). Pre-modernity is characterised by a duality between a self-evident, familiar world and an unknown and uncontrollable world in which not risks but dangers lurk (Luhmann 1975:79; Giddens 1991:195). Modern society, on the other hand, is not dangerous but risky, as dangers have become the object of knowledge and

[5] Compare Misztal 1996:18, 2001:372; Dasgupta 1988:51; Dunn 1988:73; Gambetta 1988:217; Warren 1999a:1; Sztompka 1999:25 Newton 1999:170; Mayer et al. 1995:712; Lewis and Weigert 1985:968; Luhmann 1968:27–9.

control. Risks, then, do not lie outside society in the unfamiliar; risks origin inside complex society itself. The objective structures of modern society might increase our 'degrees of freedom' but are also inherently vulnerable and contingent (Luhmann 1988:100, 1993b:46; Giddens 1990:104, 1991:48). Modern society, therefore, is not self-evident but risky (Luhmann 1993a:135; Beck 1992:21). Finally, this rise of risk is said to be 'controlled' with trust (Seligman 1997:13; Offe 1999:66).

The problem is not that this particular approach leads to rather abstract, schematic, and dualistic modernisation theories, but that the objective approach in general tends to overstretch the concept of trust. It shows that late-modern society is complex, that is, vulnerable, contingent, ambiguous, and risky, from which we must conclude that social life is inherently uncertain. Indeed, of what can we really be certain? Even in the positivist sciences, knowledge is always contingent on future falsification. But if there are no objective grounds for certainty, then *every social action is risky* and seems to require trust. On its own, the objective approach to trust leads to everything and therefore to nothing. Luhmann warns that 'trust is not the only fundament of the world' (1968:126). The warning is right, but how to deal with it?

To limit the analytical relevance of trust, we cannot deny the subjective approach, despite Luhmann's resistance. From this perspective, the essential nature of trust is the so-called 'leap of faith' an actor takes despite the existence of uncertainty and vulnerability. This subjective leap of faith, this subjective 'suspension' or 'internal absorption' of uncertainties, is what defines trust (Möllering 2006; Luhmann 1968). However, also in this approach we run the risk of conceptual overstretching. There seem to be many different psychological mechanisms or subjective attitudes for dealing with uncertainty and vulnerability. Faith, fate, optimism and hope are functionally equivalent psychological mechanisms, just as cynicism, scepticism, apathy or hedonism (see Giddens 1990, 1991). If these are not analytically separated from trust, we return to the same problem: if the world is inherently uncertain then trust is its necessary fundament.

Fortunately, the subjective approach offers a way out from this conceptual fungibility. First, if actors are not somehow aware of uncertainty and vulnerability, their commitment hardly expresses a form of trust but rather of 'belief' or 'fate' (Offe 1999:78; Giddens 1990:111). This means

that consciousness plays a pivotal role for conceptually containing trust. Trust is not about denying risks or being unaware of them, it is about taking a risk, that is, one is aware of uncertainties and vulnerabilities. Trust is to adopt uncertain social expectations for one's own actions or understandings *as if* one is certain about them. Second, trust not only demands awareness, trust must also be 'warranted'. If trust is not founded upon some source of assurance, commitment no longer concerns trust but 'hope' or 'faith' (Misztal 1996:15; Sztompka 1999:24; Lewis and Weigert 1985:972; Luhmann 1968:28). Trust is not totally rational, but not totally irrational either.

The subjective approach provides necessary boundaries for trust not to be the only fundament of society, based upon the demands of risk consciousness and assurance. If these boundaries are analytically satisfying, they obviously provide methodological challenges for empirical research. More problematic is that the subjective approach on its own is too limited. If trust is subjective, it is not intersubjective, let alone socially objective. This means that Ego might try to convince Alter to trust him, but trust itself remains incommunicable. Although this is an important insight, it would be ridiculous to claim that trust is independent of the social context. What counts as risky or what counts as assurance is also an inherently social phenomenon. Furthermore, trust is about social action, about committing to social uncertainties, it is not a subjective state of mind. In other words, the *need for trust* is determined by the social context. In conclusion, if we want to understand the essence of trust, we can deny neither its subjective dimension, as without it the analytical relevance of trust disappears into thin air, nor its objective dimension, as it structures the subjective need for trust in the first place. The relation between objective and subjective meanings, of course, is precisely the fundament of Weber's social action theory.

4.2.2 Risk-Coping or Risk-choosing

If trust is best analysed from an action-theoretical perspective, we should also rescue trust from economised perceptions of social action. This is mostly visible in the debate about whether trust is about 'risk-choosing'

or 'risk-coping'. Many scholars claim that trust is only trust when we voluntary and consciously choose to commit ourselves to uncertain expectations (Luhmann 1988:97; Sztompka 1999:30). According to this dominant voice in the literature, risk is a *consequence of trust*. The prototypical relation is the voluntary exchange relation, in which Ego commits in the present to expectations concerning future actions of Alter. Ego voluntarily chooses to run the risk that Alter will disappoint him. If Ego does not trust Alter—if there is 'insufficient' warranty—he will not commit himself and avoid the risk. In the alternative perspective, risks present in the structures of complex society are not risks we voluntary choose to take and often risks we cannot avoid taking. Risk is not a consequence of action, but action is a means of coping with risk (Wisner et al. 2004:113ff). Trust is a specific type of *coping mechanism* to deal with unavoidable social risks (Giddens 1991:46). Ego is not choosing to commit or avoid risks; he rather searches for evidence that allows him to absorb risks; that is, he is searching for 'evidence' that allows him to suspend uncertainties, or, in Luhmann's words, it allows 'self-deception' (1968:38).

What seems to separate these perspectives is the different emphasis on voluntariness and agency, on the one hand, and coercion and structure, on the other. At this point, we encounter what may be the core problem of political trust: trust and politics themselves seem to be opposed. In the literature, this opposition is often formulated as the duality of trust versus control (Möllering 2005). The basic idea is that where there is political (legal, organisational, or social) control, trust is not needed, and where such control is absent, trust is necessary. The underlying idea is that trust is opposed to control, as it cannot be 'enforced' and has to be 'voluntary'. Trust is where power, coercion and political relations are not, making both the risk-coping model and the concept of political trust problematic.

However, we should not confuse trust with trust *relations*. First, to trust is inherently subjective, we cannot be forced to trust. Indeed, we cannot even force ourselves to trust (Blackburn 1998:40). Trust eludes control. Second, to trust indicates a 'willingness' to trust, that is, a conscious suspension of uncertainty and vulnerability. Trust, then, is always 'voluntary', if this concept makes any sense at all in this context. However, this

is not the same thing as arguing that social relations are always voluntary. The social context in which we act, especially in politics, is mostly involuntarily imposed and often consists of relations of domination. If trust is always voluntary, social relations are not. Only when we mistake trust for a type of relation or type of behaviour—for example, as cooperation—does the duality between voluntariness and coercion or between trust and control become problematic. If we dismiss such rude behaviourism, however, there is nothing contradictory to claiming that a relation or a specific behaviour can be 'enforced', but trust at the same time is 'voluntary' (Pettit 1998:299–300).

This implies that risk is not necessarily a consequence of trust, but trust—among others—a functional means of coping with imposed uncertainties and vulnerabilities. The political trust literature—dominated by pseudo-economic models of individual utility—predominantly understands trust as risk-choosing. We need not deny the relevance of this perspective, but relevance seems limited to the analytical level of social interaction. The 'risk-coping' model provides more analytical leverage to understand trust at the level of organisations, institutions, and social systems. More important, however, is that the risk-choosing model denies the very nature of politics itself. Political relations do not consist merely (if at all) of voluntary exchange relations. We should avoid crypto-normative and quasi-empirical claims that politics is based upon voluntary exchange or contract relations between free and rational individuals, or between 'society' and 'government', where trust is only warranted when interests are 'aligned'. That is a gross misunderstanding of any real politics. Politics is, at least also, about power and conflict, about domination and coercion. Trust research cannot be an excuse for no longer analysing the organisation of power.

4.2.3 Chance, Confidence, and Trust

I have already argued that an action-theoretical perspective limits the conceptual overstretch of trust, but we need to limit the social relevance of trust even further. Whether trust concerns risk-choosing or risk-coping, the real problem seems to be that *not all commitments to risk involve trust*.

We need to analytically differentiate between chance, confidence, and trust.

It seems useful to differentiate between risks involving probability and risks involving uncertainty. Let us examine this claim for a moment. Suppose we throw dice and put money on the number 6: we take a risk, as success or disappointment is inherently contingent. To put it differently, what number the dice rolls is a contingent and ontological condition. We can only change this condition by manipulating the game. Instead, we might want to gain knowledge of this contingent condition, that is, we want to understand it in terms of probability. It is important to stress that probability is an epistemological claim, which does not alter the underlying ontological condition. Furthermore, it evokes the additional question of the certainty of this knowledge—which I will disregard for the moment. Finally, if we commit ourselves to the certain probability that success in this game is 1 in 6, we take a risk that we normally understand as a *gamble*. It is a gamble not just because the ontological condition remains contingent, but because even our epistemological understanding of this condition in terms of probabilities forces us to co-expect disappointment (5 in 6). Importantly, this means that we cannot act *as if* the outcome is certain.

Social relations, however, often are not like a game of dice. What makes social relations different is that actors are also agents who have the freedom to make decisions. The dice, in contrast, is an object which cannot decide to roll in a certain manner.[6] This does not mean, of course, that we cannot gain knowledge about human behaviour as if they are objects. We can calculate, for example, the probability for loan defection for a certain area, group, or class. If we subsequently provide loans—commit ourselves to these epistemic probabilities—we take a gamble as we have to co-expect disappointment. Most social relations—including market relations—are, however, not about committing to humans as objects, but concern a commitment to humans as agents. The difference of committing to an agent is that, in principle, there is no ontological condition of

[6] This does not deny that even a dice game is often 'rationalised' in terms of 'Lady Luck', a 'good feeling', or even by personalising the dice (Deutsch 1958:266). The boundary between ontological probability and ontological uncertainty is, strictly speaking, in itself a social construct, that is, not a natural given.

contingency. This must be qualified immediately, as contingency does not disappear. Yet, if the dice in our example would *decide* to turn up 6, the outcome is no longer inherently contingent. The qualification, of course, is that contingency can still intrude, as there is a difference between intention and outcome. But if we ignore this for the moment—something that cannot be ignored in reality—then the core problem of risk is no longer the ontological problem of contingency, but rather the epistemological problem of knowing what the dice will decide to do.

To put it differently, there would be no 'object risk' if we knew *future* outcomes, while there would be no 'agent risk' if we knew the decisions, intentions, or motivations of agents in the *present*—if we knew their subjective orientations. The point, then, is that we can differentiate between object risks and probabilities, on the one hand, and agent risks and uncertainties, on the other. Trust, however, only concerns these latter risks. Trust is not about increasing objective probabilities, but about concerns a commitment to the *freedom* of others—to agent risks (Seligman 1997:55; Luhmann 1988:100, 1968:48; Sztompka 1999:19). Trust is not a gamble and, as a consequence, not all risks involve trust.[7] This analytical differentiation, then, helps us limit the social relevance of trust and, as I will show, also helps us differentiate between trust and confidence.

The problem of agent risks is essentially an epistemological problem. If only we could know the intentions of the agent we commit ourselves to, there would be no uncertainty. It is however our inherent social condition that the subjective realm of others always remains unknown to us. This means, as we have seen, that social actions are characterised by double contingency. Double contingency can only be 'solved' through communication. Only through communication are actors able to reduce contingency, or, in Luhmann's terms, to reduce complexity. But even if communication reduces contingency, social action remains inherently vulnerable and risky, because uncertainty always remains, as the possibility of misunderstanding, deceit, ambiguity or the possibility of rejection or conflict cannot be eliminated (Luhmann 1975:5). Committing to an agent to make the right decision—and not simply to commit to probable

[7] Some scholars are particularly confusing in this regard. Offe, for example, defines trust as a 'belief in probabilities' or a 'guess based upon the assessment of others' (1999:46).

outcomes—therefore remains uncertain. However, even if social action remains vulnerable, it is no longer arbitrary or contingent. As such, we have replaced inherent contingency for inherent uncertainty.

It is important to stress that the basis of uncertainty is the freedom of others and not the future-orientation of trust relations, as the literature often seems to claim. Trust can only be given and sustained in the present, not in the past or future (Luhmann 1968:13). It seems more accurate to say that trust and confidence concern a present commitment to uncertain expectations for which *proof* lies in the future. We act in the present *as if* the future is certain (Luhmann 1968:9). The idea that trust is inherently future-oriented must therefore be strongly qualified. It seems to me that trust literature misses this basic point, because it is too preoccupied with economic exchange relations in which the pressing question is whether Alter will *act* in the future as he promises in the present. Because this relation is sanctified as the essence of social action and social science, it seems as if trust is always oriented to future actions. However, if we start from different types of uncertainty relations, for example, the truth-act or the communicative act, things change. In the truth-act, Ego is uncertain whether to accept the information Alter provides in the present, the validity of which can only be proven in the future. The fundamental question is whether Alter is telling or capable of knowing the truth *in the present*. Similarly, in case of (de-institutionalised) communication, Ego is uncertain whether he rightly understands the meaning of the present context, relation or intentions of Alter (Seligman 1997:28ff). The fundamental question is whether Ego understands Alter as intended *in the present*. Trust, we must conclude, is not inherently future-oriented, but only its proof is. Risk, not trust, is inherently future-oriented (Luhmann 1993a:140). In sum, although time is an important dimension to understanding trust, it is the freedom of agents that explains uncertainty.

Uncertainty about the intentions of others can be reduced by communication, because it allows us to ascribe generalised and socially valid expectations of motivation to others. For example, the formal rules in a bureaucracy do not give us certainty about subjective intentions, they do communicate expectations about how motivations and interests are socially structured. Communication, then, can provide us *assurance* about

intentions. Importantly, there are two types of assurance: assurance that is *externally* and *internally* sanctioned.

We might reduce our lack of knowledge about the intentions of others through communication of socially valid expectations that are *external* to the relation itself. These expectations increase our knowledge of the motivations of others. We normally expect an economic actor or a bureaucrat to act strategically rational. Whether we will commit ourselves to an exchange relation with him or adopt his decision as our own, depends on the communicated expectations of the interest configuration in which this relation is socially embedded. Indeed, if, based on this knowledge, we expect his interests to be aligned with ours, we might take the risk of committing to these expectations. This is linked to the mechanism that interests and motivations are communicatively structured and assured by the *social context* of a relationship. External assurances reduce but do not take away uncertainty. Whether, for example, the other is indeed 'rational', that is, whether he understands his own structural interests, or whether he understands the context in a similar way, remains uncertain. Assured commitment *always necessitates a leap of faith,* because of the inherent vulnerability of social communication and the freedom of others. To put it more formally, such a leap is necessary because the subjective and intersubjective realms always remain separated. However, such a leap no longer constitutes a gamble as we are assured of success, that is, we do not co-expect disappointment, but we can act *as if* we are certain even if we cannot be. In sum, even if we never know someone's 'real' intentions, uncertainty can be addressed by externally sanctioned assurances.

There is one particularly difficult issue with this kind of assurance. Assurance does not mean guarantee or outcome control. Especially where sanctions, threat and force are involved, as in politics, the difference between guarantees and assurances starts to blur, because communicating a (credible) threat changes incentive structures. We not only gain assurance but also change outcome probability. At point blank the probability of disappointments tends to be fairly low and uncertainty does not seem an issue at all.[8] If we normally say that structures of political,

[8] But 'irrationality'—including heroism—always remains an inherent problem. Trust, in any case, needs the possibility of 'exit, betrayal or defection' (Gambetta 1988:219). It is unhelpful, in my

legal, or bureaucratic accountability and sanction increase the probability of success, we could also say they decrease uncertainty or increase assurance. The difficulty, of course, is that both statements are true at the same time, depending on the object/agent perspective. However, as trust does not concern objective probability but agentic uncertainty, we should try to keep these two perspectives separate. The idea of legitimate power as symbolic coordination, in any case, is that it is not 'ultimately' founded upon force and coercion, upon 'intrinsic' motivations. Of course, in reality, force is never far away. But, as we will discuss later, if politics is about coordination, force might be less about coercion and guaranteeing obedience, than it is about providing assurance.

Agent risks and uncertainty can also be addressed by the communication of socially valid expectations *internal* to relations. We can ascribe motivations to others not because their interests are structured and sanctioned by the external context, but by 'interests' in the relationship itself. The difference between external and internal sanctions, to paraphrase Hume, concerns the difference between 'I am your friend because it is in my interest' and 'because we are friends, you are my interest'. Indeed, we normally do not expect our friends to do something for us because it is their externally sanctioned strategic interest or conditionally structured incentive to do so, rather we expect them to do so out of an internally sanctioned obligation to our relationship. In such relations, we normally do not expect strategic-rational motivations but value-rational motivations, such as honour, benevolence, honesty, duty, or responsibility.[9] These expectations are based on normative social expectations of what friendship ought to be. In other words, value-rational expectations arise from a communicated commitment to the *normative order* of relationships themselves. Motivations are not sanctioned and structured by the external social context, but by this commitment to the relationship. The assurance does not consist of the expectation that interests are strategically aligned, but rather that the other *feels a duty* towards the relationship

opinion, to try to formulate some dimension from 'certainty to chance to helplessness' as it confuses probability and uncertainty (see Sztompka 1999:20–1).

[9] Compare Dasgupta 1988:53; Seligman 1997:6; Offe 1999:50; Mansbridge 1999:292–3; Sztompka 1999:5; Blackburn 1998:36; Pettit 1998:307; Braithwaite 1998:344; Mayer et al. 1995:718; Lagenspetz 1992:16.

quite independent from other interests or incentives he might have. And just like external assurances, internally sanctioned assurances increase our knowledge about intentions and motivations.

In sum, both externally and internally sanctioned assurances communicate expectations about the intentions or motivations of the other and therefore are able to reduce the social condition of ontological uncertainty. The former communicates intentions in terms of strategic incentives, while the latter communicates value-rational commitments. In both cases, there is no absolute guarantee about the intentions of others, for both types of assurance commitments are risky and necessitate some kind of subjective leap of faith. And commitments in both cases differ from a gamble, as we do not co-expect disappointment, but act *as if* we are certain. However, only commitment based on internally sanctioned assurance should be considered an act of trust. Only in this case do we trust in the *freedom of others to do what is right*. Indeed, in case of external assurance we might even distrust the 'real' intentions of the actor but nevertheless be assured that his structured strategic interests will prevent him from defecting. It seems analytically—and empirically—most satisfying to label a commitment based on external assurances an act of 'confidence', and a commitment based on internal assurances an act of 'trust'.

Unfortunately, this is not always how it is perceived in the literature. Externally assured commitment is often regarded as an act of trust because it entails a leap of faith. The literature is, however, especially problematic on three accounts. First, a strong current of rational choice-oriented literature perceives every action as strategically rational—implying that others must *always* be distrusted—and, as such, cannot differentiate between internal and external assurances (Hardin 1998:12, 1999a:26; Levi 1998:78). Second, if such a strategic approach seems to empty internal sanctions from being much of an assurance at all, many scholars try to solve this by differentiating between affective personal trust and strategic impersonal trust (Hardin 2000:34; Luhmann 1968). Although there is a difference between personal and impersonal *relations*, this should not mean that trust is a different substance altogether. Finally, despite strong denials, many scholars implicitly equal trust with cooperative behaviour. Because cooperation can be explained by both confidence and trust, this tends to blur the difference.

If the literature often lumps together confidence and trust, many more understand the concept of confidence differently. Confidence, often based on the work of Simmel, is understood as 'inductive knowledge' or 'habitual expectations'.[10] This means that, based on prior experiences, we expect the future to be the continuation of the past and present. Such inductive knowledge, then, is nothing else but gaining knowledge about probability, reliability, or predictability. It concerns object, not agent risks. It seems more useful to use confidence in relation to agent risks and use the term chance for object risks.

Whether or not we agree on the different labels, we can distinguish between at least three analytically different, but not necessarily empirically separate, phenomena in which we commit ourselves: (1) to objective probability (chance), (2) to agentic uncertainty assured by external sanctions (confidence), and (3) to agentic uncertainty assured through internal sanctions (trust). In other words, not all commitments to risk concern trust. Trust is not the only fundament of society.

Uncertainty can be reduced through communication. Symbolic sources of confidence give us information about the interest constellation in which Alter is expected to act strategically. As such, bureaucratic rules communicate strategic interests and motivations that give assurance about what can be reasonably expected. This information does not eliminate, but reduces the leap of faith needed to 'choose' to run risks or to 'cope' with risks. A classic example is that of reputation. So, for example, even if I do not trust this salesman, I know it is in his interest to protect his reputation and, as such, I have confidence in our exchange relation (Sztompka 1999:71; Pettit 1998:306). Social reputation or the possibility of social sanctions in general is a *functional equivalent of trust* (Luhmann 1968:65). Of course these are less effective in anonymous market relations, creating a 'trust problem'. A different solution, according to Luhmann, is law backed up with legitimate power or any other rule-based organisation of control and accountability. If we seal our exchange in an enforceable legal contract, for example, it communicates *assurance* in terms of strategic interests. Sources of confidence—or exter-

[10] Compare Misztal 1996:16; Luhmann 1988:97; Hardin 1998:11, 1999b:30, 2000:33; Offe 1999:45; Farell 2009:130; Giddens 1990:29.

nal assurances—communicate information about the strategic interest configuration of others. We do not so much trust others to do the right thing, but are confident that their strategic interests will force them to do the right thing. In addition, a legal contract also provides *insurance* that, if need be, we can force the other to comply or to compensate our losses. Insurances decrease the risk we commit ourselves to (Luhmann 1968:44)—not so much in terms of increased objective probability or agentic certainty, but especially in terms of lessened vulnerability. As such, other sources of insurance are personal resources such as money, power, reputation, social networks, as well as self-confidence allow us to compensate, absorb, or isolate the consequential costs of disappointments (Offe 1999:53; Luhmann 1968:33).[11] Insurance reduces the 'leap of faith' needed, not because they increase assurance, but because they decrease risk.

Internal assurances or sources of trust give us information about the commitment of others to the normative order of the relationship itself. It is this communicated value-commitment that provides assurance about the motives of others. Normative expectations underlying relationships are sometimes based upon the slow process of trust-building, but often these are also socially institutionalised expectations. Normative expectations of friendship, for example, are not merely idiosyncratic and biographical, but also based on socially valid expectations of what friendship ought to be (Brown 2009). Similarly, we might normatively expect the doctor to be knowledgeable, responsible, and truth-oriented, and the bureaucrat to be impartial and accurate, and we might expect the politician to be oriented to the common good, to be incorruptible, capable, responsive, ethical, or responsible. These expectations constitute the 'normative order' of relationships—that is, they signal socially valid normative expectations we have of certain categories of relations. It is not that we expect politicians *to be* ethical, but politicians *ought to*. And although these expectations are fluid and socially plural, they provide the basis for friends, doctors, bureaucrats, and politicians to symbolically present themselves as *trustworthy*, and not as strategic actors. Trustworthiness

[11] Self-confidence reduces vulnerability to the extent that one is internally assured that even in the case of disappointment one will find a way out (Luhmann 1968:105).

concerns a form of self-presentation in terms of 'symbol complexes of trustworthiness' that must be socially learned (Luhmann 1968:48, 36). Symbolic communication of trustworthiness gives us information about the value-commitment of others to normative expectations of what is right and proper, within the confines of a social relation. Again, this information does not eliminate, but reduces the leap of faith. Sources of trust, furthermore, emphasise value-rational motivations of others. We are not so much confident that others have a strategic interest to do the right thing, but we trust others to feel an inner-sanctioned obligation to do the right thing.

4.2.4 The Normative Foundation of Trust

The difference between confidence and trust, then, concerns the difference between reducing the leap of faith because of communicated strategic-rational motives in relation to external interest configurations, or because of communicated value-commitments in relation to internal normative expectations. This difference already points to the normative dimension of trust. However, we need to be careful here. The normative order of relations consists of objective or socially valid norms; it does not automatically signal *subjective* normativity. We need to explain why trust also entails subjective feelings of normativity.

To appreciate the subjective normative foundation of trust, we might use the traditional sociological distinction between instrumental and expressive orientations. As many have pointed out, the meaning of instrumental relations lies beyond the relationship itself. Its meaning is related to external goals, to exogenous values. Confidence emphasises this instrumental dimension of social relations. One is confident the other will do something in the future or tells the truth in the present, because it is in his interest to do so. Confidence allows us to act and to pursue our goals, but the relation itself remains instrumental. We do not only commit to strategic actors, our commitment is strategic as well. On the other hand, a social relation is expressive to the extent that it is not valued as a means to a goal, but as a valuable goal in itself. Trust emphasises this expressive dimension of relations, its endogenous meaning. Although

trust also allows us to act and to pursue our goals, it is also expressive of the meaning of the relationship. We do not commit to a strategic but to a moral agent, which makes trust expressive of the normative expectations of the relation, going both ways. 'Trust obliges the trusted' (Offe 1999:50; Gambetta 1988:234; Pettit 1998:308).

The expressive and meaningful dimension of trust explains its subjective normative validity. Breaking trust is not just about instrumental and consequential costs, it deeply hurts our meaningful understanding of the other, the relation and our being-in-the-world (Luhmann 1968:33). Furthermore, a commitment based upon trust involves a relationship of dependency and vulnerability merely assured by the communicated value-commitment of Alter. We trust him, as a moral person, to do the right thing. In case of disappointment, Alter not just hurts our interests or hurts the meaningful relation, he has *betrayed* us. He has acted immorally and he *ought to have* acted differently.[12] The immoral act is not an irrational act, but a depraved act that takes advantage of the vulnerability of the relation, that is, of the fact that trust is only internally sanctioned (Lagenspetz 1992:10). The other is responsible for betraying us. Breaking trust leads to a crisis of meaning and moral indignation and readily testifies of the subjective normative foundation of trust. A commitment based upon trust is not about cognitive expectations about how others behave, but about normative expectations about how they ought to behave. Furthermore, it is not about how others ought to behave in general, but how they ought to behave *because* we trust them.

This is quite different from confidence. In the case of confidence, we expect the other to act strategically. The instrumental character of the relation already affirms that disappointment does not lead to a crisis of meaning, but merely concerns consequential costs, the risk. The other has disappointed us because he *is* rational and found himself a better deal. He has hurt our interests, but we cannot blame him for acting the way we expected him to do in the first place. We cannot say that he *ought to* have acted differently. A different possibility might arise when

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[12] A different possibility is that we do not blame Alter, but we blame ourselves: we should not have trusted him. Self-blame undermines self-confidence and seems to warrant a more cautious approach the next time, that is, we need more assurance.

we blame the other for being irrational—that is, he did not understand his own interests. But irrationality does not lead to feelings of betrayal. He is just stupid, which might leave us astonished, but does not make him immoral. Although irrationality can be threatening, it does not lead to moral outrage.

In short, differentiating carefully between chance, confidence and trust allows us to appreciate the complexity of trust and the communicative basis of assurances that enable us to address uncertainties and risks. Trust is a commitment to the agentic freedom of the other to do the right thing, based on the communicated expectations that he feels a moral duty to do so. Its subjective normative foundation is explained by the fact that we feel he *ought to* do so, as our commitment to his freedom as a moral agent leaves us dependent and vulnerable. Trust, and the vulnerability it implies, explains why we are sometimes normatively committed to relationships. If trust plays a role at all in politics, it could explain its subjective normative foundation, indeed its legitimacy. Such legitimacy is not about unconditional feelings of duty towards superiors claiming the right to rule and explaining obedience, but about conditional normative commitment to the normative order of the relationship because we trust our superiors, allowing us to act and to adopt their decisions despite uncertainties. Trust allows the possibility to understand legitimacy not in relation to the validity (truth) of social relations, but in relation to communicated commitments to socially valid normative expectations.

4.3 Locating Trust in Politics

Trust could offer a different explanation of the subjective normative foundation of politics. The main difficulty we are confronted with, however, is whether trust plays a role at all in politics. Luhmann also struggled with the question whether, how, and where trust plays a role in politics (1968:70). In general, we might perceive that politics as coordination is primarily about confidence. The organisation of legitimate power in rule-based offices and processes of control and accountability—the 'organisation of distrust'—must be understood as external assurances. Indeed, legitimate power as a symbolic medium is a functional equivalent of trust.

As such, trust might not be that important in politics. To locate the possible role of trust, it seems to me that we should locate the specific risks of politics. After all, trust and confidence are ways of dealing with risk. Only if we understand political risks, we might appreciate the possible role of trust. This is quite a daunting task. In what follows, I want to briefly analyse the most prominent political risks, if we perceive the nature of politics in terms of coordination: risks of uncontrollability, vulnerability, dependency, and indeterminacy.

4.3.1 Uncontrollability

If we want to locate political risks, one can hardly ignore the sociology of the 'risk society'. This theory emphasises the *uncontrollability* of risks in late-modern society. This uncontrollability is due to the self-referential validity (truth) of symbolic media. The problem of the symbolic nature of media, as we have seen, is that a medium cannot validate its own validity (truth). Weber problematises this symbolic foundation of differentiated value spheres primarily in terms of the difficulty it presents for the 'meaning of life'. However, we might also say that the inherent problem of symbolic media is not so much the problem of meaning, as the *problem of contingency*—a problem that seems to be central in the strand of literature organised around the concept of the 'risk society' (Beck 1992; Giddens 1990:36ff.; Sztompka 1999:38ff; Luhmann 1993b). The problem of contingency points to the risk that what is valid today might be invalid tomorrow (Luhmann 1968:79). It is therefore not about validity (truth) per se, but about the shifting boundaries in time between validity and invalidity. This literature is primarily concerned with the symbolic medium of scientific truth or expertise and defines the risk society in terms of 'high intensity risks' (Giddens 1990:125). High risks are related to 'high technologies' (Luhmann 1993b:89) and connote the situation that *if* things go wrong because truth turned out to be untruth—however improbable—the disaster is so inconceivable it threatens the very existence of society (Beck 1992:22). Society itself is the 'laboratory' of a science that creates risks that by the sheer scale and 'irreversibility' of possible disasters foreclose any scientific learning process or social mechanism of

insurance (Luhmann 1993b:89; Beck 1992:22, 69). In other words, high risks threaten to destroy the very social system that produces them. In contrast, normal 'low risks' are individualised risks that can be absorbed by the social system—although not necessarily by the individual (Luhmann 1968:76; Giddens 1990:114). However, and importantly, *both* types of risk are inherent to truth or expertise itself, because contingency cannot be controlled by truth or expertise. 'Truth is … no criterion for truth' (Luhmann 1993b:78). Indeed, Popper's concept of post hoc falsification is an affirmation of this condition in the positivist sciences (Luhmann 1968:25, 1993b:81; Beck 1992:166).

The world, then, is not only disenchanted, but also inherently contingent and risky (Giddens 1991:28). The specific problem of contingency at the level of symbolic media does not concern risks that can be system-internally absorbed and controlled – that is, individualised – but risks that are left for the environment or other systems to absorb.[13] It concerns what is known in economics as *externalities*. When we look at the economic system coordinated by money, it is quite obvious that the shifting boundary of value/valueless is part and parcel of economic self-understanding. There is nothing exceptionally risky in the fact that what is valuable today might be worthless tomorrow. These are normal and individualised economic risks. Externalities, however, are costs that are exported to the environment because they cannot be expressed in terms of symbolic money. Externalities are economically *uncontrollable* costs because money 'cannot see what it cannot see' (Luhmann 1993b:76). As such, to the extent that such uncontrolled costs constitute high risks that threaten the economic system or 'society' in general—for example, through environmental depletion, social deprivation or by mortgaging future generations—they always come as a surprise. In analogy, the risk of scientific expertise can be understood in terms of uncontrollable contingency of truth externalised by means of technology where costs have to be absorbed by the 'environment'.

[13] Strictly speaking, in Luhmann's account, individuals are analytically outside social systems and, as such, individualisation of risks should also be considered as a form of externalisation. The point, then, is that this kind of externalisation does not threaten the social system as such.

All symbolic media are meaningful selections of reality and they cannot see what they cannot see, as Weber already argued. Therefore each medium—including legitimate power—seems to incorporate uncontrolled risks that have to be dealt with by other systems, allowing the possibility of high risks threatening society itself. Systemic risks threaten the confidence—the reduction of complexity and contingency—the different systems provide. This might lead us to ask what uncontrollable risks politics and law entail. We might hypothesise that the externalised 'cost' of law concerns its 'parasitic' relation to informal, particular, and diverse social practices. Many examples can be provided of how law tries to regulate social practices, but not in the way desired, necessitating more rules and rules about rules or more controllers and controllers of controllers. Once law has touched a social practice, it seems as if there is no way back to the old unregulated situation. As such, 'an "inflationary spiral" of increasingly formal relations' (Sitkin and Roth 1993:367) externalises costs to informal social practices, which might destroy social meaning and local wisdom (Scott 1998). In short, the survival of the legal system 'rests on social processes that it cannot reproduce' (Scott 1999:274). For the political system, we might hypothesise that externalised costs of decision-making concern uncontrolled risk-taking or 'organised irresponsibility'. Although legitimate power coordinates the decision-making process, this does not mean that the *final* binding decision by the sovereign is the sole decision in which risk is taken. Legitimate power coordinates a whole chain of decision-making, in which every single decision is in principle a risky one. Although the final decision receives the 'seal of legitimacy', this hardly reflects the process of 'selectivity' present in the decision-making process, including the implementation phase (Luhmann 1968:70). The risk consciously committed to in the final legitimate decision can never include the sum of all the risks taken. The political system comes close to Giddens' description of modernity as 'a runaway engine of enormous power' (1990:139) as legitimate power cannot control the risks taken in the decision-making processes it makes possible, let alone in society at large (Luhmann 1993b:81).

However intriguing such analyses of uncontrollable risks are, they are not consequences of agentic decisions, but an inherent part of symbolic media and social systems—they are uncontrollable *systemic risks* perceived in terms of contingency and (im)probability. This means that at this analytical level,

trust does not play a role. This does not mean that these risks are not politically relevant. The awareness of uncontrollable systemic risk in the core of modern society might be very unsettling, as it seems to dislodge modernity from notions of 'security' (Beck 1992:79). Even if disaster is improbable 'it can nevertheless happen tomorrow, and tomorrow it can happen once again tomorrow' (Luhmann 1993b:49). We are dispelled from a world in which things can be genuinely true or controlled. The point of the risk society is not so much, as Beck seems to argue, that it connotes a 'speculative age' in which every possible disaster *could* become true—almost taking a post-modern turn—as that the possibility of disasters cannot be denied (Beck 1992:73). Awareness of systemic risks as a *normal* part of modern society—as normal abnormal risks—constitutes a political problem. It is especially unclear how the political system should present itself when it cannot claim to rationally control high risks, but neither 'present its decisions for what they are—risky' (Luhmann 1993b:155). If there is one potent source of politicisation, it must be safety issues. Such presentational problems likely lead to legitimation problems, especially in relation to Weber's analysis of legal domination (Luhmann 1993a:165). Whether these problems will constitute the fragmentation of truth and the loss of the legitimating force of expertise in politics (Giddens 1991:141), let alone whether they will lead to a decentralisation of politics and the politicisation of the unpolitical (Beck 1992:186), remains to be seen. It might also be hypothesised that the awareness of uncontrollable risks explains the paradoxical phenomenon that people are disillusioned by politics, but nevertheless expect much from it; or, vice versa, that politics, science, or the market try to capitalise on safety-issues and risk-anxieties they themselves create (Luhmann 1993b:145). In any case, for our present argument, systemic risks themselves do not point to trust, as one cannot trust a social system or the symbolic validity (truth) of social media. A social system or a language has no agency. There is no one to trust.

4.3.2 Vulnerability

If we want to understand the role of trust in politics, we must descend to the level of political organisation. Here the question does not concern

the contingent validity (truth) of symbolic media, but its social validity. At this level, we analyse political organisations coordinated by legitimate power, understood as the organisation of accountability and control, that is, as functional equivalents of trust. Indeed, bureaucratic rules and law must be perceived as external assurances that enable us to be confident in the actions or decisions of others. At face value, the role of trust in political organisation seems minimal.

One particularly interesting way of approaching the role of trust in politics, however, is to emphasise the problem of social validity of legitimate power. As legitimate power is merely a symbolic medium without intrinsic motivation, its effectiveness is inherently vulnerable. After all, the communicative or coordinative force of legitimate power as a source of confidence depends on expectations of social validity. The common claim, then, is that the social effectiveness of symbolic media necessitates trust or confidence (Parsons 1963a:47, 1963b:237). However, this must be understood carefully. For one thing, we normally do not, for example, trust money to be effective. Rather, we expect that the ineffectiveness of money is highly improbable and, hence, we routinely gamble and take a risk. Symbolic media do not have agency and as such the risk of ineffectiveness concerns probability and contingency, not trust or confidence. However, this is only one side of the story as the problem of effectiveness is ultimately a problem of communication, of the *mutual acceptance* of communicated expectations. The value of money depends on others accepting money as if it is valuable, and legitimate power is only valid as long as everybody acts as if it is valid. We commit ourselves to expectations about other *agents*. In short, the effectiveness of symbolic media, including legitimate power, is a public good constituting a collective action dilemma (Ostrom 1998:1). In what follows, I will analyse the role of trust and confidence in relation to the social validity of legitimate power, perceived as a collective action problem.

From the perspective of RAT, collective action dilemmas must be solved through cooperation. Rational actors know they ought to cooperate, not because they feel an inner-sanctioned duty to obey some collective rule—as in Weber—but because they cognitively know it is in the collective interest if everybody cooperates and against their individual interest if nobody does. The basic tenet of RAT, however, is that strategically

rational actors will *unconditionally* guarantee a less than optimal outcome, as for example in the famous Prisoner's Dilemma. The outcome is not only non-optimal for the collective but also for the individual 'players'. Man, it seems, is a 'rational fool' (Sen 1977:336). Because of this unconditionality, the only solution for collective action problems seems to be an external third party, a political authority that sanctions free-riding and organises 'incentives for internalising group gains or losses' (Walker and Ostrom 2009:92). Sanctions must *motivate* or force rational actors to cooperate. The free-riding deviant, then, is not irrational man but rational man capable of finding a loophole. In contrast, if we assume that actors are purely 'other-regarding', the result will *unconditionally* be a socially optimal outcome (Sen 1977:326, 1996:60). Even if such an other-regarding preference function is theoretically not contradicting strategic-rational action, it does seem to contradict the self-understanding of economic man. This self-understanding says nothing about rationality per se, but about our understanding of human nature. But we might agree that most people are no saints beyond the social spheres of intimacy.

In any case, if political authority is a solution to collective action problems at all, the difficulty lies in the fact that legitimate power and law are in themselves problematic public goods. Traditional RAT cannot provide a solution for this problem. Between the self-regarding fool and the other-regarding saint we might, however, conceive of a different type of preference, something Sen has analysed in the 'assurance-game function' (Sen 1996:59). Here actors are aware of the social dilemma and are willing to cooperate *if they are assured* others will do so as well. Cooperation or, in the political case, obedience becomes a *conditional* act. It means that we are willing to cooperate, but that we are neither saint nor fool, others must cooperate as well.

If actors have conditional other-regarding preferences, the only thing needed for cooperation is assurance. They do not have to be *motivated*, but their motivations must be *communicated*. In that sense, sanctions might be particularly helpful in communicating socially valid motivations or interests (Walker and Ostrom 2009:104ff.). Sanctions communicate that all actors are expected to have an *interest* in cooperation (Ruscio:1999:642; Ostrom 1998:8–10). This, of course, is no actual guarantee, but if everybody would have conditional other-regarding

preferences, these externally sanctioned assurances might be enough for collective action—enough to take a 'leap of faith'. As such, cooperation might be explained in terms of confidence. Sanctions, importantly, are no longer perceived as a source of motivation, but only as a means to punish the *irrational* deviant in order to communicatively restore assurance. The point is that obedience is *normally expected*, while disobedience becomes an *abnormal* act, which can be expected to be organisationally controlled and forced to face justice (Luhmann 1974:251). This might explain why force and coercion is still a reality in politics. It is not to motivate and guarantee obedience; it is to communicate assurance.

There is, unfortunately, one fundamental problem with this argument. Sanctions communicate expectations of strategic-rational *self-regarding* motives, which conflict with the presumption that all actors have conditional *other-regarding* preferences. This is no problem at the analytical level of social interaction—whether the other is conditionally other-regarding or not, external sanctions might provide enough assurance—but is a problem at the level of collective action. We cannot communicate strategic self-regarding motives and expect all others to be conditionally other-regarding at the same time. The core problem, then, is not explaining why externally sanctioned assurances might be enough for other-regarding actors to be confident of cooperation; the core problem is *why we expect others to be conditionally other-regarding* in the first place.

The crucial question is how we can explain expectations that others are conditional other-regarding and not self-regarding interest maximisers (Ruscio 1996:464). Some scholars explain this motivation as an innate consequence of human social evolution (Ostrom 1998; Walker and Ostrom 2009). In other words, conditional other-regardingness and not unconditional egoism is our 'genuine' human nature. Sen, on the other hand, explains this conditional social orientation in terms of a moral commitment, autonomous from types of utility-functions (Sen 1985:188, 1996:56). However, both arguments miss the crucial point. We have to explain not only why *we feel* a conditional duty towards others, but also why *we expect* others to feel this conditional duty as well. This is the core problem and the core problem is communication. The answer, it seems to me, is that we expect others to be conditionally other-regarding, because we *trust* them to be committed to the vulnerable normative collective

order. Indeed, precisely because we expect that others also trust us, we feel committed to the normative order and the conditional normative prohibition of free-riding. In other words, we do not trust or commit ourselves to others *because* our human nature is inherently conditional other-regarding or because we are inherently moral beings; rather, *because* we trust each other, we feel and expect others to feel an obligation to the collective normative order. Moreover, we often *have to* trust each other. Trust as risk-taking is as much an explanation of collective action as collective action is an explanation for trust as risk-coping. Conditional other-regarding motivations are not a precondition for trust (Ruscio 1999:650) but its consequence. Or, to put it more forcefully, and paraphrasing Wolfe, we are not social because we are moral, but we are moral because we are social (Wolfe 1989).

If trust explains why we expect conditional other-regardingness, we might perceive that sanctions are neither sources of motivation, nor sources of confidence communicating strategic interests, but sources that symbolically express the collective normative order. The deviant is no longer rational or irrational man, but he is immoral man. The sanctions do not guarantee or assure cooperation, but express the socially valid normative order (Walker and Ostrom 2009:107). They are the 'presentational base' that everything is 'in proper order' (Lewis and Weigert 1985:973). Collective action crumbles if trust fails, not necessarily when sanctions fail. This trust, furthermore, is not geared towards the third-party enforcer but to the collectivity itself. It is not *vertical trust* that explains the effectiveness of legitimate power or law, but *horizontal trust* (Offe 1999:81). Horizontal trust, then, is internally sanctioned mutual commitment of the group to its collective normative order (Lagenspetz 1992:13).

To cooperate or to obey counterfactual legitimate power or law in a modern state or in a bureaucratic organisation, then, means to commit to the risk of ineffectiveness—the risk of being a fool—and is expressive of trust in one's fellow citizens or colleagues. Of course, we do not know our fellow citizens personally. Yet, we can nevertheless trust our fellow citizens to feel responsible for the collective counterfactual order of law and power because we share a commitment to a shared and vulnerable fate, whether we like it or not (Offe 1999:46). Often such horizontal

trust is linked to 'solidarity' (Sztompka 1999:5). Horizontal trust, then, is expressive of a shared normative space. Solidarity or horizontal trust should *not* be understood in terms of some form of value consensus, as in Durkheim or Parsons, or in terms of some emotional 'instinctive embeddedness' (Luhmann 1968:107). A shared normative order is not some kind of consensus 'out there' or 'natural a priori' (Bader 2014). Expectations of a shared normative order are the result of political articulation. It concerns horizontal trust based on *symbolically communicated expectations* of a shared normative commitment or 'group membership' enabling a leap of faith. Horizontal trust—or 'categorical trust' (Offe 1999:63)—might be based on national, ethnic, occupational, or (counter-)cultural membership, entailing expectations of shared responsibility and boundaries of *distrust*, that is, boundaries between insiders and outsiders (Luhmann 1968:121).

The importance of this analysis is not to claim that the social validity of legitimate power or law can solely be explained in terms of horizontal trust. Rather, the important thing is that, if the risk of vulnerability inherent in counterfactual expectations of legitimate power is coped with through horizontal trust, it allows a radically different explanation of both obedience to legitimate power and of its subjective normativity. Obedience to law or legitimate power is not about unconditional duty based on the belief in absolute truths or based on some form of ascetic self-discipline, but obedience or cooperation can rather be explained in terms of a *conditional duty* based on *horizontal trust*, that is, based on a mutual commitment to a vulnerable normative order (see also Offe 1999:69). This means that to explain subjective normative validity, we no longer have to explain beliefs in validity (truth), but we have to explain horizontal trust in relation to the social vulnerability of political organisation.[14]

[14] It should be stressed that this analysis only holds for legitimate power and law and not for money or truth, precisely because the former two are counterfactual media. Trust does not play a role or explain the social validity of money. If Luhmann claims the opposite, this is because he perceives such 'trust' as experience-based probability (1968:64ff.). In the economic system, we normally do not *trust* others to recognise the value of money; we are confident it is in their strategic interest. The *counterfactual* basis of the economic order is the normative order of private property (Luhmann 1975:43ff.). Where it concerns the social validity of property, of course, horizontal trust does play an important role.

Trust at the level of political organisation, then, gives us a radically different outlook on subjective normative commitment to legitimate power. This kind of commitment is vulnerable. Indeed, vulnerability explains part of its normativity (Luhmann 1968:55). But it does create a paradox in modern society. Its vulnerable character poses a problem for modern society, with its abstract, anonymous and 'disembedding' character. As horizontal trust cannot be enforced, collective failure—for example, tax evasion or corruption—cannot be solved by more hierarchical structures of control and accountability. Such a shift of responsibility from horizontal to vertical relations is not expressive of trust but of distrust. The paradoxical conclusion, then, must be that over-extensive use of law and power *undermines its own legitimacy*.[15]

This paradox has led many scholars to idealise pre-modern small-scale market-based reciprocal communities, especially in the 'social capital' debate (Warren 1999b; Sztompka 1999:123; Ostrom 1998). However, especially regarding RAT's emphasis on human nature and evolutionary explanations, we should be careful not to succumb to some Rousseaunian idea that our 'true human nature' is somehow corrupted by modern social systems, especially by political power. Evolutionary functional theories are always tricky, but if we want to talk evolution, we can counter with Luhmann's claim that social functional differentiation was in itself a social evolutionary necessity, apparently despite our good human nature (see also Cohen 1999).

Furthermore, there is nothing straightforward about the relation between confidence and trust. Many have pointed out that external assurances make trust more difficult, as it emphasises strategic interests and instrumental relations. The relation between confidence and trust seems asymmetric, as trust is vulnerable to suspicions of strategic action, but not vice versa. However, this relation is complicated. First of all, trust and confidence can be present at the same time. We do not have to choose between either confidence or trust as they are often different dimensions of the same relation. In a context of cut-throat

[15] In a field study of day-care centres, Gneezy and Rustichini (2000) showed, for example, that introducing a fine for parents picking up their children after closing hours only increased the number of parents breaking the rule while non-compliance remained at the increased level after the fine was removed.

competition and mutual suspicion, trust might be very difficult, while an intimate relation might be purely based on trust. However, between these extremes, there are all kinds of combinations possible which really depend on the empirical context and the type of relation. Second, functional equivalents of trust not only *replace* the need for trust, they might also make trust easier. Not just because these equivalents reduce vulnerability and lower risks, making both trust and confidence easier, but also because rules formalise the normative order of the relation in question. Rules should not only be seen as organised distrust, but also as prescriptions of what can be normatively expected. This means that trust might be easier in an institutionalised context where normative expectations are less disputed, uncertain, or have to be negotiated (Ruscio 1999:652). Indeed, as discussed, sanctions can be interpreted differently, depending on the context. Sanction can be ways of increasing probability (chance), of communicating interests (confidence) or communicating the normative order (trust). The relation between trust and confidence, then, is complex and it is not possible to make big theoretical claims at this point. The mere fact that political organisation concerns the organisation of force and external assurances, however, does not automatically mean that trust does not play a role.

4.3.3 Dependency

If law and political organisation function as sources of confidence making everyday social action possible, as they decrease 'social complexity', this increased freedom goes hand in hand with increased societal complexity. Political organisations and law allow us to have confidence in day-to-day social relations. They allow us to commit ourselves to anonymous others without the need to trust. This means that in modern life we have become increasingly dependent on structures of accountability and control, precisely because they substitute the need for trust. These *sources* of confidence, however, might become *objects* of trust themselves (Sztompka 1999:46), especially as we cannot 'opt out' from these systems (Giddens 1991:22). The question is how we cope with this *risk of dependency*—our dependence and vulnerability to abstract, anonymous, risk-taking, and difficult

to control social organisations under the 'perception of compulsion' (Offe 1999:57; Luhmann 1968:64). In short, can we trust organised distrust?

Many scholars claim that one can only trust persons, while one can only have confidence in institutions (Hardin 1998:10, 2000:31; Newton 2007:344). But this seems to be a mistake, as, on a fundamental level, trust is not so much a commitment to persons, but to communicated expectations (Luhmann 1968:1). The crucial point for both trust and confidence is uncertainty arising from agentic freedom. The question therefore is what counts as an agent beyond a person. More precisely, we should grasp which objects actors *perceive* to have agency. It seems reasonable to claim that organisations are often perceived to make autonomous decisions, as we usually recognise that organisations act, communicate, and understand the world in their own specific ways (Harré 1999:259). This also means that we normally do not trust material objects, as they do not make decisions. However, it might be argued that we do trust manufactured objects if we perceive them as decisions objectified. We do not so much trust the object itself, but we might trust its manufactures to have made the right decisions—for example, that our computer will not suddenly explode or that it is bad for our health. The same holds for positive rules or laws as objectified decisions. Manufactured objects and positive rules do not have agency, but they are perceived as the more or less deliberate result of decision-making processes and, as such, can be indirect objects of trust to the extent that we trust or are confident in the decision-making processes that have produced them. This does not mean that everything that is 'socially constructed' could be an object of trust. Social norms, for example, are the product of social actions, but not of deliberate rule-making. Similarly, one cannot trust the economic or the political system (understood as differentiated value spheres), as systems do not make decisions or act, and also are not the result of deliberate decision-making, in the first place (Luhmann 1993b:161). The claim that social action systems are 'reducible to human actions' and therefore possible objects of trust (Sztompka 1999:46) is to confuse the 'invisible hand' with agency.

An organisation, then, or any system of positive rules, can in principle be an object of trust. The second problem, however, is the problem of anonymity. It is often argued that one cannot trust an organisation if this

organisation does not know me (Hardin 1998:16, 2000:34). Trust consists of a mutual commitment to the normative order of a relationship. If actors do not know each other personally, are not aware of their mutual commitment, how can they trust each other? However, this problem of anonymity is exaggerated, as we already saw in relation to horizontal or categorical trust. Trust might indeed be difficult in anonymous relations, except if we let go of the all too individualistic economic conception of trust. An organisation or politician might be trusted, based on communicated commitment to their relation with consumers, patients, citizens, or some other *social category*. In other words, the relation itself might be more general and depersonalised. Even in personal relations, the underlying normative order is often non-personal, that is, socially valid. What counts in trust is communicating commitment to the socially valid normative order of a relation, not to each other as individual persons.

A more difficult question is whether the trustee, the object of trust, can be anonymous. If I buy food in a supermarket, for example, I might be confident that minimal health standards apply, because I expect some opaque agency to check such things. If this means that I no longer have to trust my supermarket, the problem of trust is transposed to this anonymous agency. Luhmann concludes that the problem of trust is therefore transposed to infinite systems of control disappearing in abstractness (1968:67, 77). Can we say, then, that I am confident in 'the system' itself, even if I do not have any specific information about the rules, interest configurations, and agents involved? Lack of knowledge might be partly absorbed through heuristic 'rules of thumb' or 'proxies' (Warren 1999c:349; Ostrom 1998:9; Beckert 2006:173; Keynes 2003:12). But a lack of factual knowledge makes confidence problematic. In contrast, we can *trust* 'the system' as a specific kind of normative order, without knowing its specific internal organisation. A bureaucratic organisation is, on the one hand, a factual organisation of offices coordinated by rules and procedures of control, but also a normative order in which bureaucrats and clients alike expect that it is rationally organised, coordinated by expertise and a genuine concern for the public good. It is not that we necessarily cognitively expect bureaucracies *to be* coordinated by expertise; they *ought to be*. Bureaucracies or 'systems of control' present themselves in terms of these normative expectations, for example through the well-ordered labels

we find on our packaged food. Without actually knowing the agent, or even understanding the information provided, we commit to a normative order expected and communicatively presented, constituting the relation between consumer and the anonymous agency. The problem of anonymity is therefore more problematic for cognitive expectations, but less so for normative expectations. We often have no real factual information about how systems of control actually function, how interests are configured. Trust, on the other hand, is founded on *counterfactual* self-presentation of bureaucratic organisations or the political–legal system in general. Some argue that this would be irrational (Hardin 1998:22). But not only is trust irrational in its core anyway, and always entailing a lack of knowledge, the literature once again is too preoccupied with risk-taking. We often cope with the inescapable risk of dependency by trusting the 'powers that be' to take care of our interests, because they must be aware of our structural vulnerability and dependency and *ought to feel* responsible. Whether this kind of trust is rational or not, it does explain political trust and much of the normative outrage in case of disappointment, as for example the BSE crisis in the UK showed us (see Hajer 2009).

In sum, the risk of dependency on abstract systems of control, functional equivalents of trust in our day-to-day interactions, is often *coped* with by trust based on their counterfactual self-presentation. If present, such trust and the vulnerability it implies explain the subjective normative foundation of our relation with abstract political systems of control. The question, then, is not whether we can trust organisations of control, but how such commitment to normative expectations is credibly communicated. It seems to emphasise the importance of leadership and 'trust management', which I will discuss below.

4.3.4 Indeterminacy

Trust in the normative order of organisations, bureaucracies or even the political–legal system itself is not self-evident. In Luhmann's theory, the political system of decision-making in general is indeterminately organised to absorb the risk of conflict. Decision-making in his analysis is not merely coordinated by legitimate power, but additionally legitimated

by expertise, the ideology of the common good, or public opinion. As we have discussed, this absorbs conflict to the extent that the 'pathos of domination' is less visible, felt, or thematised. Political decisions, whether in administrative bureaucracies, in government, or in parliament are not just an expression of legitimate domination, of the legal right to make binding decisions, but imply that they are the right decisions to make. If this allows political organisation to absorb the risk of conflict, it creates a different risk, *the risk of indeterminacy*. Adopting someone else's decision as if it is our own decision, accepting this decision as the basis for our own actions, whether we are a bureaucrat, a consumer, a client, an entrepreneur or a patient, is inherently risky. We deal with this risk either by confidence in relation to rules of accountability and control, or by trust based on a mutual commitment to the normative order of political organisation and relations. However, indeterminacy makes trust more difficult, as it comes with the risk of possible contradictions. When a governmental agency decides, for example, that a certain drug is safe, we normally expect this claim to be true in terms of expertise. The problem here is not that expert or scientific truth is objectively risky in itself, but that at the level of political organisation decisions are additionally coordinated by legitimate power and other rationales, such as the common good or public support. To put it more generally, it is difficult to know whether a binding political decision is the 'right' decision, as it is coordinated by different and sometimes conflicting symbolic media and legitimations. The risk of indeterminacy concerns the risk of normative contradictions and disappointments at the level of decision-making, which must be constantly managed and countered by symbolic actions. To analyse the role of trust in the political system, it seems to me, we must analyse the structural presence of normative indeterminacy in the political process of decision-making.

Indeterminacy might make legitimate domination less visible, but it is still present. The decision-making process in bureaucracy, we have argued, is coordinated by hierarchical structures of legitimate power and by the self-understanding of a bureaucracy coordinated by expertise. In bureaucratic chains of decision-making, actors have to adopt decisions of others as if it were their own decision, which means that they have to commit themselves to the actions of others (Murphy 1997:115). The risk

involved is the uncertainty whether these others have made the right decisions. This uncertainty is non-hierarchical in a bureaucracy, as it holds for both superiors and subordinates. Instead of confidence based on the organisation of distrust, bureaucrats might trust the decisions of others based on their mutual dependability, vulnerability, and responsibility for their shared normative institutional space, that is, the bureaucratic order legitimated by expertise (Offe 1999:70). Indeed, too much organised distrust may undermine the bureaucrats' subjective feelings of duty and responsibility (O'Neil 2002:19; Sztompka 1999:145). The difficulty, however, is that legitimate power and expertise as socially valid normative expectations might conflict. The risk of a 'wrong' decision is therefore a structural and real probability. This difficulty expresses itself in two different ways. First, power and expertise are expected to be *normatively* separated. Indeed, for *all* functional equivalents of trust, it is important that symbolic media are normatively differentiated (Luhmann 1975:103). Power ought not to dictate expert truth or legal justice, and money ought not buy political power. Without such normative separation, symbolic media are not socially differentiated and not much of a source of confidence at all. Second, in a chain of decision-making, legitimate power and expertise do not necessarily share the same kind of hierarchy, that is, the superior does not necessarily have more or similar expertise as his subordinate. The risk of indeterminacy, then, is that it is not always clear what coordinates decision-making, increasing uncertainty and risks and making trust quite difficult.

Indeterminacy arises not just from the conflict between power and expertise, but also from the conflict *between* different additional legitimations. It is not always clear whether decisions are based on expert knowledge, ideology or public opinion. To solve this trust problem, we might appreciate the contemporary call to increase the *transparency* of decision-making processes (Fung et al. 2007; Sztompka 1999:123). However, this proposal falls short of acknowledging and addressing the inherent problem of indeterminacy. The implicit assumption remains that all different legitimations are in principle coherent and aligned. The call for transparency contains the idea is that more information reveals (or enforces) coherency. Not only would a reduction of indeterminacy reintroduce the risk of social and political conflict, transparency as a solution remains

inherently modernistic, by denying the radical notion of complexity, indeterminacy, and incoherency as a political good: there is no reason to suspect that coherency is the 'true' nature of politics.

Conflicting expectations, finally, also concern conflicts between different value systems themselves. If value spheres are socially differentiated as different spheres of communication, social organisations are simultaneously coordinated by different media. Social organisations and actors move in and out different value systems, depending on communication. Social systems, then, do *not* consist of actors or organisations—they are communicatively structured (Luhmann 1964:20. Organisations, therefore, are not just coordinated by legitimate power or expertise, but they are also economic organisations coordinated by money. This might lead to 'role conflicts' (Seligman 1997:29ff.).[16] We feel unease when our doctor also owns a funeral company or, less dramatic, when he is also paid by a commercial pharmaceutical company. Role conflicts increase uncertainty about which expectations are socially valid in the first place.

In short, institutional or organisational indeterminacy must be expected, especially in more complex forms of decision-making processes, like governance networks, or in context where no clear institutionalised expectations can be presumed, as in so-called 'institutional voids' (Hajer 2003). Indeterminacy makes it more risky to accept political decisions, as it increases uncertainty whether it is the 'right' decision. The inherent paradox seems to be that indeterminacy increases the need for trust, but the awareness of indeterminacy makes such trust more problematic. The problem of trust in complex politics and organisations looms large and cannot be easily countered with increased control and confidence. The rising industry of both trust literature and 'trust management' should be understood in relation. It accounts for the fact that effective political coordination simultaneously has to deal with the risk of conflict and the risk of indeterminacy. It forces politics to maintain organisational indeterminacy and to assure trust nevertheless.

Organisational trust, the mutual commitment to the normative order of decision-making, is a very difficult accomplishment and is bound to

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[16] Misztal points out that confidence is problematised not only by role conflicts, but by a more cultural phenomenon that 'individuals become more autonomous' from their roles (2001:376).

be disappointed. Does this mean that trust and accompanying normative feelings of duty do not play a role? Does this mean that actors are acting strategic-rationally only? It seems more likely that, at the level of the political organisation of decision-making, disappointment is a constant threat that must continuously be managed by symbolic actions. The literature seems more occupied with the search for sources of trust—that is, to answer the question *why* we trust—instead of searching for processes that can absorb disappointment—that is, to answer the question of *how* we continue to trust despite disappointments (Luhmann 1988:95). If trust would collapse after a single disappointment, trust would be very difficult, especially in politics. We know that decisions are often mere results of office politics, power-brokered compromises, or 'the political game', and not coordinated by expertise, the common good, or public support. We need only think about the constantly reoccurring conflicts between management and professionals. Trust might be continued despite disappointment if the other *communicates* self-reflexivity (learning) and provides new assurances, if he shows guilt, shame, or repentance or by the abdication of the leader or replacement of government by opposition. Such symbolic actions, it seems to me, are especially important to understanding the absorption of disappointments in politics.

Trust management points to the self-presentational basis of organisations, especially by its 'face', 'front stage' or 'access point' (Giddens 1990:87; Harré 1999:259; Pettit 1998:304; Luhmann 1968:71). It points to the communication of *credible* commitments to the normative order, to the presentation of the normative order as *coherent*, despite organisational indeterminacy, and to the discursive *absorption* of factual disappointments. In that sense, processes of accountability should not so much be understood as sources of confidence, but as communicating and re-establishing the rational coherence of organisations. We must especially think of the discursive power to frame and absorb disappointment. Most common, it seems, is to present disappointments as a 'necessary evil' imposed by the outside world, perceived as some natural force, or as a 'temporary aberration' which can and will be resolved in the future. However they are framed, such discourses allow both the continuity of the mutual commitment to the normative order presented as coherent into the future, and the acceptance of disappointment and ambiguity

in the present. Political trust depends on the communicated assurance that making the right decision is possible, the assurance that in principle legitimate power, expertise, democratic support, and the common good all point in the same direction. Politics understands and portrays itself as coherent, rational, and committed.

This self-presentational basis of politics and the discursive absorption of disappointments emphasises the importance of political or organisational leadership to dealing with the risk of indeterminacy and the problem of trust (Offe 1999:61; Luhmann 1968:68). Leaders cannot just express, through mediatised actions, shared normative commitments, but also communicate *trustworthiness*. Political organisation might be easier to trust, because we have quasi-personal trust relations with political leaders that function as the visible symbolic 'face' of politics. Communicating trustworthiness, however, cannot be understood in simple terms and seems culturally dependent, that is, there may be many different *styles* of communicating trustworthiness (Kim 2005). For all styles, 'authenticity' seems especially important. Trustworthiness is not a mask that one can put on and off, but must communicate 'true' personality as the basis of trust. As such, Weber's description of *ethical leadership* demanded by politics, combining both a genuine ethics of conviction and an ethics of responsibility, might be understood in terms of trustworthiness, as actions are neither based on absolute convictions disregarding consequences, nor depending on strategic interests or the mood of the day (Weber 2004b). We might recognise that such leadership is inherently indeterminate itself, posited between two conflicting ethics, emphasising the importance of leadership personality. Leadership trustworthiness seems to emphasise 'ethical personality' above 'norm conformity', that is, action 'must appear and proof itself as the expression of personality' (Luhmann 1968:51).

The role of trust and leadership should be well understood, however. First, the importance of symbolic actions and discourses should indicate that 'trust management' is anything but a well-organised, controlled, flawless, and coherent practice. It is not, despite the growing importance of 'loyalty marketing', 'strategic communication', or 'corporate branding'. If anything, all too visible attempts to manage trust will fail, as the underlying strategic interests are too obvious. Second, the importance of

leadership trust is not about political mobilisation of political support in relation to strategic quid pro quo relations (Chap. 3), it is not about the belief in charismatic leadership qualities explaining the right to rule (Chap. 2), and it also not about the force of argumentation legitimating binding decisions (next chapter). It is about the symbolic presentation of the normative order of political organisation as coherent and rational, both absorbing the risk of indeterminacy and disappointment and making organisational trust more likely. This is why the apparent decline in political trust is so disturbing. It is not about declining political support, political participation or authority. It rather shows the inability of political leaders and authorities to uphold the normative order of politics as the basis of trust, allowing us to cope with risks in everyday life.

4.4 Conclusion: Legitimacy as Trust

Politics as coordination emphasises the communicative basis of political power and organisation. And because communication does not guarantee action, it also emphasises the objective problem of trust. The role of trust in politics, however, is not straightforward, as the coordinative force of politics is mostly about the political organisation of distrust and confidence. Yet, specific political risks—the risk of vulnerability, dependency, and indeterminacy—point out that trust might play a role in politics. Importantly, trust entails subjective normative expectations and feelings. As such, trust might explain the subjective normative feelings and commitments underlying political relations, in which we adopt binding decisions as our own, or even why we feel a normative duty towards the political order. This normative foundation of politics is not based on its validity (truth), but conditional upon trust, the subjective leap of faith, and all the uncertainty, vulnerability, and commitment that this entails. Furthermore, these normative feelings do not explain why we act, as in Weber's theory, where feelings of duty explain obedience. It is the other way around. We have normative feelings *because* we act, because we conditionally commit to risky political relations coordinated by legitimate power.

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5

Politics as Argumentation

Politics is a constant struggle to frame the way in which we perceive the world—the way we see problems, solutions, facts, and actions. For Weber, and the democrat realists, such framing is mostly seen in terms of mobilising support, in terms of political acclamation, while decision-making itself is coordinated by legitimate power and by power-structured bargaining in the political game. The old traditional liberal idea that political decision-making concerns public argumentation revealing the common good has disappeared altogether. In this tradition, deliberation, especially in parliament, should not be seen as the aggregation of special interests through the art of compromise and power-brokered bargaining, but rather as a search for rational consensus, prescribing that representatives ought to be relatively shielded but not isolated from the pressures and demands of their emotional electorate. Reasoned argumentation makes room for a different kind of rationality, as opposed to strategic rationality—a different kind of rationality with inherent validity. Legitimate politics is the rule of Reason, the goal of the Enlightenment in its struggle against the private, irrational, and traditional powers of Prince and Church.

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_5

Weber has taught us, however, that the end result is not just the emancipation of politics from irrational tradition, but also the emancipation of politics from moral reason or truth altogether. Politics is the endless 'warring of the gods'. Politics is strategic conflict, not reasoned consensus. If anything, political argumentation seems to be a strategic instrument for appealing to the audience, to mobilise support through symbolic actions expressive of shared interests, values, and identities. Politics is the mobilisation of emotions, not of 'cool' reasoning. When Weber discusses possible sources of political legitimacy, he claims that reason is historically irrelevant. The Enlightenment was not about the rule of reason, but about the charismatic glorification of Reason that eventually produced disenchanted positive law and legal domination. Finally, the different self-referential value spheres in modern society, as we have seen in the last chapter, produce conflicting incommensurable realities in which validity (truth) is merely symbolic.

Yet, despite this bleak Weberian picture of modern man stuck in this disenchanted 'iron cage', the promise of a different kind of rationality to be found in public argumentation nevertheless has continued to attract immense scholarly attention. One reason for this attention, it is safe to say, is the work of Habermas, standing in the tradition of the *Critical Theory School*. His famous predecessors, such as Horkheimer, Adorno and Marcuse, clearly struggled with the legacy of Weber. The central question they pursued is how Weber's thesis of the rationalisation of society—understood as instrumentalisation—conflicted historically with the promise of emancipation and freedom inherited either from the Enlightenment, modernity or Marxism. With the demise of the class struggle, there was no longer any historical carrier of a different counter-rationality, compelling them to search for a different socially viable form of critique (Horkheimer 1972). However, in the process—and in the shadow cast by the terror of Fascism—reason itself was unmasked as mere myth (Adorno and Horkheimer 1997 [*1944*]). Even culture or 'autonomous' art no longer seemed to provide an alternative rationality—let alone politics. The 'cultural industry' dominated by technique and the market, diminished culture to mere depoliticised mass consumption, a means of 'anti-enlightenment' reifying the status quo (Adorno 1975). As Weber already concluded, there is no longer any escape possible from

the iron cage. Culture becomes a 'commodity' and social action merely instrumental for system maintenance. According to Marcuse, even resistance itself became functional of system maintenance. He concludes that, if rational critique is no longer historically present in social action itself, it can only take the form of abstract and politically irrelevant philosophy (1964: xii).

The Critical School, then, fell into the same pessimism as Weber and the future promised a 'relapse into darkest barbarism' (Horkheimer 1972: 241). This intellectual pessimism is the background from which Habermas has built his work. Habermas, on the one hand, shares with his predecessors their worry about the dominance of political and economic system rationality and the pathological social consequences thereof. But where his predecessors could no longer find a counter-rationality to escape Weber's iron cage, Habermas claims that such alternative rationality might no longer be historically appropriated by an emancipatory class—either the bourgeois public or the labour movement—but that it is nevertheless still historically present in a specific type of social action: *communicative action*. Communicative action and public argumentation hold the kernel of an alternative rationality that could—and for Habermas *should*—provide a different foundation of legitimate politics, making it possible to 'finish the unfinished project of modernity' (Habermas 1997a). In his account, politics is legitimate to the extent that its norms and validity claims can be 'discursively redeemed', that is, when the instrumental rationality of the political system is validated in communicative rationality.

The dominance of Habermas' work in the field of politics-as-argumentation confronts us, however, with some serious complexities. Habermas' critical sociology—as is all critical theory—is a mixture of normative and empirical claims. This means we must proceed with care. In this chapter, I want to show that Habermas' theory of communicative rationality—the rational and forceless force of public argumentation—distorts an empirically sound sociology of political and public argumentation. This is mostly because his normative theory is based upon strong epistemological claims, which explains, as Habermas clearly intends, that his theory of legitimacy and argumentation conflicts with the action perspective of Weber. To open up his theory for action theory, we have

to get rid of the strong normative claims and epistemic foundationalism in Habermas' work, although not necessarily of his critical project. However, his description of what he calls lifeworld, understood as a different kind of social coordination in opposition to system coordination, is promising and not necessarily closed for action theory. As such, I want to build upon this basic insight of lifeworld-coordination in order to address and explain the *rationality* of public argumentation. Public argumentation has a force of its own that cannot be reduced to legal domination, to dramaturgy and acclamation, or to power-brokered bargaining. An action-theoretical understanding of argumentation provides us with a different perspective on politics and legitimacy.

5.1 Argumentation Beyond Epistemic Foundationalism

The relation between reasoned argumentation and political legitimacy is an old and intuitive idea. After all, politicians are constantly making arguments in both parliament and the public sphere, and politicians and officials are not the only ones. It is also easy to see that much argumentation is about the mobilisation of support—a more emotional acclamatory idea of politics. Indeed, much of what is going on in parliament is not about reasoned arguments to convince other politicians, but about producing sound-bites and mobilising support of constituencies. However, this does not necessarily mean that the force of argumentation, the force of reason, is completely absent in politics. We should not confuse electoral politics with politics in general. It does mean that it is not so easy to provide an analytically robust sociology of political argumentation. What is the force of reasoned argumentation? And even more importantly, how does this relate to political legitimacy?

Habermas provides us with three different analytical models, of which the first two are reverberating with traditional notions of democratic and liberal politics. The first model concerns deliberative democracy. What all deliberative theories seem to share is the idea that argumentation—or deliberation—is seen as a specific form of political decision-making

that is superior to other methods, especially bargaining and voting. It is superior because decisions made on the basis of reasoned and public argumentation are more legitimate than the force of numbers (voting), the force of non-legitimate power resources (bargaining) or the force of legal domination (command) (Habermas 1996: 140). Deliberative theory, then, makes a specific *epistemic claim* that politics as argumentation is a superior means of arriving at rational and legitimate binding decisions. Political decisions are legitimate 'if and only if they could be the object of a free and reasoned agreement among equals' (Cohen 1997: 73). Legitimacy concerns validity (truth) understood as rational consensus. Legitimate politics, similar to classical moral theory, is domination-free politics because decisions are based upon rational consent or because no one can 'reasonably reject' them (Habermas 1984: 19). The process of deliberation is needed in order to (1) guarantee that a consensus is *reasoned*—not 'false'—and (2) in order to *produce* consensus, that is, to transform preferences and opinions. Legitimacy is therefore not so much *revealed* in an argumentative process—that is, the right decision is already metaphysically present merely awaiting recognition as in the theories of Rousseau or Rawls (see Manin 1987: 348)—rather this common interest is formed and produced through the process of argumentation itself. Deliberation is transformative, as the force of public reason changes private preferences, opinions and beliefs towards the public good in the process of argumentation.

According to Habermas, such an epistemic process is at least possible in a counterfactual 'ideal speech situation' where only the 'forceless force of the better argument' structures deliberation (Habermas 1984: 25). Epistemic processes appeal to something more than mere legitimate procedure. Where procedural legitimacy connotes the idea that we accept the outcome of a procedure as legitimate because of procedural norms that structure the process—for example, freedom, equality, or accessibility—deliberative legitimacy (additionally) claims that the outcome of the process is true, rational or legitimate due to what happens in that process. It yields *superior* political decisions (Dryzek 1990; Bohman 1998). The epistemic function of political argumentation immediately seems to draw us into the minefield of the philosophical debate about reason and truth. Indeed, Habermas takes a strong position in this debate. His entire

critical theory is based upon the idea of communicative rationality geared towards consensus that—ideally—can validate authority claims.

Processes of democratic deliberation, it is claimed, can take on this epistemic function precisely because they force actors to take a public perspective and to argue in terms of collective interests in order to be persuasive for all. It demands not only ideal procedural norms—such as formal and substantive equalities and freedom or autonomy—but also requires that actors are willing to reflexively examine their own beliefs and opinions—willing to exclude 'all motives expect that of cooperatively seeking truth'—and that they are sincerely entering into argumentation with the 'presupposition that a grounded consensus could in principle be achieved' (Habermas 1984: 19). Agreement reached in such an ideal situation is inherently valid, to the extent that the agreement is consensual and only formed through reasoned argumentation, not by power, money, or status. It is domination-free. The upshot of this strong *epistemic foundationalism* is that, first, it provides Habermas with a foundation to criticise political and democratic institutions. And second, as it relates argumentation to epistemic truth, it prevents argumentation from being merely another form of power and conflict. If public reasoning is not in some way founded or oriented towards universal validity (truth) and consensus, politics remains the endless warring of the gods, a conflict between incommensurable values and realities, explaining why politics is about domination or the force of dramaturgy and not about the force of reasoned argument. Validation through argumentation, then, is Habermas' answer to Luhmann's *Abschluss Problematik*. And, in a sense, Habermas has a good point. Systems are defined by the type of meaning or value that is communicated. 'Social systems consist of expectation-coordinated actions, not of people' (Luhmann 1964: 20). The problem with Luhmann's theory, in this regard, is that he *separates communication from action*. Precisely because persons, but also organisations, are *acting* in multiple systems simultaneously, an action perspective allows more analytical room for interactions and even coordination *between* systems, without denying the self-referential nature of symbolic media as such. Actions, it is important to acknowledge, are not as differentiated as communication (Bader 2001: 142). An action perspective in which argumentation plays a role, then, might soften incommensurable conflicts.

Much has been said about Habermas' epistemic foundationalism, and there is no need to repeat it here. What should interest us, is to what extent this philosophical argument about validity (truth) withstands empirical reality. The point is not that Habermas's theory only holds in an ideal speech situation and therefore not in muddy reality. The problem is rather that Habermas denies *the political condition*. Politics is about conflict and uncertainty in concrete action contexts and the need to make binding decisions nevertheless. For Habermas, in contrast, 'rationalisation of political domination presuppose now as they did in the past a possible consensus, that is, the possibility of an objective agreement among competing interests in accord with universal and binding criteria' (1989: 234). It can be argued that liberal universal norms and even the constitutional state are presupposed as the logical outcome of deliberative processes. Morality must merely be discovered and not formed in deliberation—or, to put it differently, the universal solution is already present in the deliberative rules from the outset and is not the result of will formation (Manin 1987: 349; Mouffe 1999: 746). It presupposes that fundamental questions about how to organise society are already settled. Deliberative democracy, to this extent, is the 'end of history' in a different guise. If only decisions made under conditions of universal consensus are valid, then political argumentation demands that we lay down our specific political, historical, and social identities if we are ever going to reach legitimate agreement. It demands that we cast away subjective experiences and become universal rational man (Mouffe 1999: 748). It unduly restricts the meaning of politics and conflict, which seems especially problematic in an age of 'identity politics'. '[I]t would not leave much to talk about in the public political forum' (Bader 2009: 130). Politics and political argumentation, however, are also principle means of forming and expressing identity (Fraser 1990: 68; Calhoun 1993: 275; Arendt 1998: 176). The strong epistemic demands are in danger of delegitimising conflict and politics itself. At best, argumentative conflict is an epistemic means of arriving at legitimate consensus transcending conflict, at worst it is irrational, unreasoned, self-interested or a false consciousness.

But even if consensus can be reached through argumentation on ever more abstract and universal values—on moral values—it does not solve the *concreteness* of politics and political conflict. These are *real* conflicts

that have to be solved on the concrete social level they arise at. Political arguments are not only, or even primarily, moral arguments. Practical reason and judgement do not just demand moral arguments but also 'ethical-political, prudential and realistic' arguments (Bader 2007: 90). The normative demand that all these additional arguments can be neatly, coherently and hierarchically ordered in a complex world, under the non-contextual demands of universal morality, is not just normatively dubious but seems to mistakenly replace political discourse with 'an idealised model of philosophical discourse' (Bader 2009: 133). We cannot—and should not—reduce politics to moral reasoning. The political condition points to the difference already made by Aristotle between *episteme* and *phronesis*, between universal truth and practical wisdom (Beiner 1983). Even in normative theory, it seems better to acknowledge 'moral pluralism, underdeterminacy of principles and the complexity of practical reason' that characterise the political condition, instead of universal foundationalism—at least if normative theory wants to be empirically and politically relevant (Bader 2007: 89).

More important for the argument of this book is that Habermas' theory of communicative rationality is without a theory of motivation. From an action perspective, the question is why actors would engage in this kind of argumentation at all. There is no reason to suppose that any political opposition—historically and socially situated—would agree *in advance* to consensus as the sole norm of political legitimacy or to universal rationality as the only legitimate form of argumentation, but that does not stop them from trying to persuade others of their views. Political opposition is not so much about the search of consensus, as it is about arguing why others are wrong. We might accept that actors try to convince, persuade, or influence each other through argumentation, that actors expect public-oriented reasons to be more appealing than self-interested ones, and even that actors agree that consensual agreement is inherently valid, but this does not mean that actors will agree that only consensual, let alone universal, agreement is legitimate or that political argumentation is about the goal of reaching such a consensus. We might all agree that what we all agree upon is valid, but that does not mean vice versa that we all agree that only what we agree on is valid. Consensus is not

what necessarily coordinates political argumentation. In short, the whole epistemic ideal is improbable from an action-theoretical perspective.

Habermas would probably not disagree, as he clearly admits that he does not aim to provide a 'theory of motivation' (1996: 5). Norms of validity do necessarily coordinate deliberative *action* but must rather be found in the *rationality of the process* itself. It is not about whether or not actors actually agree with the goal of consensus or whether or not they agree with the actual outcome of the decision-making process, the process itself is epistemically rational. Habermas is fairly clear that he provides a 'decentred', 'anonymous' or 'subjectless' model of legitimacy (1996: 4184). The only way to rescue the critical project, according to Habermas, is to 'leave the philosophy of consciousness'. Understanding validity in terms of actor's 'subjective' perspectives, as Weber did, cannot but cause pessimism about reason, truth and validity. The critical project, then, can only be saved by making validity an 'intersubjectively dissolved' quality, where legitimacy withdraws into the structures of political procedures (Habermas 1997b: 59). Legitimacy is no longer consciously accessible by the subjects themselves, but only surfaces from rational processes of argumentation *between* subjects. This subjectless and non-motivational theory clearly clashes with the aims of this book, but also with Habermas' main question: 'how the validity and acceptance of a social order can be stabilised … in the view of the actors themselves' (1996: 25). Actors seem to have no choice but to accept claims of legitimacy at face value.[1]

From an action-theoretical understanding of political argumentation and legitimacy, we must discard Habermas' strong epistemic foundationalism. Does this mean that politics is inherently about conflict and power? Does this mean that we are caught in postmodern fantasy? The opposition between universal consensus and nominalist conflict is overdrawn. The postmodern or sceptical standpoint has been developed as a criticism of the fact/value dichotomy of traditional empiricism or logical positivism, in which values are claimed to be beyond the realm of reason

[1] Habermas admits that 'the democratic procedure no longer draws its legitimizing force only, indeed not even predominantly, from political participation and the expression of political will, but rather from the general accessibility of a deliberative process whose *structure grounds an expectation of rationally acceptable results*' (Habermas 2001: 110, my emphasis).

(Putnam 2002: 1; Sayer 2009: 768). Values are subjective, outside the realm of reason and beyond the objective truth of science. This dichotomy, many have claimed, is implausible not least because science as a practice is itself valued. Science, it is safe to say, is historically situated. There is no such thing as a non-value-loaded observation or experience—an Archimedean 'point from nowhere'. The positivist ideal of a value-free science is not only unachievable; it is also the wrong ideal.

We might agree with postmodernism that the strong dichotomy between facts and values does not hold. We might also agree with the subsequent claim that our understanding of reality is always mediated by language—by theories, paradigms, frames or discourses. Our concepts are not direct quasi-natural representations of reality but structure how we perceive reality. We cannot understand 'reality as it is in itself', which problematises the notion of a single objective reality and seems to open up analysis to the political condition. However, we should resist the subsequent *ontological* claim that reality is no longer separable from language at all. The 'social production of knowledge by means of knowledge' is not the same thing as the 'social construction of reality' (Bader unpublished). With such ontological 'idealism', language no longer mediates between our knowledge and reality, but it constitutes reality, which subsequently loses all of its everyday connotations—reality becomes a 'text'. Postmodernists, as Putnam puts it, 'have lost the world' (1995: 64). Not only epistemic truth becomes a problematic concept, but reality itself no longer provides grounds to differentiate between better and worse interpretations of reality.

The combination of epistemological non-foundationalism and ontological idealism explains judgement relativism and why politics is necessarily power-ridden conflict. It is therefore unsurprising that Habermas is rightout hostile towards such 'anti-modernist' celebrations of value relativism, described as the 'horror of unreason' (Habermas 1981: 13, 1996: xli). His antidote to postmodernism, however, is not *ontological* but *epistemological*. Habermas tries to reinstall the fact/value dichotomy—not, obviously, to claim that values are beyond the realm of reason but precisely for opposite reasons—by forcing a dichotomy between morality (truth) and ethics (values). However, this epistemological antidote, we have seen, suppresses

a genuine understanding of the political condition, as it tries to explain the political in terms of the non-political (Barber 2003: 48).

A better antidote is formulated in critical realism or American pragmatism, which claims that validity claims are always situated in specific, concrete historical contexts in which we must *act*. Critical realists agree that there is no privileged relation between knowledge and reality and that this relation is indeed mediated by language, but this does not mean that reality no longer matters at all. As Peirce, one of the founding fathers of American pragmatism, argued, radical doubt or scepticism does not come that easy in everyday life (1877: IV). In daily life, we cannot live without making judgements of what is more or less true (Sayer 2009: 771). Radical scepticism is only easy for armchair philosophers, who search in vain for the ultimate foundation of truth. But in real life, 'we cannot begin with complete doubt … we must begin with all the prejudices we actually have' (Peirce quoted in Barber 2003: 164). In real life, Peirce argues, doubt origins as the result of some kind of 'irritation' between our understanding of reality and reality itself. Indeed, why would a postmodernist doubt at all? If reality is merely a text, it could be perfectly coherent, transparent, and agreeable by the force of our mere will and imagination. A 'recalcitrant experience' or 'anomalous observation'—fallibilism in general—no longer seems possible (Bader unpublished). Peirce subsequently argues that if doubt is caused by 'irritation', then 'truth' is the opposite of doubt, that is, truth is the lack of 'irritation' (1877: IV). Truth, in everyday life, is not some metaphysical entity, but rather 'satisfied doubt' settled by 'opinion' and, we might add, not just subjective opinion but socially valid opinion. In short, this pragmatist standpoint does not try to deny the social production of knowledge but claims that we should neither deny the *social conditions* of doubt nor of truth. What is considered reasonable depends on how we perceive and experience reality, which is inherently a social and historical affair. What postmodernists seem to forget all too easily is Weber's claim that we can make a distinction between subjective and objective social validity. It is simply not true that the individual scientist can make just about any claim he fancies and pass it off as a fact, as scientific *action* is coordinated by social norms and expectations within scientific practices.

In short, to stay clear of postmodern fantasy, we must perceive validity not so much in epistemic terms, in relation to truth, but in ontological terms, in relation to social reality. It is not about universal truth, but about *reasonableness in a concrete historical reality in which we need to act and make judgements*. The mere fact that all of our observations and experiences are inherently valued does not mean that our observations and experiences cannot be used to discriminate between more or less reasonable theories, facts, or validity claims. Postmodernism just seems to deny the human condition. Social and political knowledge 'is defined by its somewhereness, its concrete history in the real world of human beings' and not 'grounded in nowhere' (Barber 2003: 64). Even if there is no single 'true' or 'final' answer, some claims are more reasonable than others (Putnam 2002: 108). The fact that there is no single answer, then, allows for conflict over consensus, but the fact that not everything is equally reasonable assures that reason (without the capital 'R') is not just about power conflicts. This non-foundationalist perspective seems better at describing our everyday understanding of truth and leaves room for the political condition, without falling into the trap of irrationality. In contrast to Habermas, politics is freed from philosophy. The relation is turned upside down, as it is no longer about 'the application of Truth to the problem of human relations, but the application of human relations to the problem of truth' (Barber 2003: 64).

5.2 The Public Sphere Model of Political Accountability

We need to free the whole analysis of public argumentation from strong epistemic claims and keep it open for a realistic action-theoretical perspective, without falling immediately into the trap that all argumentation is just dramaturgy and power-ridden conflict. This means that Habermas' first model, discursive democracy, is inherently problematic, as it is inseparable from his epistemic ideal. The second model is more interesting, as it is based upon the everyday conception of democratic politics in which politicians and authorities have to account for their decisions and

actions in the public sphere. It got its most dominant and famous expression in Habermas' early work *The Structural Transformation of the Public Sphere* (1989 [*1962*]). The model is not purely normative, but based on an idealisation of the historical bourgeois public sphere in early modern Europe. Although the model has been extensively criticised on normative, historical, and analytical grounds, it is a more interesting model, as it is based on the separation of politics as decision-making and political argumentation as opinion formation. Political power is legitimate to the extent that the public power of the state is compelled 'to legitimate itself before public opinion' (1989: 25). The 'medium of this confrontation', according to Habermas, was the 'people's public use of their reason' (1989: 27). The crucial point of this model—to differentiate legitimacy from mere acclamation—is that public opinion is formed by a critically reasoning and arguing public of private individuals (1974: 49).

Although Habermas' strong epistemic claims are also present in this model, *legitimacy as accountability* has the inherent benefit of separating the decision-making process from opinion formation.[2] Deliberative and accountability models of politics are not identical (Bovens 2007: 453; Erkillä 2007: 26). Accountability views politics as a form of *domination* that must account for its actions and decisions before a 'forum'. Precisely because politics as decision-making is about domination, it can be *wrong*. Whether it is wrong or right is up to the forum to decide—the forum, then, is neither part of the decision-making process nor isolated from it, as it can ask decision-makers to account for their actions. It concerns a process *normatively coordinated* by public argumentation and not by money or power. The forum can ask critical questions and the politician tries to convince the forum of the rightness of his actions. The politician does so not because he is interested in arriving at consensus but first and foremost because he is institutionally *forced* to (Bovens 2007: 451). At the same time, this process has an 'epistemic' function, to the extent that the forum must come to a reasonable judgement on how political actions will be *sanctioned*. However, because politics as decision-making and politics

[2] Habermas readily confuses political accountability with democratic will-formation, as if they are one and the same.

as argumentation are not just analytically but also institutionally separated, we can perceive that these epistemic claims are much less demanding and more realistic than in the deliberative model.

First of all, accountability procedures between an agent and a forum are in principle retrospective judgements about decisions and actions of others. These judgements are not about whether the decision was the only right decision to make, but whether the decision was reasonable *considering the circumstances and alternatives*. Second, this means that the forum does not need to come to a consensual agreement on the ultimate norm applicable, but the forum must rather come to some broad agreement on which multiple and even conflictive norms *ideally* were to be considered, in this particular decision and decision-making process. Third, in light of these norms, the forum must commence a process of normative fact-finding, that is, to discover whether and, if so, how these *general* norms were applied to the *specific* context. Precisely because of its retrospective character, facts are not truths, as in most cases of public examination argumentation paints a conflicting, ambiguous, and indeterminate picture of affairs. There is therefore no reason to expect that ideal unrestrained argumentation will reveal more relevant facts or truths—to the contrary—while at the same time, there is also no reason to expect that there will be an *ultimate final decision*—new information or perspectives can always continue the process of opinion formation and interpretation, as all historical sciences show. In other words, a judgement arrived at in a process of accountability is always provisional and cannot claim to be the truth. The forum does however have to come to a collective judgement. Yet, under these plural, ambiguous, contextual, and temporal circumstances—the political condition—an epistemic ideal of consensus or truth is too demanding. At most, we might hope that judgements structured by argumentation are *reasonable and plausible*. Giving up foundationalism therefore does not mean that we have to give up rationality—it does not imply postmodern scepticism. Rather, we must give up the idea that there is always only one rational answer possible. Instead of frenetically trying to control rationality in philosophical abstractions, we might better turn our attention to *reasonable institutional practices*.

It is important to note that the weak epistemic ideal of reasonableness allows for disagreement without endangering its claim to rationality.

Expectations of reasonableness, then, do not delegitimise politics, opposition, and conflict and even make agreement more likely, precisely because actors do not necessarily have to agree on the same grounds. The opposition between consensus and conflict is overdrawn. Furthermore, the forum does not represent a rationalised public, but a *real* deliberating public.

The problem with the public sphere model, however, is that the public sphere is not clearly institutionalised. There is no single public, it does not make decisions, and the whole concept of public opinion is difficult to grasp. Habermas' historical institutional analysis sustained fairly extensive critique, because it ignores competing plebeian or feminist 'counter-publics', that is, public spheres other than the dominant bourgeois sphere (Calhoun 1992: 36–7; Fraser 1990: 61). One reason for this neglect, as Habermas admits, is that these publics were politically *irrelevant*, as they were not able to present themselves—or being conscious of themselves—as the historical 'carriers' of public opinion. The relevant public, indeed, is 'addressed' and 'evoked' by state authorities (1989: 22–3). Habermas' approach is therefore rather state-centred; a top-down approach that reduces the public sphere to a normative category, overemphasises the harmony and unity of the public sphere, and hides many publics and opinions from view. Instead, it is argued that the public sphere can be more realistically grasped in terms of networks of public argumentation that are 'institutionally anchored' in a multiplicity of strong and weak publics (Fraser 1990; Eriksen and Fossum 2002). Such a network approach enables us to perceive the public sphere as multiple and multi-layered, depending on the functional and institutional focus of analysis. The public sphere consists of networks of publics through which arguments, ideas, and opinions can in principle move around, but which are often institutionally closed. This institutional emphasis of networks allows us not to lose sight of public spheres as being power-structured, in terms of resources, strategies, and accessibility, in terms of 'mobilised bias', and as possible arenas of conflict and struggle. Indeed, breaking open the public sphere as a normative category of state power and allowing a multiplicity of institutionally anchored publics also means that the public sphere is a 'battleground' and not necessarily a harmonious sphere.

If more realistic, this inherent fragmentation and multiplicity of the public sphere make the whole model quite difficult to grasp. What does

it mean when politics legitimates itself in public opinion? Habermas' model depends on the idea of a *unified singular public* that is conscious of itself as a public, able to present itself as the universal public, and consequently capable of legitimation. Habermas therefore concludes that the 'plurality of competing interests … makes it doubtful whether there can ever emerge a general interest of the kind to which a public opinion could refer as a criterion' (1989: 234). The main problem of Habermas' theory, then, is not so much whether his idealisation of the bourgeois public sphere withstands historical examination, as that the strong epistemic and consensual ideals of his model inherently imply a pathological public sphere in any complex society, from which no escape is possible. Habermas is not the first to decry the complexity of modernity. Dewey already bemoaned the 'lost' public in the 'machine age': 'There is too much public, a public too diffused and scattered and too intricate in composition' (quoted in Asen 2003: 175).

The public sphere model, then, runs up against its epistemic limits, as it cannot deal with 'pluralism of irreconcilable interests' (Habermas 1992: 440). But there is an additional difficulty with this model. According to Habermas, the public sphere is analytically situated between the public power of the state and the private self-organisation of civil society (1989: 11). This analytical opposition between private and public is often criticised (Fraser 1990; Calhoun 1993, 2002; Bader 2008). The distinction between public and private is politically relevant, but it is a *historical* and *political* difference—and therefore an object of political struggle and power. We must at least admit that the private itself is also inherently political. Or, to put it differently, opinion formation takes place not only in the public sphere, but also in private spheres of everyday life. To perceive politics as argumentation means that we must deal with the inherent proliferation of politics into *all* spheres of life, including the public, private, political, and non-political.

5.3 A Lifeworld Model of Social Coordination

The idea that political decisions are legitimated through public opinion formed in the public sphere is appealing, but difficult to grasp theoretically.

To overcome the analytical problems of the public sphere model and to escape seemingly inevitable pessimistic conclusions, Habermas has moved beyond an idealised historical analysis of the public sphere and denied that modern society can be 'adequately grasped by holistic concepts of society' (1992: 436). Analysis, as a consequence, has to move to a 'deeper level' that includes 'everyday communicative practices' (1992: 442). In this third model, the lifeworld model, he wants to connect the formal political system with everyday practices and talk. In this model, Habermas replaces the public/private opposition with the opposition *system and lifeworld*. System, in Habermas' sociology, especially concerns political and economic action systems, integrated and coordinated through the media of power and money. Lifeworld, on the other hand, concerns a form of social integration through 'values, norms and consensus formation' (1987: 372). Habermas rightly argues that everyday social practices are coordinated not just by special languages of power, law, and expertise, but by cultural symbolic complexes. The basic idea, then, is that lifeworld is a different form of social coordination, in contrast with system coordination. This idea is very promising, to the extent that it rightly emphasises that society is not merely coordinated by the logic of systems. Moreover, as the logic of lifeworld coordination is something Weber did not thematise, it could provide us with a different understanding of political legitimacy and maybe even offer an antidote to his pessimistic vision of modernity.

Of course, the lifeworld model is also related to Habermas' strong epistemic ideal, but, as it emphasises social coordination, it is in principle not barred from an action-theoretical perspective. More problematic is Habermas' analysis of what lifeworld is and how it differs from system. My claim that lifeworld is a specific form of social coordination that differs from system coordination is certainly shared by Habermas, but his analysis of both system and lifeworld is confusing, to say the least. This is primarily because he has a distorted view of system coordination. He adopts Parsons' cybernetic, instrumental, and functionalist perspective, and therefore misses Luhmann's crucial insight that system coordination is *also* about communication, not disconnected from action theory. Habermas makes a lot of fuss about the concept of 'communicative action'—claiming a 'paradigm shift' in sociology—but in light of our earlier analysis of Luhmann nothing is shifting at all. Second, although

Habermas analyses lifeworld coordination from an action-theoretical perspective, which he calls the 'ethnomethodological' perspective, he immediately replaces it with a functionalist perspective. As Baxter rightly notes, Habermas provides no good reasons why we have to leave the action-theoretical approach (2002: 529). The change in perspective is however dramatic and his theory explodes into a Parson-like symmetry and complexity, as different functions must be carried out by different lifeworld institutions. This part of his theory is utterly unconvincing and quasi-empirical. Despite Habermas' explicit 'critique of functionalist reason', the shift from lifeworld as social coordination to lifeworld as societal integration is remarkably functionalist in nature. Both system and lifeworld are ultimately defined in terms of their functions, that is, the material and symbolic reproduction of society (Habermas 1987: 56).

Instead of following this functionalistic turn in Habermas' work, we better stick to lifeworld as a specific form of social coordination. We do not have to leave the action perspective or the 'ethnomethodological' perspective. Lifeworld as a specific kind of social coordination perceives concrete practices as being communicatively structured, not different from Luhmann's system coordination, where actors need to come to some interpretative agreement concerning the specific action context. Actors need some shared understanding of the situation to pursue their individual goals. However, instead of using generalised symbolic media, lifeworld coordination uses different kinds of symbols, a different kind of language. Lifeworld coordination is based on a totality of 'a culturally transmitted and linguistically organised stock of interpretative patterns' that actors share, in order to come to a mutual understanding of the situation (Habermas 1987: 124). From this perspective, we can understand how actors mobilise, negotiate, interpret, and provide meaning to specific action contexts, allowing them to act in socially meaningful ways in the first place. A specific practice, then, is not defined by institutionalised formal rules—by system—but needs additional interpretation. Social institutions are not seen as solid and final objects, but as a continuing process of meaning-making (Lowndes 2010). Social meaning is constantly *performed* in social action and not predefined by system rules. It is this perspective of lifeworld we need to elaborate further.

5.3.1 A Performative Perspective of Social Action

A performative perspective of social action and meaning has a long but loosely defined scholarly tradition. This perspective—like the dramaturgical perspective—makes use of the theatre metaphor. However, instead of emphasising the relation between staged actors and acclaiming public—between the active and the passive—a performative perspective emphasises the interaction between the active actors themselves. Indeed, social actors are viewed as actors in the most literal sense: as performers, players, or artists. Such a performative analysis of social practices, of course, is very complicated, but for our purpose, we might simplify analysis by emphasising *four layers of symbolic communication*: scene, role, character, and script.[3]

In theatre, the props on stage symbolise *the scene* in which the play takes place (Burke 1969: 7). For example, a blackboard and some school benches as artefacts almost immediately communicate *expectations*—general expectations about education or school. In real life, this is not different. The school building itself or the classroom architecture immediately makes clear to us what is expected. We might say, then, that the setting or *scene* is communicating or *staging* expectations of education (Edelman 1985: 95; Hajer 2005b: 630). However, this does not mean, of course, that a classroom cannot be used for different practices and purposes. Scene expectations are communicated not only by space, objects, and architecture, but also by social action or language itself (Yanow 1995, 1998; Goodsell 1988; Burke 1969). Importantly, if a classroom is used for a different scene—a different practice—the staged educational symbols either get a different meaning or even become meaningless. The performative perspective, then, is a *dialectical* perspective, as the meaning of a performance depends upon the scene and the meaning of the scene upon the performance.

[3] For this part of the analysis, I am inspired and informed by diverse scholars who cannot all be considered part of the Pragmatist realist tradition. These scholars include Burke 1951, 1963, 1985; Austin 1962; Searle 1964, 1976, 2005; Goffman 1971, 1974; Turner 1975; Geertz 1980; Bourdieu 1987, 1990, 1994; Foucault 1982; Lyotard 1984; Bauman and Briggs 1990; Butler 1990; Alexander 2004 and Hajer 2006, 2009.

We might also analyse different *roles* actors perform. When we stick with the example of educational practice, we can differentiate between the role of the teacher and the role of the student. This (hierarchical) role differentiation is, on the one hand, part and parcel of our general expectations of educational settings, while, on the other hand, performing the role of the teacher communicates expectations of education. Again, *dialectics* is inherent to performances. The teacher can perform his role by symbolically communicating role expectations, for example, by his body language, clothes, position in the class or by his command that the students—clearly marked out as students, as they sit as an indiscriminate collective behind their benches—must be quiet. Within this performed setting, it is clear what is meant by raising one's hand. But this symbolic meaning is not identical, or the symbol even meaningful, in other social practices (Yanow 2000: 11). Raising one's hand in public transport might just be weird, that is, incomprehensible. We might say, then, that lifeworld symbols communicating meaning are in essence *empty symbols*, which means that their meaning depends on the performed context. Furthermore, symbolic meaning can be *subjectively* different, depending on role differentiation. For the teacher, a student raising his hand might connote disturbance, eagerness, as well as obedience, while for the student, it might connote courage, need, or submission. This shows that symbols can mean different things even within one specific role.

This points towards a third layer of analysis: *character*. Indeed, there are many ways of performing the role of teacher or student. One can perform the authoritative teacher, the pedagogical teacher, the caring teacher, the cynical teacher, the enthusiastic teacher, and so on. Claiming that character is a performance means that we separate it from some kind of authentic core of 'real' personality. This is also the basic claim of Butler against essentialising gender identities. In her view, gender is not something we 'are' but that we 'do', that we perform 'through a stylised repetition of acts' (Butler 1990: 179). The relation between character and personality is a complicated relation we will discuss shortly. But emphasising the performative non-essential aspect of character opens up analysis to power. Characters or roles cannot be 'chosen' at will. They depend on one's resources, as well as on the characters and roles that are already taken by others. Above all, as Butler rightly points out, they depend on

the socially available and dominant narratives or (gender) classifications. Precisely by emphasising performance over authenticity and truth, we are able to see the underlying material and discursive power relations. This does not mean, as Habermas implies, that we should replace our historical and situated identities with ahistorical and universal rational subjectivity. Instead, we should open up analysis to the complex and potentially conflictive nature of lifeworld coordination.

Character, in any case, must also be symbolically communicated through a whole plethora of empty symbols. But the complexity of meaning now increases substantially. The cool student is performing a different character than the ambitious student, yet we might assume that both recognise each other's performed characters. As such, the class knows that when the ambitious student is raising his hand slowly, he is communicating hesitance or doubt, but when the cool student raises his hand slowly, it is to show his coolness, or when the rebel student raises his hand, expectations are raised because this promises a good laugh. The teacher as role and character might recognise these different characters as well, but hardly recognises every symbol of 'youth culture'. Secret languages of resistance among students might be his worst nightmare.

From this blatantly simplified example of a performative analysis of social practices, we might nevertheless gain four important characteristics. First, lifeworld coordination through symbolic communication is inherently *dialectical*; that is, the symbols used are *empty* and only meaningful within the contextual and specific performance itself, while, vice versa, these contexts become meaningful practices only through the use of these symbols. This dialectic is also the basic idea of the hermeneutical tradition where the meaning of a text does not reside in the words and sentences used, but in the context in which the story is told (Fischer 2009: 195).

Second, lifeworld coordination does not rest upon some stable consensus or foundational agreement. Lifeworld coordination is inherently *dynamic*—it concerns symbolic action acting upon symbolic action, both between actors and between the different symbolic layers (stage, role, character). It is about making 'moves and countermoves' (Lyotard 1984: 16). Lifeworld coordination will never reach some *consensual conclusion* but, at most, will arrive at some *stable equilibrium* which can always be

disturbed. Meaning and expectations are never conclusively fixed, they are continuously performed. A performative and communicative interpretation of the situation is necessary for the actors to pursue their individual goals, but it cannot be grasped as a genuine 'agreement', at least not in terms of an intersubjective value consensus, as Habermas seems to imply. Social coordination does not automatically signal 'normative accord', 'shared knowledge', and 'mutual trust' (Habermas 1984: 308). As we have discussed in Chap. 4, social coordination and communication is about expectations and expectations of expectations. As a consequence, social action can function quite effectively in a world where we act *as if* we agree about what is true and valid and where we can distinguish between confidence and trust. Habermas might be quite right that we can question validity claims implied in communicative action; it does not automatically imply that social coordination indicates consensual validity. Habermas too easily forgets Weber's insight that we should differentiate between subjective and objective meanings.

Third, lifeworld coordination achieves coordination by the *logic of the social performance*, the unfolding script, or by the 'practical mastery of the logic or of the immanent necessity of a game' (Bourdieu 1990: 61).[4] Only through the logic and internal coherence of the unfolding script do symbols and actions make more or less sense (Alexander 2004: 529). Rationality should therefore be understood in terms of a certain performative logic and coherence, not in terms of some epistemic truth. Furthermore, a performance remains open to different interpretations, but not every interpretation is equally 'reasonable' from the experiences and observations of the actors involved. Irrationality, then, is to break with this internal logic—to be *incomprehensible* or *unreasonable*. The logic of a performance ties the actors together as 'the scene carries itself' (Luhmann 1983: 39). Breaking radically with the script will end social communication and coordination. Actors are therefore more or less 'stuck' in the logic of their roles and characters, which they cannot leave behind without leaving something of themselves behind (Luhmann 1983: 94).

[4] Here the theatre metaphor becomes slightly problematic, as a script in theatre is known in advance. But I do not understand a script in terms of a 'blueprint' that 'pre-exists' a performance (Schechner 1973: 6). Performance is not a ritual.

If this emphasises structure over agency, a performance perspective also emphasises the possibility to do things differently, giving room to agency, creativity, novelty, and 'subversive' action (Butler 1990).

Finally, such a performative analysis of lifeworld coordination allows for *plurality* and *conflict*. Empty symbols mean different things for different roles and different characters, but nevertheless coordinate social action because they make sense in the logic of the performance itself. Conflict between the logics of roles and characters, indeed, even forms of resistance, are not necessarily denying the integrative aspect of lifeworld coordination. To that extent, we might say that 'scripted conflict' is not a contradiction of lifeworld coordination.[5] Indeed, characters and roles might just be dependent for meaning and self-understanding upon performed conflict or resistance.

As lifeworld coordination depends on communication, it depends on the transfer of socially valid expectations—on the transfer of a meaningful selection of all possible possibilities. But in contrast with system, there is no single symbolically coded objective meaning. The logic of lifeworld coordination refuses generalisation, formalisation, and positivation. Performative logic is inherently dialectic, contextual, temporal, and dynamic. Habermas therefore rightly argues that lifeworld coordination depends on a cultural 'stock of interpretative patterns'. Actors must share interpretative schemes to be able to make sense of symbols and actions performed. In lifeworld practices, we are able to recognise communicated expectations not because we possess some formalised symbolic code or specialised language that prescribes generalised and socially valid expectations. Rather, empty symbols become meaningful because we recognise them to be part of interpretative schemes or culturally available narratives. These are the 'languages' which allow actors to coordinate lifeworld practices through symbolic performances. But, as we have seen, such practice is a multi-layered complex of different narratives or interpretative schemes—there is no single 'right' interpretation, let alone a single meaning. Meaning is always performed, not predetermined by these narratives.

[5] Mouffe tries to organise such scripted conflict into an agonistic democratic system based on a 'conflictual consensus' (1999: 756).

We might now be in a better position to contrast lifeworld and system social coordination. If we would analyse an educational practice in terms of system, we could analyse it in *generalised* and *formal* terms of legal rules and norms, the distribution of legitimate power, the knowledge of educational expertise and maybe even in terms of money, on the one hand, and how these media communicatively coordinate social interactions, on the other. The difference between lifeworld and system is not so much about a divide between informal and formal expectations, as Habermas often seems to imply.[6] The difference can neither be grasped in terms of some spatial metaphor, but lies in the different *means* of communication and social coordination. In the preceding chapters, we have understood socially valid expectations in terms of the rules of the game—socially valid expectations that structure actions. These expectations, we have also claimed, can be progressively generalised beyond specific practices and persons in roles, offices and rules, and can be formalised, rationalised and even controlled and prescribed by an external authority. Such forms of generalisation, formalisation, and positivation, of course, are the basis of Weber's understanding of the rationalisation of society and of Luhmann's media theory. Lifeworld, in contrast, is not about the rules of the game but more about the *rules of art*, that is, its coordinative force is dependent on the logic of performance itself, on the meaningful unfolding of the script. The meaning of a specific symbolic actions is dependent not on generalised rules that divide expectations in dualities of legal/illegal, valid/non-valid, true/untrue, or value/valueless, but on the dialectical logic of action upon action and the reality of multi-layered meanings (Alexander 2004: 541). Just as genuine actors in a play, one can improvise, respond, negotiate, and influence the social meaning of a concrete practice, but only within certain logical limits, certain 'rules', that make up the art of a performance. Rationality must be understood in terms of this art, understood as comprehensibility in relation to the internal and socially valid logic of a performance.

[6] To claim that system is purely formal, organisation not only denies the importance of informal relations and knowledge in the political and economic system, but the market is 'the classic contra-principle to formal organisation' in the first place (Bader 1983: 340).

5.3.2 Generalisation Through Narration

Social communication demands that expectations must be generalised beyond the subjective, specific, and contingent. But, as I want to argue, lifeworld coordination points to a form of generalisation that is inherently different from system coordination. Interpretative schemes are produced and reproduced in everyday communicative practices, as Habermas points out. These have to be learned and, for a start, might be grasped as generalised individual experiences. Instead of generalisation in formal rules and codes, we generalise our experiences and expectations in terms of narratives. We make sense of the world by telling ourselves stories. Narratives are a different mode of accessing lifeworld experiences (Bauman and Briggs 1990: 73), and for analytical purposes, we might differentiate between historical, cultural and ontological narratives.

Historical narratives recount a chronology of factual events that have happened in a specific and particular practice (Alexander 2004: 530), which in turn allow us to make sense of the present context, of the present state of affairs. We tell, for example, the history of our love relation as a *selection* of meaningful events from which we are able to understand the relation in the present. Subsequent actions of our loved one, then, are interpreted not just in the contingent present, but in light of a generalised history, making expectations less contingent. At the same time, it is clear that such a history might be told differently. There are many ways of telling histories. A historical narrative is not merely a chronology, but by necessity, categorises and classifies history. The epistemic question of whether this history is 'true' is therefore a difficult question to ask. It is not 'untrue'—it is about facts or factual experiences and observations—but it is the selection of facts that provides the history with meaning. Historical narratives point to the generalisation of expectations through selection.

The 'interpretative schemes' in Habermas' account are not so much historical narratives but cultural narratives, or images or frames, detached from a particular practice enabling us to *interpret* scenes, roles and characters in different or new practices. These cultural narratives are not precise, fixed, and formalised nor do they concern specific contexts or

histories, they are generalised and decontextualised lifeworld experiences, providing the ability to move between different settings. Cultural narratives explain why we recognise empty symbols as meaningful. When cultural narratives are contextualised, when they are performed in a specific practice, they attribute expectations and meanings to actions, allowing social coordination. Expectations do not just depend on the contingent history and actions of a specific practice, but also depend on detached generalised expectations.

Finally, we might also tell stories that do not so much point to the generalisation of expectations through selection or detachment, but by *combining* different practices into a coherent whole. Our experiences in different practices do not produce a kaleidoscope of fragmented 'realities' or histories, but they are combined by telling 'collective histories', as Bourdieu calls it. Such combined histories are possible because we make use of *ontological narratives* or narratives of 'representation' that recount the nature of things (Bourdieu 1989: 839). These consist specifically of categories, classifications or taxonomies through which we understand and organise reality, allowing different practices to combine into a general worldview. Subsequently, this allows us to interpret a specific and contingent practice in terms of this generalised ontology (Somers 1994: 618). However, we do not just tell 'collective histories', we also tell 'individual histories' (Bourdieu 1994: 14). Biographical or individual histories are not about recounting the historical narrative of a particular practice or about combining difference practices into a more or less coherent ontology, but recount individual life experiences within and across different practices. By telling a biographical story, we tell a story of who we are as a coherent person. Although we constantly have to perform different roles and characters in different scenes, ontological narratives provide a continuous and coherent sense of self, despite the plurality and fragmentation of everyday practices. This does not mean, of course, that such ontological narratives, about either worldview or person, are unitary or singular; they are rather 'multi-layered' (Prins 2006: 282). In short, ontological narratives allow us to generalise our experiences into a more or less coherent worldview and personality, explaining why our expectations are not just dependent on specific contingent practices.

By telling ourselves stories, we are able to generalise lifeworld experiences, which are of course always already social, into historical, cultural, and ontological narratives. These narratives, in turn, provide us with frames of interpretation we use to grasp different lifeworld practices. It is this dialectic between concrete social experience and interpretative frames that produces and reproduces our 'stock of interpretative patterns'. In that sense, the expectations and meanings performed are always *also* general (Somers 1994: 616). However, this dialectic between experiences and expectations still remains a rather individual affair, complicating communication. Like Luhmann, we need to explain the social institutionalisation of interpretative frames.

Interpretative frames or narratives also have an inherent societal origin, as they arise from *public storytelling*. Not only do we tell stories to ourselves, but we especially tell stories to each other. Interpretative frames are therefore not just generalised experiences, but also produced and reproduced in a different mode, that is, through *social practices of storytelling* in what we can call the public sphere. A practice of public storytelling is also inherently a performance in which we use symbols to communicate meaning by mobilising interpretative frames. As such, the public sphere as a 'realm of symbolic production' (Bourdieu 1994: 2) produces and reproduces interpretative frames, already explaining its social origin and why we 'share' a stock of 'culturally available' frames. The practice of storytelling, however, is a different kind of social performance, because it is no longer inherently tied to the need for coordination. Public storytelling might therefore analytically be grasped as a social relation between a narrator and a passive audience. In what follows, I want to analyse public storytelling or the public sphere, which includes political argumentation, based upon three basic mechanisms. First, as the narrator tells his story, a 'symbolic realm' opens up, as Habermas also recognises, detached from the specific practice and coordinative demands (1987: 380). Second, as storytelling is 'freed' from the needs of coordination, the narrator must draw in the audience, which points to a dramaturgical relation between narrator and audience. Finally, dramaturgy explains why this symbolic realm is not merely symbolic or detached from reality, as it must appeal to the experiences and expectations of the audience to be effective.

If we read a novel or watch a play, a whole new symbolic world opens up above and beyond the specific situation of reading or watching—beyond the actual action context. It allows a detachment from the immediate practice and creates a symbolic but meaningful world of fiction or imagination. We recognise the meaning and the logic of the story based on the same generalised interpretative frames we use for social coordination. These frames make the story comprehensible but not identical for everybody—it is about 'interpretation', as meanings are not fixed, but indeterminate. There is no single 'right' interpretation. Fictional stories, then, also produce and reproduce the culturally available frames of interpretation. Especially in relation to technologies of mass communication, a shared 'culture' is freed from direct action contexts (Habermas 1987: 123, 184). Telling fictional stories is however inherently different from social coordination, as it emphasises dramaturgy over coordination. In Chap. 3, we already discussed how a story can be meaningful when it dramaturgically mobilises sentiment and utopia—that is, we recognise our own life experiences in the story or the story depicts how our lives could be. Stories can 'move' the audience, mobilise such subjective meanings, fears, hopes, emotions and values, only if they relate to their life experiences and understandings of reality. Only because the symbolic realm of fiction is not totally detached from reality, the audience can identify with the hero of the story, the bravery of his actions, the fairness of his fight, the evil of his adversaries, the excitement and distress when things threaten to go wrong, the gratification when evil is slain, and the fulfilment when the hero deservedly gets the girl—or, vice versa, the horror when evil triumphs. When we close the book, when the curtains fall or the lights go on, we are back in our normal life, yet, we have experienced many *real* emotions and thoughts. Telling each other stories, then, not only reproduces and produces the available stock of cultural narratives, but a compelling story also provides us with real experiences. It provides us with 'knowledge of the unknowable'. Dramaturgy points to a dialectical relation between the symbolic realm of fiction and everyday reality. A story is moving because it relates to everyday life experiences and a moving story also provides us with real experiences.

Obviously, we do not just tell each other fictional stories. Most stories we tell each other are *factual*. We tell stories about events and histories

in everyday talk, in newspapers, on television, or in lectures. Factual stories tell us how we should interpret a situation or event. As such, they are always meaningful selections of reality, an interpretation of reality. Factual stories are different from fictional stories, as we can always ask ourselves 'Is this true?', 'Can I trust the other?', 'Is he capable of knowing the truth?' In short, factual stories always seem to imply what Habermas calls *validity or authority claims*. Factual stories, then, immediately seem to open up the debate to epistemic questions—what is truth?—and to questions of authority—is this interpretative claim valid? For Habermas, both questions are inherently the same, as authority must be epistemically validated through processes of deliberation. Fictional stories do not mobilise such questions. In fictional stories, the meanings experienced do not derive from the authority of the storyteller. A storyteller does not claim to tell the truth and, as such, he is not claiming authority even though he might be the author of the story (Lyotard 1984: 20). The audience might criticise the storyteller for telling the story poorly, for telling a boring story, for unconvincing plot changes or even for the immorality of the story—but the storyteller cannot be criticised for the meaning—sentiments and utopias—we each experience on our own account. It simply does not make sense to question the validity of our own experiences, as there is no authority to appeal to.

It is important to realise that factual stories are always *co-dependent on non-authoritative claims*. This might be best illustrated by looking at science as a specific practice or field. From a system perspective, science is coordinated by formalised and rationalised rules, especially in terms of methodologies. Many have pointed out, however, that science coordinated by its formal episteme cannot account for its actual practices (Kuhn 1970: 52; Horkheimer 1972: 195; Fischer 2009: 114). Instead, science is better grasped from a lifeworld perspective, in which scientific knowledge is based upon storytelling. Of course, science is about making authoritative claims, which can and are disputed. However, in making validity claims, a scientist is simultaneously telling an *unauthored story* 'in between the lines'. The scientist builds his argument upon expectations of how his peers, his public, understand scientific reality: what is the history of the field, what are the most pressing problems, what are the accepted methods of approaching these problems, what counts as valid knowledge,

and so on. Indeed, it is common practice in science to begin any argument by telling a historical narrative about the state of affairs in the field, from which the scientist builds his *authored* argument (see also Adorno 1976: 73). Importantly, the scientist claims authority for his argument, but does not claim to be the author of reality presented and presumed in the 'pragmatics of narration' (Lyotard 1984: 27). The crucial point, then, is that worldviews as a symbolic space arise from within the factual story narrated. It is not about *what* is told, but about *how* it is told.

We can say, then, that the peculiar feature of worldviews lies in their *unauthoredness* (Arendt 1998: 186). This means that there is no *author,* no *origin*, no *original*, no *first time* (Jameson 1979: 137; Butler 1990: 175; Foucault 1984b: 77; Lyotard 1984: 22). The narrator does not claim to be the author of the 'world as it is'. He does not claim that this reality is 'true' because *he* claims it to be, but he expects this reality to be socially accepted. To understand the social production of reality is not to look for epistemic truths, but to understand its social history—the production and reproduction of reality through everyday factual storytelling. Social reality can only be understood in terms of its genealogy—in terms of *Herkunft*, not in terms of *Ursprung* (Foucault 1984b: 80). Worldview is an *unauthored reality* that does not need to be *proven*, as it is socially produced and reproduced. It is inherent in how we tell factual stories and there is no authority to appeal to. Worldviews, then, might be understood as ontological narratives of representation, 'adapted to the structures of the world which produces them' (Bourdieu 1989: 839).

Science, then, is also a *dramaturgical practice* in which scientists tell collective stories and produce and reproduce a symbolic worldview, which they must assume is more or less socially accepted, for the argument itself to make sense at all (Putnam 2002: 39). Only within this unauthored worldview can their authored truth claims make sense—be more or less *reasonable*. It does not mean that anything can be true. We do not get lost in some postmodern fantasy. The formal story of empiricist science tells us that knowledge is true when it is *coherent with observations of reality*. Indeed, this idea of truth as being coherent with reality is also widely shared in most, if not all, lifeworld practices. It makes no sense denying this experiential basis of truth. Critique of the scientific episteme, however, has less to do with this rule of coherency than with the problem

of what *constitutes* reality (Fischer 2009: 112).[7] The example of science shows, generally, that we must not so much understand *when* something is true (system episteme) but *how* something is true (lifeworld experiences and storytelling). A performative perspective tries to understand the *ontology of society*—how we make sense of what and who we are through social action and storytelling (Somers 1994: 61: 614). Worldview, in general, is a symbolic space that is constantly produced and reproduced in public storytelling, reproducing and producing in turn the ontological narratives with which we interpret concrete everyday practices. Narrated reality is therefore not purely symbolic, as there must always be a 'dramaturgical' relation between public storytelling and real-life experiences. We accept a symbolic worldview to the extent that it aligns with our lifeworld experiences and observations—it proves itself in reality—while at the same time, how we understand and perceive these experiences, how we understand the world and our place in it, is structured by symbolic worldviews. This relation is dialectic, but we cannot create reality as if it is merely a text.

Kuhn pointed out that the relation between unauthored paradigms and authored truth claims tends to be counterfactual in 'normal' scientific practice, as anomalies or critiques are put aside as irrational (Kuhn 1970: 77). Postpositivists often claim that this shows that *facts and values* cannot be separated (Fischer 2009: 112, 1995: 13). However, we must be careful not to confuse truth and reality—episteme and ontology. Indeed, paradigms or worldviews are not about truth and untruth, but about real and unreal. Science is historically situated and inherently valued. However, this does not mean that science is a normative affair—that the paradigm *ought to be* true. In science, of course, these unauthored narratives are often deeply institutionalised in the canonisation of the history of science and in more mundane material structures of education and funding. Nevertheless, the validity of worldviews always remains vulner-

[7] That mere episteme does not suffice—or that epistemic problems always presuppose ontological narratives—becomes clear in the famous example in which the discovery of a black swan logically means that not all swans are white or that the black swan is not a swan. Ontological problems do explain why natural science has a tendency to move to its two *universal* extremes: the elementary and the universe—a tendency that Habermas seems to adopt too. However, these universals do not explain the material and social world that exists in between. The world that matters.

able to epistemic critique. As Weber already pointed out, we can question our assumptions, but at a certain point, we will have to say: 'here I stand, I can do no other'. All science is based upon assumptions, which are not 'knowledge' in the ordinary sense of the word, but a 'possession' (Weber 2012: 38). In short, epistemic critique will show us that all knowledge is a combination of fact and value, that there is no single universal truth. What counts as a valid argument, however, is inherently related to *unauthored worldviews*, which we constantly narrate and through which we understand ourselves and reality. Some pieces of knowledge are more reasonable than others, because validity claims are always historically and socially situated.

This 'unauthoredness' of social reality, of worldviews, is sometimes directly related to political legitimacy, as it 'naturalises' inequality, power or domination in general. The recognition of the naturalisation of domination has a strong Marxist origin and points to the idea that worldviews are buried deep in social practices and narrations, legitimating power relations through its unauthored quality. Social order and its hierarchical relations and divisions are *naturalised* as 'doxic' knowledge (Bourdieu 1989: 18). Worldviews confirm the established order and prevent the rise of questions of validity or legitimacy (Bourdieu 1994: 15). The social order is not necessarily right or normatively valid, not how the world ought to be but the way the world *is*, whether we like it or not, and, as such, beyond the capacity of human transformation. Unauthored worldviews 'legitimate' power relations in the sense that *there is no alternative* (TINA). Although I would not call this a form of legitimation but rather a form of naturalisation, worldview does seem to have this effect. However, we should be careful of claiming there is a single ontological worldview present in society—let alone some unproblematised consensus—capable of naturalising social order or the political system in its totality (Bader 1991: 103). There are many worldviews narrated in complex society that often conflict and which give rise to contestation. In other words, worldviews must always be socially performed and symbolically narrated in specific practices and publics.

To conclude, what the lifeworld perspective of social coordination and its narrative processes of generalisation provide us so far, is that it allows us to understand how concrete social action depends on communicative

actions, which derive their meaning from a 'stock of interpretative frames', which are dialectically structured by generalised experiences and by public storytelling. Furthermore, public storytelling creates different and unauthored symbolic worlds above and beyond concrete practices. But to be socially meaningful, these must dramaturgically relate to real-life experiences—they are not mere symbolic texts detached from social reality (see Fig. 5.1).

5.4 Conflict, Validity Claims, and Argumentation

If we understand how factual storytelling is partly based on unauthored social expectations, we need to address how *authored* claims are validated and what constitutes the force of the better argument. From his 'ethno-

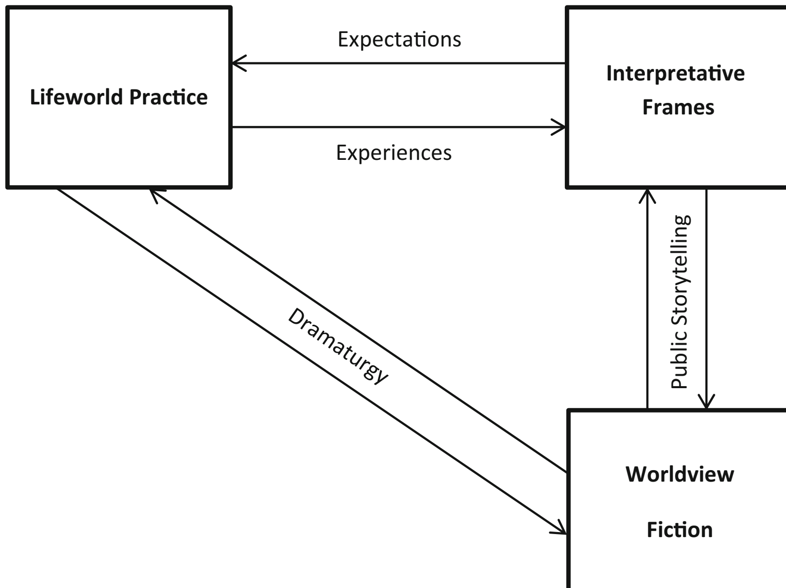

Fig. 5.1 A performative model of lifeworld and the public sphere emphasising the different dialectic relations

methodological' perspective, Habermas shows that social coordination is an open-ended and dynamic social performance that continuously determines the meaning and facts of the practice. In this dynamic perspective, every action communicates a validity claim, that is, an *authored* interpretation of how others ought to understand the practice. It is this 'authoredness' that mobilises questions of validity and authority. Most of the time, Habermas argues, social coordination is a rather unproblematic accomplishment, because it is based on a 'massive background consensus' and a 'horizon of shared unproblematic beliefs', which is normally presupposed, produced, and reproduced in everyday action (1996: 22). Only in the case of interpretative conflicts or frame conflicts are validity claims explicitly thematised and do actors become aware of these unproblematised presuppositions 'at their back', we might say, of unauthored reality. Only then can we accept, problematise, or refuse validity claims (1987: 132). In case of refusal, actors must try to find an interpretation they can all agree on—they must come to an 'understanding' or a 'common definition' (1984: 119, 1996: 18). Conflict, Habermas argues, does not thematise all background assumptions simultaneously, as unproblematised assumptions remain unthematised in the background in the meantime (1984: 100). This means that conflict resolution is not about some philosophical enterprise trying to determine the 'truth' of *all* claims and assumptions—and ultimately finding nothing there—but it is geared towards solving coordination problems in a specific and concrete action context. For Habermas, this means that actors in lifeworld practice will try to find a solution through argumentation, to find *consensus*. Ultimately, this 'achieved' consensus becomes part of the 'presupposed' background consensus, which is now *argumentatively validated*.

Habermas is well aware that background assumptions might contain anti-democratic or bigoted values, might keep interest conflicts below the level of consciousness and might naturalise or 'conceal' relations of domination. It is only when these background values are thematised that they can be discussed, examined and validated through public argumentation, with its strong epistemic qualities. According to Habermas, every 'expression' or speech act implies three validity claims relating to the objective world (truth), the social world (normative rightness), and the subject world (sincerity) (1984: 99–100). Subsequently, agreement

reached about how to interpret the situation *implies* an affirmation of these validity claims and consensus about 'truth' and 'rightness'.[8] This process explains, as Habermas concludes, how argumentation 'rationalises' social background consensus. Ultimately, Habermas' critical theory is based upon this 'release of the rational potential of communicative action' (1987: 77), the ultimate 'vanishing point' of which would be a lifeworld solely integrated through postconventional universal morality (1987: 146).[9]

This analytical model of lifeworld practices and the validation of authority claims is informative, but also fairly problematic from the performative perspective we have been developing. First of all, we might agree that all actions are interpretative and authoritative communicative actions framing reality, and also that validity claims become especially problematic in the case of frame conflicts. But we should refuse the claim that the performed meaning of a practice connotes some form of background consensus, let alone a subjectively valid consensus. As described earlier, a performative perspective of social coordination is highly tolerant of conflict and does not connote, in any case, a single 'right' interpretation, as it is constantly caught up in an ongoing process of action and multi-layered meanings. Conflict might be present without explicit thematisation, inherent in the continuous move upon counter-move of the practice, without making social coordination necessarily impossible. Furthermore, different actors might subjectively understand social reality differently. Just as in Luhmann's theory, communication is not about reaching consensus, but about coordination, which might point to different goals or strategic interests. To explain social order, we do not have to rely on value consensus. Second, even when conflicts are explicitly thematised, this does not mean that lifeworld practices are somehow inherently

[8] Sincerity cannot be 'validated' in yes or no positions, but only in subsequent action itself. Agreement with 'sincerity' claims might be translated as *trust* (1984: 308). A fourth validity claim inherent in speech of communication in general is 'comprehensibility' (1984: 42).

[9] Communicative rationality in Habermas' work, then, is a tricky concept. It points, first, towards communicative action in lifeworld, that is, one's action must be understandable and intelligible for others in a specific context. Second, it points towards the 'rationalisation' of the lifeworld, that is, making lifeworld assumptions thematisable by taking validity claims out of spheres of taboo and the normative 'sacred'. And, finally, it also points towards the rationality of public argumentation itself, that is, in terms of epistemic ideals.

geared towards reasoned argumentation and 'truth-finding'. Conflicts are not just interpretative conflicts; they are conflicts of interests. Actors in concrete practices are not *disinterested* philosophers but *interested* actors. Argumentation must be understood in a context of strategic action and mutual dependency. Actors try to *persuade* each other. Finally, this means that what coordinates action is not just argumentation, or the normative demand that only the 'forceless force of the better argument' counts, but coordinative conflicts might also be 'resolved' by coercion and inducement, by making threats and promises. If we perceive the lifeworld as a specific form of social coordination, this does not mean that power suddenly disappears. Lifeworld coordination is not a normative sphere where only the better argument holds.

All actions are also symbolic actions that communicate meaning and expectations, and therefore frame social reality. Indeed, social performance itself can be perceived as a form of argumentation about how a situation ought to be understood. We often steer clear from open conflict and linguistic argument, but try to re-interpret the situation through counter-moves, through symbolic actions. All actions, then, are at least partly authored claims which might lead to questions of validity. But it is clear that social coordination in a specific practice might also be continued in terms of *linguistic argumentation*. In the first instance, a speech act can be interpreted like any other symbolic action. As speech act theory tries to show, we normally mean more when using language than what we actually say (Searle 1964, 1976, 2005). As such, speech acts must not merely be analysed in terms of the meaning of words, but also and especially in terms of a performative perspective. However, speech and its symbolic code of language dramatically change lifeworld coordination. Through speech, actors are able to draw the world beyond into the specific practice. Social coordination is no longer just about action and reaction, moves and counter-moves, but we are able to explicitly interpret the present in light of the past or the future, to connect the present to different practices and the world beyond and to mobilise powerful and meaningful cultural narratives. Speech gives us the ability to explicitly frame the present situation by telling stories.

The power of linguistic framing, of *discourse*, has a long scholarly tradition that gained new prominence especially in the field of interpretative

policy analysis, in the aftermath of the 'argumentative turn' (Fischer and Forester 1993). Framing is about presenting a selection of reality—emphasising certain facts over the other—and providing these facts with meaning by mobilising cultural narratives, particularly through the use of *metaphors* and *analogies* (Yanow 1996; Stone 2012). Facts do not speak for themselves (Hajer 1993: 45; Yanow 2000: 11) which means that reality can be told in many different ways, emphasising different facts or providing facts with different meanings. Discursive narratives supply a 'conceptual scheme', a 'lens', a 'frame' or a 'generic diagnostic or prescriptive story', through which to understand the world, the issue, the problem at hand, its solution and the alternatives (Rein and Schön 1993: 146, 1996: 87–9; Dryzek 1997: 8). By using metaphors, concepts and categories, by mobilising cultural narratives, we are able to frame reality in a meaningful way. Rein and Schön give the example of the metaphor of 'disease' (1996: 89). We might imagine that a politician, who has to legitimate a decision as the *right* decision, can frame the issue at hand in terms of this metaphor by using words such as sick, weak, pale, parasitic, healthy, strong, body, virus, decay, recovery, and so on. Such metaphors mobilise culturally available narratives of 'disease', which provide expectations through which facts are interpreted. As such, it might frame the situation as a serious situation, a crisis, or a matter of life and death. It might also frame the politician as responsible, caring or as an expert or doctor, while others might be framed as patients, as sick or as intruding pathogens. We also 'know' that 'the greatest wealth is health', that 'desperate diseases must have desperate remedies', or that 'good medicine often has a bitter taste'. The crucial point is that the frame not only provides a meaningful interpretation of the situation, it also provides reality with a certain *frame logic* (Rein and Schön 1996: 89). The disease frame demands surgery, treatment, quarantine, a cure, recovery, or prevention. The most important insight is that if a discursive narrative is able to frame reality in a meaningful way, its frame logic is transferred to the state of affairs, which means that some actions, decision, or arguments are more or less logical, more or less *reasonable* than others (Fischer 2009: 120; Bennett and Edelman 1985: 163). The validating force of a discursive narrative lies in this inherent frame logic that 'proves' that certain actions or claims are more rational than others. We can understand how, from within the logic of the mobilised discursive

frame, authoritative claims are validated. By framing facts meaningfully, authoritative truth claims are not so much proven to be *true* as framed to be *rational*. To say it more directly, the power of discourse does not validate authority claims in terms of epistemic *truth*, but in terms of a narrative and performative *rationality* (Fischer 2009: 198).

The validating power of discourses, the legitimating force of an argument, is inherently based on the art of rhetoric. The force of reason, of rationality or *logos*, depends on the ability to mobilise a meaningful frame upon reality, upon *pathos*. Argumentation is a combination of the force of reason and the force of dramaturgy. In other words, dramaturgy is not an alien element in argumentation explaining the pathology of public argumentation; it is inherently implied.

Does this mean that the validating force of an argument is drawn into postmodern fantasy, as Habermas fears? No. For an argument to be persuasive, for a frame to be socially meaningful, it must appeal to facts, experiences and the history of the specific practice—it must appeal to a shared and unauthored *social reality*. Furthermore, expectations of social reality, as we have discussed, are already general. Reality is not merely a text. Not everything is possible. Every practice has its own history, its own reality, its do's and don'ts, its own meanings related to wider societal understandings and self-understandings. To make a compelling argument—to tell a meaningful story—one must relate to the unauthored social reality of the practice one thinks is socially valid. This does not mean that rhetoric cannot be manipulative but the validity of an argument—its rationality—depends on its 'somewhereness'. Discourses are not purely symbolic and detached from social reality, or in Habermas' terms, from background assumptions. As Aristotle already perceived, the art of rhetoric is identifying 'the available means of persuasion' (Yack 2006: 418). It does mean that the force of argumentation is inherently vulnerable, because background assumptions themselves might not withstand the scrutiny of reason and conflicting realities might endanger the validity of authoritative claims altogether.

As Habermas rightly points out, conflicts in action contexts are not just about validating one's authority claim through the power of rhetoric, but can lead to argumentative conflicts, to an argumentation *between* actors. Such *coordinative argumentation*, in Habermas' work, is about

'reason-giving' until others are persuaded—convinced—by the argument. As such it should also be understood in terms of 'effective rhetoric that persuades rather than proves' (Dryzek 2010: 322). If persuasion plays a role in this process, however, Habermas claims that it must be judged from the perspective of truth. Persuasion must be subordinated to truth. Such an epistemic and foundational understanding of argumentation forces Habermas to differentiate between pathological and 'healthy rhetoric', between 'pseudo-consensus' and real consensus, clearly reverberating with old Marxist notions of false consciousness (Habermas 1987: 150). Habermas is forced to demand that the arguing actors are genuinely motivated towards truth-finding. Actors are not trying to persuade each other, they are searching for consensus, for truth. This means that actors have to become disinterested actors—no longer acting strategically. They only have one interest, which is truth.

Lifeworld conflicts, however, are not just conflicts of interpretation; they are conflicts of interests. In coordinative argumentation, then, actors try to persuade each other to accept their authoritative frame. They are not geared towards 'truth-finding'. As such, argumentation is about rhetoric and strategic manipulation, bounded by the need for social coordination. Instead of subjecting argumentation to epistemic validity, leading to the strong normative demands of rational deliberation, argumentation in everyday reality often works the other way around. *What counts as a valid argument is subject to the process of argumentation itself*. We have already seen that a persuasive argument is not merely symbolic, as it must relate to social reality, but it must also relate to the argumentative process itself. Public argumentation is social coordination using different means. It is a performative practice of argument upon counter-argument. And, just like any performative practice, this process has a *logic of its own*, which means that not every argument can reasonably be made, based on the demand of coherence and the fact that one cannot withdraw from one's argumentation without losing face. Actors, then, are drawn into the logic of the unfolding argumentation. In other words, to understand the rational force of argumentation, we should not just analyse the mechanisms of rhetoric and persuasion, but understand argumentation as a lifeworld practice in itself—as a performance (van Stokkom 2005: 400; Hajer 2005a). Argumentation has a rationalising force because the

internal logic of the unfolding argument determines the appropriateness, comprehensibility and reasonableness of speech acts (Turner 1975: 150). We might say, therefore, that the practice of coordinative argumentation creates a unauthored *symbolic space of discursive authority* above the actual practice, that limits which arguments can reasonably be made.

As before, this symbolic discursive space that emerges out of argumentation is not merely symbolic, as it has a dialectical relation to social reality. On the one hand, it must be connected to social reality to be convincing or persuasive, while on the other, it also *changes social reality*—it changes how we perceive the actual practice, even if it does not lead to consensus. Often an argument does not lead to consensus or agreement at all—often nothing is 'resolved', although grievances are expressed, misunderstandings clarified, disagreement better understood, and disagreement not further thematised for the moment. But, of course, things have changed. The argument has given new meaning to the state of affairs, to its history and to its future, and subsequent actions and events might therefore be interpreted differently than before. Argumentation is lifeworld coordination with different means, which means that the force of argumentation is *transformative*. It explains, as Habermas rightly claims, how our assumptions and expectations about social reality are argumentatively structured. Argumentation has real-life consequences; it is not purely symbolic.

Coordinative argumentation in lifeworld practices, even without strong epistemic claims, is not irrational, as it is tied to social reality and to the performative logic of argumentation, which dialectically structures how we perceive social reality, how we perceive the unproblematised assumptions and the problematised conflicts. It does not mean that argumentation necessarily leads to consensus or even agreement. Actors are not necessarily oriented to truth-finding or genuinely persuaded by argumentation but they are *interested* in social coordination, which might demand mutual understanding but not agreement. They are *forced* into argument because the alternative is overt conflict or disintegration. Furthermore, power is often still present as actors might, for example, have unequal interests in social coordination, explaining why the more dependent party has an incentive to avoid overt conflict. Lifeworld coordination, moreover, is not detached from system coordination. Often argumentation

takes place in the 'shadow of hierarchy' (Scharpf 1994). We might think, for example, of a work floor conflict in which the boss might eventually intervene, or about policy networks in which legitimate state power might always intrude. Nevertheless, because conflicts are situated and because actors have an interest in coordination, it explains why argumentation has a force of its own, not reducible to power-brokered bargaining or to legitimate domination. Indeed, lifeworld coordination explains the origin of Luhmann's additional legitimations. Even if the boss makes a binding decision, it is in his interest not to present it as *raw power*. Instead, binding decisions are *legitimated* in relation to argumentatively structured social reality. Such legitimating arguments will not necessarily resolve conflict, but can creatively emphasise shared and unproblematised assumptions and interests, absorb conflict in ambiguous symbols and solutions, or present the decision as the most reasonable solution, given the argumentatively structured state of affairs. *Argumentation*, *then*, *structures the discursive space through which we understand social reality and in relation to which decisions can be legitimated,* that is, *presented as reasonable*. Often this discursive space institutionalises, as Luhmann rightly points out, in terms of a shared identity or collective self-understanding, prescribing which actors, conflicts, interests, problems, or solutions are socially accepted as valid and legitimate, and which are not. It explains what is often called 'organisational bias' and why other interests, conflicts, or actors are excluded or delegitimised.

This does not mean, of course, that all conflict is easily resolved. Especially in certain policy domains—for example, policies about abortion—problems are 'thorny', consisting of deep frame conflicts, emphasising different realities, different facts, and different meanings. Incommensurable worldviews or social realities are Weber's explanation for the conflictive nature of politics. Yet, precisely because argumentation is *situated* in an action context in which actors are interested in coordination, the emphasis of incommensurable conflict might be overdrawn. This also holds for self-referentially closed systems, as they come together in concrete action contexts. It is the situatedness and mutual dependency that explains why pragmatic solutions might be found, not merely based on power, but on a creative search for new narratives within a discursive space structured by argumentation. This is the basis for managing complex

governance networks (Kickert et al. 1997), conflict mediation (Fisher and Ury 2011), or institutional designs promoting 'frame-reflection' (Rein and Schön 1996). As holds for all forms of communication, argumentation is vulnerable and the discursive legitimation of authority difficult, but that does not make it impossible or historically irrelevant.

5.4.1 Public Argumentation in the Public Sphere

If we can understand the rationalising force of argumentation in action contexts geared towards coordination as something different from domination and power-brokered conflict, argumentation in the public sphere is quite something else. Public argumentation is detached from concrete action contexts. The goal is not so much social coordination but to persuade competing actors and passive audiences, to mobilise support. It is easy to come up with many examples in which public argumentation is merely dramaturgical acclamation among conflictive coalitions strongly fortified in their respective trenches, all with their own scientifically proven facts, dramatic discursive frames, and without really going into the arguments of their opponents. This is politics of conviction and of being in the right, not forced to be reasonable or responsible by the pragmatic interests of social coordination. Because public argumentation in the public sphere is detached from concrete action contexts it threatens to become merely symbolic. It has therefore been argued over and over that public argumentation is reduced to mere dramaturgy and irrationality (Dryzek 2010: 319). Outside of direct action contexts, when argumentation is 'freed' from the inherent force of social coordination, Weber's claims and Habermas' fears might be more appropriate.

However, if not untrue, these claims are also overstated. The fact that political arguments are sometimes nothing more than propaganda, the 'psycho-technics of party management' (Schumpeter 1976: 283), does not mean that argumentation does not play a role at all. Too often ordinary citizens are depicted by intellectuals and experts as irrational and unreasonable, merely because they make a different judgement. This seems to be based on the foolhardy assumption that reason must lead to consensus or the idea that political decisions must be subjected to moral justice—on

the assumption that there is only one single right solution. In short, it denies the political condition. Furthermore, mobilising support in the public sphere for collective action is—also normatively—an important element of democratic politics, as the pluralists already showed. Without dramaturgical, rhetorical, and acclamatory qualities, collective action is a difficult affair. Even Habermas later argued that political argumentation in the public sphere must not so much be related to the strong epistemic demands of deliberation, but to the mobilisation of collective action and *communicative power* forcing the political system to be responsive (1996: 357). Individual voice is noise (Bader 2008: 5). The core function of the public sphere, for the later Habermas, is less about its *epistemic* function and more about sheer political *influence*; less about consensus and harmony and more about politicisation and conflict. Communicative power is the crowbar forcing open biased political institutions and policy networks. The function of the public sphere is to *thematise*, to *politicise*, and to *force* politics to justify its decisions in terms of argumentation. To save his epistemic model, however, he claimed that parliament should be a genuinely deliberative institution, the rational *filter* of public power, with the obvious problem that it does not explain why citizens should accept its political decisions as legitimate (1996: 371). Dramaturgy, in any case, can be a means both of propaganda and of reasoned social criticism (Alexander 2004: 544). Dramaturgy, I repeat, is not a foreign element to the force of argumentation.

If argumentation in the public sphere can be 'pathological', I want to show how it sometimes is not, to show the rationalising force of public argumentation. Argumentation in the public sphere, for analytical purposes, is argumentation before an audience removed from direct action contexts. The actors on stage rhetorically try to persuade the audience, to mobilise support, by telling a persuasive story, framing a specific issue meaningfully, the inherent logic of which validates certain political actions or decisions. Through the dramaturgical power of language authorities, interest organisations or public intellectuals are discursively framing which facts are meaningful and which meanings are factual. For example, one politician describes 'the crisis of immigration' in terms of a 'flood of fortune seekers', the other describes 'a humanitarian crisis' of 'victims of war trying to find asylum'. These are powerful narratives,

mobilising fears and moral sympathy, all the more powerfully underlined by dramatic images in news media or by figures and numbers mobilising the authoritative frame of science. The dramaturgical force of public argumentation cannot be denied.

But does this mean that political argumentation is merely symbolic, detached from reality, or that the rationalising force of argumentation is no longer present? First of all, and different from concrete action contexts, the public sphere, as Habermas rightly claims, is inherently a *normative space* where only the force of the better argument holds, implying a form of social action among actors *as if* they are equals (1989: 36). In that sense, the public sphere is domination-free, although not power-free. This 'bracketing of inequality' has attracted a lot of normative critique (Fraser 1990). However, the implied formal equality in the public sphere primarily means that other symbolic media like power and money *ought not to* play a role in public argumentation, but only the force of the better argument. The public sphere can normatively be seen as an 'emancipatory' or 'anarchic' sphere in which every authority can *in principle* be questioned and criticised. Obviously, this does not mean that the public sphere is 'power-free'—especially when one perceives power not in terms of domination, but in terms of a productive or constitutive power (Foucault 1982: 781). There is a clear difference between the norm that only the force of the better argument ought to play a role and the argumentative practice which determines which arguments actually have a *persuasive force*. Nevertheless, it is analytically relevant that the public sphere is perceived by actors themselves as a normative sphere, which ought to be structured by the force of argumentation and not by mere domination. If we take this actor perspective seriously, it would be perverse not to distinguish between domination and 'discursive', cultural, or productive power.

Second, powerful narratives only have a dramaturgical effect if they relate to culturally available narratives and unauthored worldviews. As discussed before, these are not detached from everyday life experiences. As such, not everything is possible. To make a persuasive argument is to relate to the expectations and experiences of one's public, to unauthored assumptions rising from the complexity of a totality of lifeworld practices and narratives. Reality matters.

Third, public argumentation is not merely providing a powerful frame and addressing the audience, it is about argumentation *between* the public actors on stage. As before, the practice of public argumentation creates a symbolic space of discursive authority above and beyond the practice itself, with its own inherent logic explaining why not every claim can reasonably be made. However, because public argumentation is detached from concrete action contexts, public actors are not inherently forced into argumentation by coordination problems, mutual dependence, and strategic interests. It explains why public actors might not engage in reasoned argumentation at all. However, public argumentation is not just argumentation *in* public but also *before* a public. It is the gaze of the public that forces actors into reasoned argumentation. One is forced to respond to a good counter-argument by the disciplining gaze of the public at large. The public actors, then, do not have to be oriented to truth-finding; they do not have to be persuaded by the argument of their opponents, but are forced to argumentation and to the better argument through the *force of public opinion*. As Aristotle already perceived, public reason draws its force from 'reputable opinion' (Yack 2006: 417). It does not mean that 'the public' is actually present. It is the disciplinary and *imagined* gaze of a rational public that assures the force of the better argument among the participants. As Habermas rightly points out, the public and its opinion is a *normative category* created by the public actors themselves. They address an invisible public, which is therefore a *rationalised* public. This is no different from the scientific practice. As I am writing this argument, I address you as my public and make arguments I think you might reasonably agree with. This public is my own normative and rationalised category, although I am not its author, which forces me to justify my claims in terms that I think it will find convincing. Indeed, your gaze regularly deprives me of my sleep, as I cannot escape it without giving up rationality.

Argumentation in public space, then, not merely creates a symbolic discursive space above and beyond the practice of argumentation, it creates public opinion as a symbolic reality. Although public actors might have different publics in mind, imagined publics are always rationalised publics through which actors discipline themselves—through which they enforce public rationality upon their own arguments and the unfolding

argumentation between the actors. Public opinion, then, does not so much exists in the sense that it can be measured (Bourdieu 1979), it is a symbolic property that emerges out of public argumentation itself. This does not mean that the actual results are in any way 'intended' by the actors involved (Rein and Schön 1996: 93). Again, we can perceive an inherent dialectic, as public opinion emerges out of argumentation and explains the rationalising force of argumentation simultaneously. As before, this rationalising force is not necessarily geared towards 'truth', but it is not irrational either. Public opinion explains why we can perceive argumentation as a performance in itself—even if it is detached from concrete action contexts—the internal logic of which does not necessarily lead to consensus, but does lead to a different state of affairs, a different *argumentatively structured reality*. Argumentation leads to a different state of affairs concerning the argument, concerning the facts, the meanings, the issues, the questions, the problems, and solutions. The unauthored symbolic space of discursive authority, sanctioned by public opinion, structures how we understand the issues in terms of problematic *authored conflicts* and unproblematic *unauthored assumptions*.

Argumentation changes *reality* as it shapes and limits the rational actions, moves and arguments one can make (Bourdieu 1987: 816; Foucault 1982: 790; Fischer 2009: 164). Argumentation therefore changes the space in which authoritative claims can be discursively validated as reasonable (Hajer 1993: 48). This means that the validity of a truth claim is subordinated to public argumentation, rather than public argumentation being subordinated to truth, as in Habermas. Authoritative claims must be validated in relation to the symbolic space of discursive authority sanctioned by public opinion, which is not harmonious or univocal, but resides in the structures and practices of public argumentation itself and merely shapes the discursive or normative arguments one can reasonably make (Dryzek 2001: 658). Without a doubt, this explains why politicians often claim to know the 'real' public opinion backed up with survey-research, and why they frenetically search for the 'real' public opinion simultaneously, as they are often in the dark. It also explains why interest groups try to mobilise collective action—not so much to become part of the 'political game' of power-brokered bargaining, but to change the symbolic space of public opinion. Collective action has to be understood as

a form of argumentation, as 'argumentative power' in Habermas' terms, changing the symbolic space of discursive authority.

Despite the inherent dramaturgical force of argumentation in the public sphere, it does not necessarily mean that argumentation is purely symbolic, fact-free, or merely acclamatory. Not every argument is reasonably possible, as it must relate to real social experiences and expectations, to unauthored public opinion and to the logic of argumentation itself. The realm of authority, then, is inherently argumentatively structured. The force of argumentation cannot be reduced merely to power-bargained conflict, acclamation, or domination. This is the most important conclusion we should draw. Public argumentation has a force of its own, is not historically irrelevant and is not just about incommensurable conflict or about necessary consensus or objective truth. It is easy to see how public argumentation about women's equality, for example, never leads to a consensual conclusion, a final solution, but this does not mean that how we understand the issue of gender and equality has not changed over the last century, has changed how we understand social reality, and has changed the discursive space in which authoritative claims can be validated. The force of public argumentation matters, even if it remains vulnerable.

5.4.2 Political Legitimacy and Subjective Validity

A lifeworld perspective tries to analyse, in specific action contexts or public spheres, how we understand social reality structured by the force of argumentation, that is, how we understand the unproblematised and unauthored background assumptions and the problematised conflicting authority claims. This understanding of the *political condition* is always dynamic and never conclusive, neither consensual nor merely conflictive, and neither objective nor merely subjective. As such, it tries to address the problems of the public sphere model by moving to a deeper level of how we make sense of the social and political world, in which the relation between public and private, between the public sphere and real-life experiences and social practices, is accounted for. However, if we want to understand political legitimacy, the relation between system and lifeworld, we cannot expect a consensual public opinion or a single valid

authoritative claim to surface from the complexities of lifeworld practices. Public opinion does not legitimate politics. Instead, political decisions can be legitimated by *presenting them as reasonable in relation to political reality*, to the political condition that emerges from lifeworld.

Our understanding of the political condition is never purely 'political' or argumentative, as it relates in complicated and dialectic ways to generalised experiences and narratives produced and reproduced in everyday life and persuasive public storytelling. Lifeworld emphasises 'narrative forms of knowing' (Fischer 2009: 193). Knowledge gained by being part of social practices and the public sphere normally does not paint a singular or univocal picture, as salient issues are inherently conflictive and our sources of information fragmented. But from this complexity emerges the discursive space of authority, for which unauthored authority sets the unproblematised background assumptions. These assumptions are not necessarily true in an epistemic sense, but, sanctioned by public opinion, are accepted as unproblematised assumptions in a social and ontological sense. It produces and reproduces the socially valid state of affairs (Edelman 1993: 232). Again, there is no single public opinion, as it emerges from the totality of lifeworld and therefore heavily depends upon which publics we move in and out of—that is, which newspapers we read, which television shows we watch, which websites we visit, which rallies we visit and which books we read. Our knowledge of the political condition might first and foremost depend on which persons we talk to ourselves, on everyday political talk and discussions, in which we try to persuade others and are ourselves persuaded, and in which we 'test' our arguments in public. Narrative forms of knowing, therefore, produce a biased and 'eclectic body of knowledge' (Hoppe 2011: 280) through which we understand social and political reality, the problematised conflicts, and the unproblematised background assumptions. How actors understand a political issue is therefore not merely a subjective affair. Individuals do not stand outside the political. Our knowledge is inherently social and argumentatively structured, and establishes the socially valid state of affairs—it provides us with the knowledge of the political condition.

It is from this knowledge, however eclectic, that actors must judge the validity of political decisions presented as reasonable. Bringing back subjective judgements about the validity of decisions seems to gear our

analysis back to dramaturgy, rhetoric, or acclamatory politics. There is, indeed, no inherent reason why actors should be reasonable. This is, of course, precisely the reason why Habermas wants to leave the realm of the subjective altogether and submit political judgements to epistemic norms and the structure of political procedures. The validity of a political judgement does not concern its *content,* but its approximation to the ideal. It is indeed easy to see how politics is about what Weber calls 'the politics of conviction' (2012: 96). The politics of conviction is, for Weber, both the mobilisation of political support by dramaturgically appealing to subjective truths, interests and identities, and the politics of objective, universal, and principled truths. The irony, then, is that in an epistemic understanding of politics, with its appeal to a higher truth above and beyond politics, universal morality and conflictive subjective truths seem to come together. Weber contrasts this politics or ethics of conviction with the 'ethics of responsibility'. Where the ethics of conviction pursues truth without consideration of consequences, the ethics of responsibility connotes that one must account for the consequences of one's actions. As such, a valid political judgement is a reasonable judgement given the concrete social circumstances or the political condition. This is what constitutes a genuine *political judgement*. Political judgements take *responsibility for the world*, which makes it neither about subjective truths or interests, nor about objective truths that politics must obey no matter what. As Weber rightly notices, an ethics of responsibility is not without convictions, but it relates to the concrete world as it appears to us, with all its conflicts, values, trade-offs, interests, and uncertainties, in which binding collective decisions must nevertheless be made. In 'care' for the world, as Arendt rightly notices, 'in coming to terms with reality', or in taking our 'share of responsibility for the world', we are forced to broaden our view beyond subjective truths and interests (Bikowski 1993). We must take the perspectives of others into account (Yar 2000: 11). It is about 'a *commitment* to understand the situation of "the other" and to let that understanding come to bear on one's judgment' (Loeber 2007: 395). And not merely taking responsibility to ensure 'the flame of pure conviction' (Weber 2004: 84). The reasonableness of political action, then, is not about truth, but about being accountable to political reality, the political condition.

Many scholars have tried to formulate normative theories about such political judgement, especially on the basis of Aristotle's concept of phronesis, as being located somewhere in between 'the abstractness of scientific reasoning and the arbitrariness of subjectivity' (Ruderman 1997: 412). A 'form of political understanding attuned to the complexities of particular contexts' (Torgerson 1995: 225). Indeed, what is the difference between a good and a bad political judgement, if there are no universal rules or standards of evaluation, nor a pre-given goal? The adequacy of this political judgement should, however, not concern us. We need not formulate a 'situational ethics' (Flyvbjerg 2001: 99). Like Weber, we understand political legitimacy as the relation between political claims to legitimacy and subjective validity. What counts is that we can make an analytical difference between politics that *presents itself* in terms of truth or conviction—leading to the analysis of acclamation and normative support—and a politics of accountability that *presents itself* as reasonable, considering the political condition sanctioned by public opinion. We do not need a normative theory of political judgement; we just need to accept that *empirically* different *kinds* of judgements exist, explaining legitimacy differently. Politics as argumentation, as developed in this chapter, without epistemic and foundational notions, understands politics in terms of a claim to reasonableness.

Individuals are addressed to make their own judgements about the *reasonableness* of binding political decisions, given their understandings of the political condition. Politics as dramaturgy legitimates actions by appealing to truths, mobilising the audience to choose a side in the authoritative conflict. Politics is understood in an epistemic sense, where the question is: 'Is this authoritative claim true?', validated by a subjective 'truth-experience' or at least 'moved' by dramaturgical appeals. Here, we must understand and analyse the force of rhetoric and the politics of conviction. Politics as argumentation, however, does not appeal to epistemic truths, does not appeal to a single right answer, but is politics as accountability. A legitimating argument appeals to social reality, structured by public opinion and the force of public argumentation. It is not a direct dramaturgical appeal to self-interests and subjective convictions, but it poses the question: 'Is this authoritative claim reasonable, considering our understanding of the circumstances?' It appeals to reasonability,

which is, of course, not without its own rhetoric. This appeal is not different from legitimating arguments in concrete action contexts. It does differ to the extent that both politicians and citizens are not directly 'forced' by dependency and coordinative interests to find pragmatic and creative solutions and overcome subjective convictions, for the time being. The legitimating force of reasonable arguments is therefore inherently vulnerable. This does not mean, however, that politics cannot address the citizen as a *homo politicus,* capable of making political judgements, not about whether the decision is 'true' or the only right decision to make, but about whether it is reasonable considering the complexities of social reality, with all its uncertainties, conflicting interests and values, and the need to make collective decisions nevertheless. Legitimacy through acclamation is based upon the ability to recognise truth. Legitimacy through argumentation is based on recognising reasonability.

The analytical difference between legitimation through dramaturgy and through argumentation concerns the difference between claiming truth and claiming reasonableness, between politics of conviction and politics of responsibility, between politics subjected to truth and validity subjected to politics or in general, between episteme and ontology. Of course, this is an analytical difference that is not easily separated empirically. As Weber already argued, politics is both the ethics of conviction *and* the ethics of responsibility. But different from Weber, I see no reason why only political leaders or elites are capable of the latter. There is no reason to dismiss beforehand that citizens are incapable of judging the reasonableness of an argument. It is too easy to claim that ordinary citizens do not make political judgements and merely react unthinkingly and emotionally. It seems strange that we simply accept that ordinary citizens are apolitical, passive, and easily stirred up into an emotional 'stampede' (Schumpeter 1976: 283), but not that they are *also* political, active, or responsible and capable of judging the reasonableness of political decisions based upon their own understandings of the political condition. Emphasising the passivity of citizens almost immediately reduces individuals to fixed objects upon which rhetorical frames might or might not get a hold, depending on fixed interests, identities, and hopes or fears. As if citizens are finalised apolitical beings, only capable of acclaim-

ing what they already know to be true and right, and not capable of informed political judgements or of taking responsibility for the world.

Finally, if we judge or sanction a political decision to be reasonable given the circumstances, given political reality, it explains political legitimacy. Although a reasoned judgement might in first instance be a cognitive affair—it *is* a reasonable argument—it also has a normative quality—I ought to accept the decision *because* it is reasonable. This leap from 'is' to 'ought' can be explained to the extent that the normative demand of reasonability is socially institutionalised in public spheres, and to the extent that we are addressed, and perceive ourselves, as reasonable beings. Most importantly, however, this leap from 'is' to 'ought' assumes underlying feelings of responsibility, ranging from a factual acceptance of a shared fate to feelings of solidarity. In everyday life, we do recognise the force of a reasonable argument, even if it leads us to conclusions that conflict with our convictions. We can only ignore the normative force of a reasonable argument by letting go of feelings of responsibility. This does not mean that there is no longer any conflict, plurality, or difference of opinion. Politics as argumentation does not mean—and should not mean—that only one right or final answer exists. It also does not mean that dramaturgy or convictions are, or should be, politically irrelevant. It merely shows that rationality is not lost. Between consensus and conflict, between the subjective and universal, there exists a whole political world in which reasonable argumentation has an autonomous force of its own.

5.5 Conclusion: Legitimacy as Reasonableness

In this chapter, I have approached Habermas' lifeworld model as a specific form of social coordination, as opposed to system coordination. Although both forms of coordination are based on communication, the lifeworld model is inherently more complex, because of its performative and dialectic character and its different narrative mode of generalisation. This model tries to make plausible how everyday performative practices are dialectically related to generalised narratives and to symbolic worlds

created by different types of public storytelling in political and cultural public spheres. I have also tried to make clear that public argumentation, both in concrete action contexts and in the public sphere, can be analysed as a social performance in itself, the inherent logic of which structures what arguments can reasonably be made. Public argumentation has an independent force of its own, which cannot be reduced to mere power-bargaining, legality, or acclamation. This force can be understood without the need for strong epistemic demands, making it comprehensible from an action-theoretical perspective in which actors try to persuade each other. Finally, public argumentation structures how we understand the political condition, the unproblematised assumptions, and the problematic conflicts; it is not merely symbolic but changes our understanding of social reality. Politics can legitimate its actions and decisions in relation to this discursive space arising from public argumentation, by presenting itself as reasonable and responsible, which might be accepted by individuals as valid, depending on their own understandings of social reality arising out of the complexities of lifeworld. Politics as argumentation therefore explains legitimacy differently than politics as domination, as strategic conflict or as system coordination.

This lifeworld perspective of social coordination and public argumentation admittedly paints a very complex, fluid and fragmentary picture of society and politics, not in the least because of inherent dialectics and undetermined, decentralised, and uncontrollable social processes. An analysis of lifeworld in its totality is complex. Like Habermas, we might conclude that despite the 'confusing complexity' of everyday communication, despite its 'fragmented' and sometimes 'distorted' nature, argumentative authority can nevertheless surface as a discursive property from the totality of communication, argumentation and lifeworld coordination, that is never final but always performed (1984: 331, xli). But lifeworld might be better grasped not in its totality, but in relation to specific and concrete practices and political issues. The central question in such an analysis is how actors make sense of social reality, of the political condition, at least partly structured by the force of argumentation. The question is not 'What do they think is true?', but 'What do they think is real?' What are the unproblematised and problematised interests, values, facts, difficulties and solutions, and how do these surface from public argumentation

and performative practices? If we can understand the lifeworld constitution of social reality, we can subsequently ask how political authorities, the system, legitimate binding decisions in relation to this reality, in relation to the political condition, not so much by mobilising truth or the politics of conviction, but by mobilising reasonableness and the politics of responsibility or accountability.

To understand the lifeworld constitution of social and political reality, one cannot merely look at its linguistic or symbolic production and reproduction. As Weber has already taught us, the social world is not just about ideas, beliefs, and values; it is also about interest conflicts, organisations, and structures of domination. The symbolic world is inherently related to material practices or 'fields' (Bourdieu 1987: 816). To analyse discursive authority is to analyse 'how interests are played out' (Hajer 1993: 48). If our lifeworld perspective has anything to say about it, it is that we must try to understand this relation in a dialectical manner: material structures reproduce symbolic narratives, while symbolic narratives reproduce material structures (Bourdieu 1989: 839). We must not just study language but also study the material and organisational side of discursive authority, indeed, the whole *politics of knowledge production*.

As such, traditional pluralist political analysis remains particularly relevant. It points to the fact that political argumentation is structured not just by arguments, but also by material resources and the *unequal distribution* thereof—resources like organisation, money, office, status, reputation, and knowledge. Aside from institutional problems of *public access,* we might also notice the institutionalisation of narratives into dominant or hegemonic discourses (Fischer 2009: 164; Hajer 1993: 46). Institutionalisation prevents that discussions have to start all over again each time. So, for example, when discussing women's equality as a general *issue*, we normally do not have to start all over, arguing that women and men are morally equal—most of the time we can take the historical narrative of the feminist struggle as a presumed institutionalised discourse, as unproblematised background assumptions. Yet, dominant and institutionalised discourses also marginalise counter-discourses or exclude other voices as irrational, unrealistic, extreme, or immoral. Most significant in this regard is the almost unquestioned dominant discourse of expertise and 'evidence-based' policymaking (Fischer 2009: 145). The

discourse of expertise forces all political argumentation into an *epistemic* argument—an argument about the value of knowledge and the utility of practices. It explains the situation in which all kinds of cultural, social, and scientific institutions must prove their utility or else be excluded as irrational. In a Weberian spirit, this mechanism shows the 'cultural' source—the lifeworld foundation—of the instrumentalisation of society. As such, we must resist Habermas' analysis that society's rationalisation and instrumentalisation is purely about the system perspective. Lifeworld is not some innocent *antidote*—some 'intact form of social life' (Honneth 2005: 340).

Nevertheless, Habermas' *critical* project, aiming to give more room to the force of public argumentation and reasonable politics, still stands firmly, even without strong epistemic ideals. It allows a form of critique that addresses the material structures and inequalities underlying public argument. Indeed, just as Habermas, we might still point out how system imperatives of mass media skew public information, public argumentation and public access. We might still point out that opinion- or survey-research mistakes public opinion for the aggregation of individual opinions, which undermines the rational force of the better argument (Habermas 1987: 346). We might still point out how institutional structures and practices reproduce discourses, authority, and the status quo. Indeed, we might still point out how public argument is replaced by acclamation. However, what our reading of lifeworld *cannot* do is provide such a critical project with an epistemic foundational validity. Critical theory is still viable, but it cannot stand outside of society—it is an intrinsic part of it.

Without strong epistemic claims, the rationalising force of public argumentation might not gear society towards the telos of universal morality, but it does have a rationalising force. Such rationality might be understood in analogy to biological evolution, which is non-teleological but not irrational. The progress of evolution is not that the present state of a specific life form is in any sense *better* than its former state—evolution is not cumulative—rather, this life form is *better suited* or adapted to the present state of its environment, its opportunities, and problems—to reality. Rationality is about an 'environmental fit' instead of a universal 'vanishing point'. Habermas sometimes seems to recognise this kind

of non-teleological rationality, when he states that freeing the rational potential of argumentation should be understood in terms of rational 'learning potential' (1987: 375, 403). My intention is not to reintroduce cybernetic concepts, let alone social Darwinism; the point is, rather, that learning processes might be rational but not progressive or teleological. Foucault argued that the promise of modernity is not the rule of reason but a specific kind of 'attitude' that does not aim to find something 'eternal' beyond or behind the present but perceives the present with an 'eagerness to imagine it otherwise' (1984a). Modernity, according to Foucault, is neither a quest for truth nor merely subjective experience, but to manifest the necessities of our time. If Habermas wants to finish the project of modernity, it seems that we have to step out of its 'linear' thinking, while not falling into the 'circular' thought of postmodernism. Critical scholars should not waste time finding the ultimate foundation of moral truth and political legitimacy, denying the political condition. They should engage in public debate and ask the critical questions that need to be asked. They should refrain from using the 'philosophy of the hammer' merely to show that nothing is 'true' or that all truth is symbolic and historical—we have already known that for a long time. As Weber wrote, 'we must go about our work and meet "the challenges of the day"' (2004a: 31).

This rationality of learning differs from Weber's linear rationalisation thesis and system perspective, which historically ends in an 'iron cage'. It seems that lifeworld coordination and public argumentation at least keep open the possibility of a *re-enchantment of society,* as lifeworld is inherently meaningful and not disconnected from reasonable politics.

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6

Conclusion

In this book, I have analysed four analytical perspectives of political legitimacy, based upon three premises. First, we need to understand what political legitimacy means as an empirical phenomenon, not just for the sake of empirical research, but also for the sake of (critical) normative theory. Second, we need to understand political legitimacy, like Weber, from an action-theoretical standpoint, not only because a concept of legitimacy inaccessible from an actor's perspective steers our analysis inevitably towards (crypto-)normative theory or reduces it to mere social order, but particularly because without it, the concept is rendered rather meaningless in real-life political action. Finally, we need to come to grips with the fact that politics has many different faces, which means that how we understand the 'essence' of politics directly influences our understanding of political legitimacy. Based upon these premises, I have tried to move beyond Weber's analysis of legitimacy.

Without a doubt, Weber's theory remains as inspiring and relevant as ever, but society has changed since the days of Weber, and sociology, now often written in the different theoretical language of system theory and functionalism, changed accordingly. Most importantly, however, Weber tended to reduce legitimate politics to legitimate domination only, to

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2_6

command–obedience relations. I have tried to take Weber's definition of political legitimacy, a definition that emphasises the relation between objective and subjective validity, beyond a conception of politics as domination. In discussing and re-reading the tradition of the democratic realists and the sociologies of Luhmann and Habermas, I have explored whether we could understand legitimate politics differently, going beyond Weber's work. In this final chapter, I want to discuss what this Weberian reading provides us, if we want to understand politics and legitimacy empirically. If I have claimed in the introduction that we, like Weber, need to bring back the subjective into political sociology, what does this approach yield? To what extent can these four perspectives on politics and legitimacy guide empirical and theoretical research? What does it teach us? To address these questions, I will compare the different perspectives, emphasise their differences and similarities, and consider how every analytical perspective provides a different view on politics, with its own research questions, even if we must readily admit that, in empirical practice, these perspectives combine in complicated ways.

6.1 Four Perspectives on Political Legitimacy

Weber's political sociology is already quite complex, as we have seen. In the most general sense, he wants to understand social order from an action-theoretical perspective, which emphasises both the socially valid structures of society—system if you will—and its relation with subjective action-orientations. However, this perspective centred around action (*Handeln*) is less relevant when it comes to explaining political legitimacy. Although the differentiation between the objective and subjective still plays a prominent role, Weber's theory of legitimacy has more to do with the perspective centred around meaning (*Existenz*). Indeed, to explain legitimacy in *all* perspectives discussed is to understand the *meaning of politics*. It forces us to understand the symbolic side of political practice, how politics presents itself, how this presentation is proven, and how this political presentation is meaningfully interpreted by subjects. Weber's understanding of legitimacy, and therefore also this book's, is geared

at understanding the meaning of politics, and especially its normative meaning, for the actors involved.

In Weber's work, politics legitimates itself by claiming that it has *the right to rule*, which in modern society first and foremost means it has the legal right to rule. This perception of legitimacy, I have tried to show, derives from Weber's underlying assumption that politics is about relations of domination. Understanding politics in terms of domination points analysis towards the question of stability and obedience. Indeed, the main question for Weber is how politics proves this right to rule in terms of validity (truth) and how this proof translates into subjective feelings of duty. The goal of this book was to explore how this perception of legitimacy and processes of legitimation changes when we approach the nature of politics differently. If we study politics as coordination, we are not so much interested in command and obedience, nor in the validity (truth) of legitimacy claims, but in the social validity of political organisation. It points analysis towards questions of how we deal with uncertainty, indeterminacy, vulnerability, and risks in political and social action. The main question is how trust, with its subjective normative qualities, can play a role at all in politics. Here, politics does not so much claim a right to rule, but claims to be trustworthy. If we study politics, however, in terms of strategic conflict, the traditional questions concern both the stability of politics and the instrumental valuation of politics, its output. Politics does not present itself in terms of the right to rule but as instrumental to interests, values, convictions, and goals that lie beyond politics. The question is how this instrumental presentation of politics also explains its expressive function and subjective normative support. Finally, if we study politics as argumentation, the main question is how the force of reasoned argumentation can play a role at all in politics, especially beyond concrete action contexts. Politics does not present itself in terms of the right to rule, but accounts for its decisions as reasonable, not in terms of truths lying beyond politics, but in relation to our knowledge of the political condition. The main question especially concerns how our understanding of this condition and subsequent political judgement is communicatively and argumentatively structured and performed, not predetermined by rules and system, and not purely symbolic, subjective, or detached from reality.

In short, politics can present itself differently, pointing to different legitimation processes, and, indeed, to different political sociological traditions. In each case, we can understand the social origin of subjective normative attachments of the actors involved to political structures, processes, or decisions. This shows how we can understand political legitimacy from different analytical perspectives. Let us discuss these four analytical perspectives, their differences and similarities, in more detail.

6.1.1 Weber's World of Duty

Weber emphasises the objective structure and organisation of politics. Legitimate politics, in modern society, must be perceived as socially institutionalised or 'objectively valid' expectations of the right to rule. These normative expectations, furthermore, are generalised or 'rationalised' from persons, to social roles to rule-prescribed offices. To study political legitimacy is to study legal domination. Weber's understanding of politics, then, can be directly compared to that of Luhmann, also where it concerns politics as a socially differentiated and self-referential action system. Self-referentiality, for Weber, especially means that in the long history of modernity, propelled by intellectual desires of 'true meaning' and material necessities, 'the means' become 'the end' in itself, explaining the irrationality of rational society and the general problem of meaning. Different from Luhmann, Weber emphasises the machine-like character of political organisation, of bureaucracies directly intervening in society. Of course, we should not accuse Weber of idealising bureaucracy or legality, but he has little sensitivity for the uncertainties, vulnerabilities, and indeterminacies of political or bureaucratic social action.

Indeed, where his analysis of political legitimacy is concerned, he is less interested in social action (*Handeln*) and more in meaningful-being-in-the-world (*Existenz*). Man, for Weber, is a meaning-searching being. This basic insight provides the foundation for both Weber's understanding of politics and his modernisation or rationalisation thesis, in which the human need for meaning has an autonomous logic beyond Marxist material logic. It is no exaggeration that Weber analyses politics in direct analogy to religion, emphasising rituals, charismatic revolutions, the

'cultivation' of the proper attitudes, the intellectual search for truth, and meaning found in duty, vocation, or ascetic self-denial. As we have seen, Weber's sociology understands the dynamic of history on the basis of the dynamics and contradictions between magic and rationality, and between the ordinary and extraordinary.

Weber's sociology provides us with a specific perspective for understanding and analysing political legitimacy in contemporary society. Although political order can be explained from the perspective of system and in terms of 'external guarantees', to understand politics and its dynamics is to analyse the meaning of the political structure in relation to 'truth', to analyse how the political order is 'internally guaranteed'. To study political legitimacy is to study 'claims of legitimacy', claims explaining the right to rule, and feelings of 'unconditional duty'. Different claims, Weber argues, necessitate difference kinds of proof. Or, vice versa, different rituals of proof indicate different claims of legitimacy. Rituals of proof explain the objective 'duty to recognise truth' *and* subjective feelings of duty when actors 'experience truth', when they experience the magic of the original charisma or sanctity of tradition, both towering above the individual and 'moving the soul'. Subjective validity, in Weber's work, is directly related to existential needs for meaning or purpose, for self-justification. Although such 'soul-moving' rituals might be less important in modern society, this religious analysis of politics is still very potent. We all know the power of democratic rituals like elections, which taps into the charisma of democratic revolutions and sacred, canonised traditions of the nation-state, or the dogmatic power of consecrated constitutions or the power of nationalism experienced in flag, anthem, sports, cultural festivities, or war. This might sound to some as relics from an era long past. But it seems to me that this analysis still has much explanatory clout. We can still understand the rise (and fall) of charismatic intellectual movements in their struggle to purify democratic politics from its perversions, indeed, the social energy of 'revolutions'. A Weberian analysis might also be relevant for explaining the rise of populism in search of the 'true' moral community or even the return of religion in politics. 'Magic' might be declining, but it is not gone. Man is still a meaning-searching being.

Nevertheless, Weber's analysis of disenchanted rational organisation of politics might be the part that is most interesting for contemporary society. The crucial but difficult question of what explains the duty of the bureaucrat cannot be answered by magical 'truth experiences'. Legal domination proves its right to rule through rituals of accountability or control, in which it proves 'normal' expectations of rationality for the entire legal or bureaucratic order, not in terms of some truth lying beyond politics but in terms of rational organisation itself. This 'incantation of rational control' is inherently cognitive, hardly explaining subjective duties. However, Weber shows how doing one's duty for duty's sake, in a political world that is expected to be rational, even if it is incomprehensible in its totality, provides for subjective meaning and validity. Subjective validity and duty is found in self-justification through self-denial, in relation to rational expectations and knowledge believed to be cognitively valid (true). Subjective validity is about the actor's own meaningful perception of Self in externally guaranteed factual relations. Again, we might question to what extent such duty or vocation is still relevant in the complexities of late-modern society. But if bureaucracy is 'domination through knowledge', Weber rightly emphasises that the primacy of instrumental reason does not mean that there only exists one type of reason or knowledge; there is no single rational system, no single vocation, in society existing of different value spheres. Duty out of self-discipline, it seems to me, can take many forms, relating to many different bodies of rational knowledge and expectations of rational control. Furthermore, the meaningfulness of duty for duty's sake, also in our society, still has its specific appeals and attractions for politicians, bureaucrats, and citizens alike. In short, Weber rightly points to the existential human need for meaning beyond the drag of ordinary life and how this might be found in relation to political organisation.

6.1.2 Luhmann's World of Uncertainties and Risks

In Luhmann's sociology, we also analyse the organisation of politics structured by legitimate power. More than Weber, Luhmann emphasises the realm of social action, and not necessarily the human need for meaning.

The main question is how expectations of legitimate power coordinate social action if there is nothing inherently true about it, merely symbolic and counterfactual, and therefore without intrinsic motivation. We do not so much obey legitimate power because we believe in its validity, but we normally act 'as if' it is true. As such, Luhmann replaces Weber's concern with validity (truth) with the problem of social validity. Meaning remains important, but primarily in terms of coordination and communication, allowing us to act in the first place. The emphasis on coordination also softens the hierarchical side of politics. We should not so much explain the duty to obey, but how political organisation makes meaningful social action between actors possible. Politics is not about bureaucratic organisation issuing commands or directly intervening in society, but about coordinating social action by reducing social complexity. Legitimate power and rule-making are solutions to coordination problems.

The communicative basis of politics and society in general, with its inherent double contingency, explains the rationalisation or generalisation of expectations, as well as the social differentiation of different value spheres. For Luhmann, this process is analysed in functional evolutionary terms and, as such, misses the richness of Weber's more historically informed sociology emphasising intellectual and material needs, existential needs. However, Luhmann's sociology is more sensitive to the inherent vulnerability of politics. Political organisation is not machine-like, but vulnerable, emphasising the problem of uncertainty and risk. Indeed, bureaucracy is often indeterminately structured and coordinated by additional legitimations, increasing its capability to solve coordination problems and to absorb conflict, or, in Weber's words, to soften 'the pathos of domination'. Without denying the conflictual nature of politics, Luhmann's sociology explains how conflict might be absorbed at the cost of increased uncertainty. It shows that we should be careful not to reify the opposition between consensus and conflict or between unconditional beliefs and conditional strategic interests. Rationalisation, in contrast to Weber, must rather be understood as the simultaneous reduction and increase of social complexity. The indeterminacy this opens enables the legitimation of decisions through symbolic actions rather than only through the symbolic power structure. It allows and necessitates a shift

from political structure to political process. Politics is not a well-oiled bureaucratic machine, but inherently risky. The social validity of political power is a permanent problem which points to the need to organise trust: the constant ongoing production of political assurance that, despite the uncertain, ambiguous, contradictory, and contingent nature of political coordination, legitimate power nevertheless remains socially valid.

I have tried to show that Luhmann's system-theoretical account of politics-as-coordination is not necessarily cut off from an action-theoretical understanding as Luhmann's account of a political system 'suspended in mid-air', founded neither on objective 'truth' nor on subjective duty, emphasises the need to explain the political organisation of trust. Trust is necessary because communication remains vulnerable, expectations only probable, and actions therefore risky. I have tried to show that trust is only one particular way of dealing with uncertainty and risks. But as trust has an inherent normative quality, it can explain conditional subjective normative feelings towards politics. Trust, however, is a much-contested concept. To understand trust, it seems we must, like Weber, approach it from both an objective and a subjective perspective. This allows us to make an analytical difference between chance, confidence, and trust, where trust concerns a subjective 'leap of faith' based on internally sanctioned assurances, that is, on the symbolic communication of 'trustworthiness', communicating a value-rational commitment to the normative order of the relation in question. Such communication provides assurance about the commitment of others to normative expectations of what is right and proper. A commitment to others based upon trust, furthermore, is not a commitment to strategic agents, nor solely about cognitive expectations, but about normative expectations about how others ought to behave *because* we trust them; because our commitment to their freedom as moral agents to do what is right leaves us dependent and vulnerable. What really sets the analysis of trust apart from Weber's analysis is the conditionality of normativity, emphasising how it must constantly be managed. This also means that we should not be too preoccupied with finding sources of trust, but also understand the importance of absorption of disappointments through symbolic actions. But always present in trust are inherent vulnerability and dependency, which explains its subjective normative core. For trust to be relevant at

all in politics, furthermore, we need to free it from overtly economic conceptions. Risk is not always something we choose to be exposed to, but is often something imposed upon us that we nevertheless have to cope with.

However, the question whether trust plays a role at all in politics, and if so, how and where, is not an easy question to answer, as the coordinative force of politics is mostly about the organisation of distrust and confidence. To research political trust empirically, I have claimed, is to try to locate specific political risks with the acknowledgement that risk can be coped with in many ways, not just through trust. Based upon Luhmann's insights, I have tried to locate specific relevant political risks, without claiming to be exhaustive: the risk of uncontrollability, vulnerability, dependability, and of indeterminacy. I will not repeat these all here, but I do want to mention one particularly interesting possibility. I have tried to make probable that trust in relation to the famous collective action dilemma could explain conditional subjective feelings of duty, which is strikingly different from Weber's sociology. Such an explanation of duty does not emphasise the validity (truth) of a normative order, but first and foremost its social validity. Obedience to law or legitimate power is not about unconditional duty based on the belief in absolute truths or based on some form of ascetic self-discipline in relation to rational expectations, but obedience or cooperation can rather be explained in terms of a *conditional duty* based on horizontal *trust*, that is, based on a mutual commitment to a vulnerable normative order, which might be the result of political articulation. The important conclusion we must draw is that trust can explain subjective feelings of duty, although conditional, without any notion of truth, that is, purely in the realm of *Handeln* and not in the realm of *Existenz*. However, the normative core of trust does not necessarily translate into subjective feelings of duty. It can also be grasped as a conditional subjective commitment to the communicated normative order of political organisation and actions, under the threat of dependability and the inherent uncertainties and risks involved. It points to political communication of credible commitments, the presentation of the normative order as coherent, and to discursive absorption of factual disappointments. Understanding political legitimacy in terms of trust, in any case, forces our analysis towards social action, political uncertainties,

vulnerabilities and risks, and to symbolic processes that confirm the normative orders of politics and political relations and absorb disappointments, allowing actors to take a subjective leap of faith and to act *as if* they are certain. Normative feelings inherent to trust do not explain why we act, as feelings of duty explain obedience for Weber, but it is the other way around. We have normative feelings *because* we act, because we conditionally commit to risky political relations coordinated by legitimate power.

6.1.3 Democratic Realism and the World of Instrumentality

Politics is about strategic conflict, as Weber forcefully argued. This perspective is less about the political structure and more about the political process of strategic action, bargaining, and striking compromises, structured and coordinated by influence deriving from all kinds of power-resources. It points to traditional political scientific analysis in which politics cannot be reduced to mere formal organisation coordinated by legitimate power. From both Weber's and Luhmann's analysis, we cannot expect conflict to be solved in terms of some unproblematised value consensus or some moral truth above and beyond politics. To study politics as conflict, then, is to acknowledge the inherent political condition. For Weber, this means that this 'warring of the Gods' is the essence of modern-day politics, and this is also the reason why he does not analyse it in terms of political legitimacy. Or, to put it differently, this conflictive process must be bounded by a belief in the legitimacy of the political structure. In that sense, we can and must differentiate between 'the political system', coordinated and organised in terms of legitimate power, and 'the political game', coordinated by power-brokered influence.

The tradition of democratic realism also adopts Weber's analysis and political differentiation, although they give it a more economic reading. This reading gives rise to two main political problems. First, it problematises political stability, for which political legitimacy is thought to be the solution. Unfortunately, the relation between stability and legitimacy is often simplified in terms of the unhelpful duality between conflict and

consensus. Value consensus is often unproblematically implied or thought to exist on functionalist grounds. Discarding the crypto-normativism of traditional pluralist analysis, pluralism does allow us to understand and analyse political stability on different grounds. Stability can be explained on the basis of strategic-rationality, where stability is a function of either satisfaction or dissatisfaction not passing the threshold of political action and conflict. Democratic realism, then, rightly thematises the political 'division of labour' between the active and the passive and again shows that we should uncouple the question of legitimacy from the question of stability.

This strategic, rational reading of politics both emphasises that the social validity or stability of politics does not necessarily connote genuine political legitimacy, as actors might be quite dissatisfied, disillusioned, cynical, or in general, alienated. It also emphasises the *instrumental* qualities of politics, that is, politics as a means for a 'truth' that lies beyond it, whether these are subjective interests or moral convictions. Indeed, in this analysis, politics presents itself as a means for something else, reverberating with the old notion of contract theory. This points to the second problem the democratic realists thematise: the relation between political output and political legitimacy, or, in one word, output-legitimacy. The notion of output-legitimacy, however, is quite difficult and often gets bogged down in crypto-normative notions of democracy or quasi-empirical models concerning the relation between politics and society. In democratic realism, the relation between political output-effectiveness and legitimacy can be understood as the relation between the saliency of interests and legitimation needs. More difficult to understand is how strategic evaluations of political actions turn into value-rational commitments to politics, or, in Easton's terms, how we go from specific to diffuse support. In my view, politics does present itself in instrumental terms, but the question is how this mobilises subjective normative beliefs in a different way than Weber's analysis of politics as an object does.

I have tried to argue that, in addition to the political system and the political game, the democratic realists open up a third political arena, which we might call 'the political theatre'. Although this label might have negative normative connotations because of inherent dramaturgical and rhetorical notions, it is, as Schumpeter argues, an intrinsic part of

politics. It is the basis of the mobilisation of political support and what Weber called 'the politics of conviction'. The instrumental understanding of politics in democratic realism also allows us to understand its *expressive* function, if we include the notion of time. Politics is not just about the fulfilment of interests, but is especially expressive of those interests. Political actors present themselves as representatives committed to interests, values, truths, convictions, or collective identities that lie beyond politics. They dramaturgically appeal to subjective truths, to sentiments and utopias, mobilising normative support in the audience. Although, as I have argued, dramaturgy and rhetoric is never totally disconnected from everyday reality and individual experiences, its analytical difference from politics as argumentation lies in the fact that it appeals to a truth to which politics must submit, and to a truth that is subjectively validated as the audience is 'moved' by the appeal. Expressive action gives meaning to the present and is a form of immediate 'symbolic gratification'. As this acclamatory moment and support might soon be disappointed in the muddy realities of strategic politics and compromise, its central feature is to keep this process open-ended and to continuously 'draw in' the audience. Here, the importance of time becomes crucial, which is something that Weber hardly theorised. Time allows a differentiation between the instrumental and expressive functions of politics, indeed, between the arena of the political game and theatre. The continuous mobilisation of normative support is not merely mobilising normative expectations of what ought to be done, but is also constantly satisfying these expectations through symbolic means. Support depends on future interests, but not on their actual realisation. It is a process of constant suspension of judgements about the instrumental function of politics. A dramaturgical analysis of politics shows that there is no necessary harmony or symmetry between the instrumental and expressive functions of politics. Political support, then, depends upon the continuous arousal and satisfaction of normative expectations through dramaturgical actions.

This self-legitimating process, continuously postponing the final instrumental or utilitarian assessment, 'draws' the audience in, in a state of 'uninvolved involvement' and might be the particular reason why such a politics of conviction is in danger of becoming detached from reality. Politics is at risk of becoming merely symbolic, detached from actual

political actions, outcomes, and outputs in concrete action contexts. It points to Weber's opposition between the ethics of conviction and the ethics of responsibility. However, political mobilisation of support is an important feature of politics, also from a critical normative perspective, as it contains the force of 'communicative power', in Habermas' terms. Moreover, we should not forget that we are talking about analytical perspectives here. I have tried to argue that dramaturgy is not alien to the force of reasoned argumentation. If anything, they are two sides of the same coin pointing to different political practices and legitimations. As Weber argued, politics of conviction and politics of responsibility connote a clear analytical difference but are empirically always intertwined.

The instrumental function of politics as strategic conflict, in conclusion, opens up our analysis to the expressive function of politics, in which we neither deny conflict nor presuppose value consensus. If anything, the dramaturgical appeal of conflict is most potent for mobilising normative support, describing politics in terms of right and wrong, in terms of the opposition between 'we' and 'they'. At the same time, dramaturgy also has the ability to absorb conflict precisely because it is more detached from action contexts in which the responsibility for difficult choices cannot be avoided. Furthermore, it is highly tolerant of disappointments, as long as the narratives remain open-ended. Political stability, in any case, is always vulnerable, as history shows again and again. Yet, this continuing process of simultaneously mobilising and satisfying normative expectations by symbolic means explains political legitimacy in terms of subjective and conditional normative support. This analysis of political support differs from an analysis of trust to the extent that trust emphasises uncertainty, social validity, risks, and action, while support points to certainty, instant symbolic gratification of truth, and acclamatory passivity. Although there is a long theoretical tradition that points to the role of trust in politics as a contractual exchange relation, it seems to me that these analytical differences are pivotal. Finally, subjective normative support, in contrast to Weber, is not so much focused on politics as an object, let alone 'unconditional', as it is diffuse and continuously mobilised in the open-ended political process of symbolic actions. It explains much of what politicians do, as well as our subjective normative orientations towards politics, in terms of both normative support and outrage.

6.1.4 Habermas' World of Reasonable Arguments

Weber argued that reason was historically irrelevant for explaining political legitimacy, although we have seen that this claim is too bold to cover his own historical sociology where it concerns the development of law, and also where it concerns his call for a 'political ethic of responsibility'. Nevertheless, we must readily admit that explaining the force of argument and its relation to political legitimacy is not that easy. I have tried to provide a realist and action-theoretical re-reading of Habermas' critical sociology, discarding its epistemic foundationalism and its 'subjectless' approach, without falling into postmodern scepticism. Such a reading forces us to understand the ontology of society, and of the political condition in particular.

The lifeworld perspective provides a radically different account of social coordination and of 'rationalisation', compared to both Weber's and Luhmann's system accounts. From the lifeworld perspective, we understand social coordination as an inherently dynamic, open-ended, and multi-layered process in which meaning is constantly and dialectically performed by social actors. This is a process in which there is no final answer. Contextual meaning is not predetermined and fixed by generalised and rationalised rules or by objective truth, but constantly negotiated. Lifeworld points to the communicative structuring of social reality, its facts and meanings. Or, as Habermas claims, social reality is intersubjectively constituted. Social coordination, then, can be analysed as a performance, in which social reality is constantly produced and reproduced by action upon action, move upon countermove. Importantly, social action and communication are not so much rationalised by fixed 'rules of the game', by system, but comprehensibility and reasonability must be understood in relation to 'rules of art'. What is reasonable, then, is inherently bound up in the logic of the unfolding performance itself. This does not mean that lifeworld communication is totally contextual or contingent. Lifeworld communication depends on a 'stock of interpretative frames', on historical, cultural, and ontological narratives, which arise as generalised experiences in dialectic relation with narratives arising from the public sphere—a dialectic between 'the real' and 'the symbolic'. A lifeworld analysis, to sum up, tries to understand the intersubjective

or communicative constitution of social reality both through contextual performances and stories told in the public sphere. The question is not so much 'What is true?', but 'What is real?'

From such a lifeworld perspective, we can understand public argumentation as social coordination with different means. Argumentation always takes place between interested actors, trying to persuade each other of the validity of their authoritative claims. Politics as argumentation is not the same things as an idealised philosophical practice. Persuasion depends on rhetoric, on the mobilisation of discursive frames with an inherent validating frame logic, which is never totally disconnected from social reality. Authoritative claims always depend on unauthored assumptions that must be presumed as socially valid and which are simultaneously narrated 'in between the lines'. Although we are sometimes persuaded, the rational force of public argumentation does not so much depend on dramaturgy but on the inherent logic of the argumentative performance itself. Or, as I have called it, from public argumentation arises a symbolic space of discursive authority that determines which arguments can reasonably be made. Most important, this force of argumentation is not merely symbolic, as it changes how we understand social reality, changes the unproblematised or unauthored assumptions and the problematised or authored conflicts. How we understand social reality, then, is argumentatively structured—that is, argumentation has a force of its own, which cannot be reduced to legitimate domination, bargaining, or mere dramaturgy. If this is relatively easy to understand in concrete action contexts in which actors have an interest in coordination, I have argued that, in a decontextualised public sphere, the force of argumentation depends on the rationalising force of public opinion, even if we must readily acknowledge the complexities of 'the' public sphere. A public sphere might best be grasped as a normative sphere and in terms of institutionally anchored networks of strong and weak publics.

From this complex of lifeworld processes—from concrete experiences to highly mediated stories—our knowledge of social reality emerges. The crucial point of a lifeworld analysis, then, is that social reality, its ontology, is constantly performed and narrated in and between action contexts and public storytelling, and is neither totally subjective nor totally objective, neither only about consensus nor only about conflict. Social reality is communicatively and argumentatively structured. It is never final and can,

therefore, not be grasped or controlled in terms of truth or rules. Finally, where it comes to political legitimacy, politics can present itself as *reasonable*, as responsible or accountable to social reality, to the political condition. Such presentation contrasts most clearly with politics of conviction or dramaturgy, in which politics is instrumental and expressive of truth. Instead of politics submitting to truth, validity must submit to the political condition, to the acknowledgement that collective decisions have to be made despite conflicting values and interests, and despite uncertainties. Reasonableness appeals to social reality, not to truth; to ontology and not to epistemology. Such politics of accountability addresses actors as responsible and political beings who 'care' for the world, in Arendt's words, and are capable of political judgements. If actors agree with this appeal to reasonableness, this might initially be merely a cognitive agreement. Being addressed as, and understanding ourselves to be, reasonable persons explains the subsequent subjective leap from 'is' to 'ought', first and foremost because of our feelings of 'responsibility' for the world and of commitments to 'others', ranging from a perceived shared fate to notions of solidarity.

A lifeworld analysis, however complex, shows that the force of argumentation, of reason, can play a role in politics. Politics is not just about dramaturgy, domination, or system coordination. But to understand this force, we have to leave both the system perspective and the perspective of epistemology. We need to understand the social constitution of reality, of the political condition, to which politics can be hold accountable. Politics presents itself not as an instrument for moral or subjective 'truths', but as reasonable, in relation to the difficulties and complexities of concrete issues. This does not mean that a single objectively right understanding of reality exists, but reality is not totally subjective either. Reality is at least also structured by the intersubjective force of argumentation, not leading to some universal moral telos, but not without rationality either.

6.2 Political Legitimacy Beyond Weber

This book not only tried to reconstruct Weber's own work but also tried to show that his work is not the final answer for understanding political

legitimacy from an action-theoretical perspective. Politics is not just about domination; it is also about conflict, coordination, and argumentation. It shows how politics can present itself differently, as rightful rule, as trustworthy, as expressive of truth, or as accountable to the political condition. And, finally, it shows how these different forms of legitimation can produce subjective normative feelings, in terms of duty, trust, support, or reasonable agreement. Seen from a different perspective, this book has 'updated' Weber's sociology by stressing the process side of politics, by recognising lifeworld coordination besides system coordination, and by introducing concepts such as time, ambiguity, vulnerability, plurality, risk, uncertainty, and contingency, which signal phenomena that were not exactly absent in the modern society Weber tried to understand, but which have become increasingly prominent in the social–political complexity of late-modernity. As such, I hope that these four perspectives help empirical and normative political research to understand our own day and age.

Understanding political legitimacy empirically should not mean that we merely look at Weber's world of domination and duty; politics is much more than that. It also means that, if we want to move beyond Weber, this does not necessarily mean that we have to yield to (crypto-)normative models of legitimacy. Weber's approach, founded upon the relation between objective and subjective meanings, still seems viable for understanding how political legitimacy is organised, even in a late-modern complex society in which politics is less about 'vertical' bureaucratic organisation and more about 'horizontal' and 'multi-layered' governance networks or participatory policy processes. If anything, the question of political legitimacy has become more complicated in contemporary politics. There are no longer any simple answers. Now even more than ever, legitimacy can no longer be unproblemtically presumed or merely reduced to the objective characteristics of the political system. The upside of this updated Weberian approach is that we can understand political legitimacy in a more open and mobile fashion. This means that we have to study how politics legitimates itself in many different settings and how this is subjectively validated. Legitimacy is something that must constantly be organised in different formal and informal practices and contexts and which, therefore, cannot be understood without the subjective

dimension. Without the subjective dimension, legitimacy not only misses its essential quality, but without it, the legitimacy of political processes outside the formal structures of legal domination cannot be clearly understood. Understanding the relation between political practices and subjective normativity allows us to better grasp political developments and novel political arrangements beyond the classic institutions of modernity, beyond Weber's era. Indeed, the legitimacy of politics increasingly caught up in an 'network society', in supra-, trans-, and international governance networks, in which many different actors contribute and participate, cannot be grasped merely in terms of legal domination.

This also inherently means that the question 'Is politics legitimate?' cannot really be answered. The fact that politics tries to prove itself as subjectively and normatively meaningful does not mean success is guaranteed. Legitimacy is not merely an objective characteristic. Weber's incorporation of the subjective opens up political analysis to the complexities of a plural and multi-layered society. For me, this is the inherent attraction of Weber's sociology. It avoids overly easy grand sweeping statements, and forces us to descend into the muddy and stubborn realities of politics. It forces us to research concrete historical political practices, rather than society or politics in its totality. This, of course, is also its downside, even if this did not stop Weber himself from making rather big claims about politics in modern society. But at least these claims were informed by the realisation that society is complex, plural, and multifaceted. A complex understanding of political legitimacy makes the much-discussed notion of the contemporary *crisis of legitimacy* therefore a problematic empirical concept. A crisis of legitimacy, in any case, is not always a crisis of political stability nor, vice versa, a crisis of stability necessarily a crisis of legitimacy. Not only is the whole concept of 'politics' already quite complicated—as we have seen—but a subjective understanding of legitimacy disaggregates and fragments the whole notion of a crisis of 'the' legitimacy of 'the' political system. More realistic, then, is to research increases and decreases of the feasibility of specific objective legitimation practices in specific political contexts and domains. Crises, in that perspective, are *crisis tendencies*: processes that 'violate the "grammar" of social processes', in Offe's words (1984: 37). As such, we can still try to understand our own historical period in general, but it does force social

science to be more reasonable, to be more attuned to the complexities of contemporary society.

This, it seems to me, is the most important lesson Weber has to teach us. If anything, Weber's approach shows that we must take social and political complexity more seriously, in both empirical and normative theory. I hope that this book contributes in avoiding the crypto-normative or quasi-empirical theories and models that are so dominant in the contemporary social sciences where it concerns political legitimacy. If the social sciences want to be socially relevant by taking a critical turn, as I think they ought to, then they must include realistic notions of empirical complexity. Taking complexity seriously means that the social sciences themselves should be more reasonable by taking the political condition more seriously and not trying to negate it with either quasi-behavioural empiricism in search of ahistorical, reductionist, universal social laws, or with apolitical decontextualised moral theory.

Finally, we might note that there is nothing intrinsically *good* about political legitimacy in an empirical sense. Political legitimacy can favour the most non-democratic institutions, consist of myths masking grave social inequalities, or stand in the way of necessary institutional change. This must not be read as a call to disregard legitimacy altogether or to justify illegitimate political action, but rather as a call for critical science to learn from empirical socio-political complexity, if it wants to provide realistic propositions for political and institutional change. Such an understanding would steer clear of grand narratives or ideologies, it seems to me, but rather appreciate social complexity and attempt to stimulate institutional learning and learning about learning. A critical social science that aims for social and political institutional change through the voice of reasonableness will have to come to grips with Weber's disenchantment thesis. Merely searching for some abstract ideology in hopes of a charismatic revival without understanding the complexities of late-modern society seems not only self-defeating, but utterly naïve. There are no easy answers for those who struggle for change. It is my belief that an action-theoretical understanding of politics at least provides us with the tools for understanding the *causes* that contribute to unwanted status quo and, as such, indicates some concrete objectives for change, critique, and action, without disregarding the political condition. Normative theory

that is detached from the complexities of empirical and historical politics remains mere idealism. A genuinely critical social science should not ignore the complexities of real politics, including its underlying subjective orientations.

I hope to have shown that Weber's approach to legitimacy is still viable, indeed, is needed more than ever to understand the complexities of politics. We need to understand the empirical organisation of political legitimacy, if we want to understand politics and its dynamics. Politics is not just about objective structures and cognitive expectations; it is also inherently related to subjective normativity. This normative dimension cannot and should not be denied if we want to understand what politics is, but also if we want to understand what politics can be. Bauman rightly notices that Weber's rationalisation thesis in essence is 'a declaration of the redundancy of legitimation' (1994: 191). I hoped to have shown that subjective normative values, orientations, and feelings are still part and parcel of political processes, and legitimacy therefore still an important political interest. Moreover, understanding and researching this normative side of empirical politics might help critical science to think about a realistic 're-enchantment' of politics, in which politics is more than an alienating 'machine'. I hope this book contributes to such a science. Indeed, I hope this book helps us to steer clear of Weber's 'iron cage'.

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B. Netelenbos, *Political Legitimacy beyond Weber*,
DOI 10.1057/978-1-137-55112-2

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