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### Four faces of political legitimacy: An analytical framework

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## Preface

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It hardly seems necessary to point out the importance of a concept as political legitimacy for political theory. The question when politics is legitimate has been the driving force of the long tradition of democratic and liberal thought. Political legitimacy, however, is not just a preoccupation of intellectuals and theorists as politics as a practice can hardly be fully understood without a notion of legitimacy. Political actors, actions, decisions, positions and institutions are in constant need for legitimacy – a legitimacy that cannot always be presumed quasi-naturally and unproblematically. If political legitimacy is not only a theoretical, but also a practical problem, it would be wrong to suggest that political legitimacy is relevant only for liberal democratic political systems. Indeed, legitimacy is relevant for just about any situation in which somebody claims a *right to rule* – be it the pater familias, the teacher, the general manager, the monarch or the dictator.<sup>1</sup>

While the relevance of the concept can hardly be disputed, its meaning is less than clear. Political legitimacy is understood in so many different ways by so many different disciplines, approaches and theories that the concept at times seems to explode in sheer complexity while at other times seems to lack any real substance at all. This thesis aims at a clarification – it tries to understand the meaning of political legitimacy. Such an ambitious project must, however, be immediately qualified. The goal of clarification is restrained by three boundaries. A first boundary concerns the fact that I aim for an *empirical* and not a normative understanding of political legitimacy. I aim for an empirical understanding not because I think normative theory is irrelevant, but because I think that a genuine critical theory is hardly possible without a solid understanding of the empirics of politics. Although I will not be developing a critical theory of contemporary politics at this stage, I hope that this thesis will be a helpful contribution towards such a theory.

A second boundary concerns the claim that political legitimacy is only socially and politically relevant if it is, in principle, accessible for the actors involved, i.e. I aim for a *subjective or actor-centered* approach. When legitimacy becomes the judgment of the philosopher instead of political actors involved it threatens to become a counter-revolutionary or a paternalistic concept – or both. Instead of such an outsider's conception we should recognise that legitimacy is an inherent political concept itself, i.e. it does not stand outside politics, but is an intrinsic part of it. At the same time, if we do pursue an actor's perspective we should not reduce legitimacy to a function of social order – political legitimacy is not a form of behaviour – and neither should we withdraw the notion into 'subjectless' structures of rational political procedure. If actors cannot recognise legitimacy when

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<sup>1</sup> For the entire dissertation it holds that by using in general the pronoun 'he' instead of 'she', I do not intend to reproduce any kind of gender inequalities or prejudices. My intentions solely concern issues of readability.

they 'see' it, what is its empirical relevance? What does it mean for politics when actors have to be forced to accept legitimate politics? What does it mean for theory when legitimate politics is not perceived as such in practice? We should bring back the *subject* in political sociology, instead. This thesis therefore tries to analyse political legitimacy from an action theoretical perspective and, as such, tries to build on the solid foundations of Weber's sociological framework of political legitimacy written almost a century ago. Bringing back the subject in sociological theory does not mean that we reduce political legitimacy to a psychological or individualistic phenomenon. Social action theory aims at understanding the relation between subjective orientations and social structures. Legitimacy, from this perspective, is an inherently *social* phenomenon that must be *subjectively* guaranteed.

Finally, ambition is restricted by the fact that I am not trying to clarify legitimacy in general, but *political* legitimacy specifically. This obviously means that we need to come to some understanding of what politics is. That is no sinecure. The general approach of this thesis can be summarised by the claim that there is no singular essence of political nature and that, as a consequence, how we can understand political legitimacy depends upon what we perceive politics to be. Therefore, this thesis does not present an empirical theory of political legitimacy, but a more modest *analytical* framework through which such empirics can be understood. Depending upon how one perceives the nature of politics – as domination, conflict, coordination or argumentation – this analytical framework presents *four faces of political legitimacy* – four analytical frames with which to approach political reality.

These three boundaries together provide the foundation upon which the analytical framework of political legitimacy that I present in this thesis is build. In the two introductory chapters I will elaborate upon this foundation. In chapter 1 I will provide some *analytical building blocks* with which it will be possible to approach the four different faces of political legitimacy and to analyse the political theories and sociological traditions which belong to each face. We will discuss the difficult relation between normative and empirical theory, define legitimacy in most general terms as the subjective validity of objectively valid norms and define the general contours of politics as an object of analysis. In chapter 2 I try to shed light upon the inherent relation between the nature of politics and our understanding of political legitimacy by looking at the complicated relation *between normative and empirical theory* present in the liberal democratic tradition of political thought that lies at the basis of modern democracy and political theory. It shows that we cannot reduce the nature of politics to a single essence a priori and, as a consequence, that an analytical framework should be open to different faces of politics and legitimacy.

In the second part of the book I will present the actual analysis of *four faces of political legitimacy*. In chapter 3 we will discuss how we can understand political legitimacy if we perceive *politics as domination*, as a command-obedience relation. The entire chapter will be concerned with a coherent interpretation of Weber's action theoretical understanding of legitimate domination. Special attention will be given to his famous but under-theorised concept of legality. The main conclusion is that we cannot understand legitimate domination solely in terms of social action (*Handeln*) but must especially understand it in terms of meaningful being-in-the-world (*Existenz*).

In chapter 4 we will understand *politics as conflict*. We will discuss the tradition of the democratic realists that tries to face the disenchanting 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 the analogy to market competition, pluralist theories that understand political conflict foremost as social conflict and, finally, cybernetic system theory that understands political conflict as a conflict between the political system and its environment – state and society. As all these theories of political conflict are ultimately 'output' oriented, the main question that structures this chapter is whether political output can explain political legitimacy; whether strategic-rational action can explain value-rational orientations. I will conclude that a genuine explanatory relation between political legitimacy and political effectiveness 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 core notion of time.

In chapters 5 and 6 we will discuss *politics as coordination*. In chapter 5 I will introduce the complex world of media system theory as developed by Luhmann. In the first part of the chapter I explain how we must understand legitimate power as a symbolic medium that coordinates the political system. In the second part I show how power as a medium reduces and absorbs social complexity and, at the same time, leads to an increase in social complexity at different analytical levels of the political system in terms of social contingency, ambiguity and risk. In chapter 6, subsequently, I discuss how this increased vulnerability in a complex 'risk-society' necessitates forms of political trust which can explain political legitimacy. This means that we first have to understand the equally contested concept of trust and especially its *normative dimension*. Trust, I conclude, can explain political legitimacy on conditional and strategic grounds in contrast to Weber's emphasis on unconditional value-rationality.

Finally, in chapters 7 and 8 we will discuss *politics as argumentation*. In chapter 7 I try to understand political argumentation from three general models: 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 as developed in Habermas' communicative theory seems most appealing for understanding the relation between public argumentation and political legitimacy. However, Habermas' model, I argue, is too preoccupied with social consensus, epistemic truth and functionalism. Hence, we need to reconstruct this lifeworld model to attune it to complex modern society – to social plurality and non-foundationalism, without discarding rationality all together. In chapter 8 I try to do just that, by giving Habermas' model a critical realist re-reading and to approach lifeworld from what we can call a performative perspective. From this latter perspective we can understand social order not in terms of generalised norms and rules, but in terms of context-specific performances that allow their own kind of generalisation in terms of narratives. In this chapter we will discuss three kinds of narrative – cultural narratives, ontological narratives and discourses – which give rise to three symbolic spaces – imagination, worldview and authority. Based upon this performative analysis of lifeworld we are able to understand the complex relations between argumentation in public spheres and political legitimacy. Indeed, public argumentation, but also culture and everyday practices, shape the symbolic space of authority in which politics can legitimate itself. The lifeworld concept 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.

I will conclude with a general *analytical framework of political legitimacy*. The four faces discussed provide us with different frames for understanding political legitimacy empirically. It also shows that almost a century after Weber's foundational work his action theoretical perspective is still very potent, but is in need for an update. Where Weber tried to come to grips with the problems of modernity, contemporary political sociology must deal with the problems of late-modernity emphasising the importance of time, contingency, ambiguity and plurality – in short, it must deal with social complexity. Politics, furthermore, not only concerns domination, but also conflict, coordination and argumentation. As a consequence, political legitimacy should not solely be understood in terms of value-rational belief, but also in terms of dramaturgy, trust and discourse.

*Method* – It is fairly uncommon for theorists to comment on their method. It seems as if theoretical exercises either have none or as if theorists do not have to bother with such mundane matters. The method I used, in first instance, concerned the search for a question. Although the object of interest was clear from the beginning – political legitimacy – the question was not. My search for a question was structured by interests, intuition and sheer ignorance. After finding the question – which was the question whether Weber's action theoretical understanding of legitimacy should and could be

'updated' – I started to analyse different theories and approaches. Which theories were in or out – a methodological question, for sure – really depended upon the theories I already was familiar with by training, upon the fame and reputation of others or upon theories suggested by people I talked to. As such, in discussing these theories and approaches, I claim in no way to be exhaustive, nor do I claim this selection to be 'objective'. Yet, the selection is not without its own logic – it is not irrational. Finally, the soundness of a theory often depends upon the strength or persuasiveness of the argumentation. The most important methodological rule for any theorists, in my opinion, is not to succumb to the temptation to hide complexities in order to hold on to the attractiveness of theoretical symmetry, simplicity or unity. Without denying that any theory is a simplification, a theorist must aim, as Weber has already pointed out, for 'intellectual honesty' (*intellektuelle Rechtschaffenheit*) (2012:28). This foremost concerns being honest to oneself by constantly asking the question: is this really reasonable or does it just sound impressive? I hope that in what follows I have retained such down-to-earth reasonableness.

### *Acknowledgements*<sup>2</sup>

Writing a dissertation is first and foremost a learning process. For a large part this process is an individual and lonely enterprise consisting of reading, thinking and intellectual despair, leading to more reading and thinking and the occasional creative bliss. Fortunately, it is also a social enterprise. I would like to take the opportunity to show my gratitude to some people who were especially helpful and supportive over the past years and who helped me to learn.

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I cannot thank Veit Bader enough, not just for deciding to become my supervisor but especially for believing in the work my mind had wrought when others were hesitant. Working with Veit felt like coming home. It is a privilege to collaborate with such a prominent scholar, who not only studied all the works I was struggling with, but who works and publishes on many of the same topics that interest me, and many more. Whether he likes it or not, I consider Veit to be my teacher. And if there is one thing Veit has taught me it is the voice of reasonableness and the need for a critical science.

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