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Four faces of political legitimacy: An analytical framework

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Conclusion

An Analytical Framework

In this dissertation I have analysed *four faces of political legitimacy* based upon three premises: 1) we need to understand what political legitimacy means empirically not just for the sake of empirical research, but also for the sake of critical normative theory; 2) we need to understand political legitimacy from an action theoretical standpoint because a concept of legitimacy cleared from an actor's perspective not only steers our analysis inevitably to (crypto-)normative theory or reduces it to mere social order, but in particular because without it, it makes the concept rather meaningless in real life political action; and 3) 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 provide four analytical accounts of an empirical understanding of political legitimacy.

First, I have provided a reconstruction of Weber's theory of legitimate domination. To a large extent I have taken over Weber's analytical framework that separates between subjective and objective validity, between action and behaviour, and between legitimacy and order. Both his threefold ideal-typical account of legitimate domination – charisma, tradition and legality – as well as his fourfold account of action orientations remain analytically reasonable. Nevertheless, we have seen that particularly his understanding of legality needed reinterpretation and such a reinterpretation should distinguish between Weber's theory of action (*Handeln*) and his theory of meaningful being-in-the-world (*Existenz*). From the latter perspective we can understand the subjective normativity of modern legal domination in terms of the 'pianissimo' of self-justification. Legitimacy is not about some foundational validity (truth) and can also not be reduced to social validity only: it is carried by mechanisms of rational self-justification, charismatic revelation or traditional sanctity. To the extent that the first becomes dominant in modern society, Weber could not envision anything other than an 'iron cage' as the human telos.

Without a doubt, Weber's theory remains as inspiring and relevant as ever, but society did change since the days of Weber and sociology, often written in different theoretical 'languages' of system theory and functionalism, did change accordingly. But most importantly, Weber tended to reduce legitimate politics to legitimate domination only, to command-obedience relations. Although Weber did perceive that with the loss of charismatic Reason (with capital 'R') politics became a 'conflict of the gods' he did not particularly analyse politics-as-conflict in relation to legitimacy. Instead, he put his normative hopes upon a political leadership that could strike the delicate balance between a politics of conviction and a politics of responsibility. I have, instead, tried to analyse the

relation between politics-as-conflict and political legitimacy directly by taking a closer look at the loosely integrated tradition of 'democratic realism', which, if anything, takes political conflicts of interest as its core assumption. Taken as a whole, this tradition, which is still dominant in many sections of political science, is interspersed with cryptonormative claims. Nevertheless, the pluralist version of democratic realism provides us with a realist account of resource-based power inequalities and the political relevance of social cleavages and it provides the clarifying analytical distinctions between politics as domination, the political game and political theatre. Easton's output-oriented cybernetic system theory, finally, paved the way for analysing the possibility of symbolic normative satisfaction. Taken together and emphasising the core notion of time – something Weber hardly problematised – we can understand how politics-as-conflict allows a dramaturgical perspective of political support in which subjective normativity is explained by the expressive function of politics, i.e. the symbolic arousal and symbolic satisfaction of normative expectations quite independent of the 'real' political outputs or the 'political game' in backstage bargaining. It explains how legitimacy might overcome Weber's sharp dichotomy between unconditional beliefs and conditional interests.

Third, where Weber's sociology already contained a basic analysis of multiple social value spheres with their own specific internal logics, I tried to show that Luhmann's sociological media theory further developed these insights. Luhmann, however, not only formalised them by introducing the pivotal role of symbolic media that simultaneously allow a reduction and an increase in social complexity, he also deemphasised value conflicts – or the necessary conflict of the gods – by analysing the complexity, ambiguity and indeterminacy of social organisation and action coordinated by symbolic media. Legitimacy, in Luhmann's account, must neither be understood in terms of the validity (truth) of political legitimacy nor in terms of subjective validation of legitimate domination. Rather, legitimacy must be understood as continuous processes of legitimation that makes political and social coordination possible in the first place. 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. Luhmann's account of a political system 'suspended in mid-air', however, does problematise a subjective understanding of political legitimacy. Yet, based upon the risks inherent in the vulnerability and ambiguity of social coordination, I have tried to argue that the concept of trust could explain subjective normativity nonetheless. This forced me to provide a sociological account of trust and especially to distinguish it from overstretched liberal economic understandings and from the concept of confidence. Finally, I have tried to show how and where trust might actually play a role in politics, especially in the context of a late-modern risk-society. Taken together, this account

of politics-as-coordination provides an understanding of political legitimacy that entails subjective normativity without requiring the notion of truth.

Finally, I have analysed how we can understand legitimacy in politics-as-argumentation. Weber was not overtly concerned with such politics and hardly provided room for public reason and reasoning in his theory of legitimacy after charismatic Reason historically faded. Habermas, on the other hand, tries to provide a theory of public reason and argumentation because he, and the critical tradition in general, took up Weber's challenge to escape the 'iron cage'. I have discussed three models of Habermas – discursive democracy, the public sphere and lifeworld – to conclude that the lifeworld model, particularly in its 'indirect' guise, proves to be promising, but should be freed from its cybernetic perceptions of system theory and particularly from its foundationalist epistemic claims in order to stay open for the empirical complexities of the political condition. Therefore, I have provided a critical realist re-reading of Habermas' lifeworld model in which I argue that lifeworld should be analysed from a performative perspective which allows us to understand mechanisms of generalisation in terms of narratives, storytelling and dramaturgy. Such performative perspective provides a dialectical understanding of fact, meanings and normative truth, of the dialectic between the 'real' and the 'symbolic', and, importantly, of the relation between public argumentation and political authority understood as a symbolic discursive space. It allows us to replace Habermas' epistemological notion of truth with an ontological notion of reasonableness and to make 'truth' subordinate to political argumentation and not the other way around. Finally, if such politics-as-argumentation remains a primarily cognitive affair – without disregarding its inherent counterfactual processes – subjective normativity can nevertheless arise from the imperative to agree with what is most reasonable.

In sum, where it concerns the second premise – the need for a subjective action perspective – this thesis provides a *four-faced analytical framework of political legitimacy* that not only reconstructs Weber's own work, but shows that his work is not the final answer for understanding political legitimacy from an action theoretical perspective. Politics is not only about domination, it is also about conflict, coordination and argumentation, while legitimacy is not only about value-rational belief, it is also about dramaturgy, trust and discourse. Seen from a different perspective, this thesis has 'updated' Weber's sociology by introducing concepts such as time, ambiguity, vulnerability, plurality, risk, uncertainty and contingency, which signal phenomena that were not so much absent in the modern society Weber tried to understand, but that have become increasingly prominent in the social-political complexity of late-modernity.

It seems reasonable to end with a short examination of the other two premises that make up the foundation of my analytical framework. These premises – the normative need for an empirical understanding of legitimacy and the inherent multiplicity of the latter – are related to the extent that both *normative theory and empirical science need to take social and political complexity more seriously*, not just for science's sake but especially for society's sake. If normative theory wants to be socially relevant by taking a critical turn, as I think it ought to, then it must include realistic notions of empirical complexities. To reduce the complexity of real-life politics to a few non-political foundational normative claims based upon blatantly simplified understandings of the human social condition, as in most liberal theories of political legitimacy, not only ignores the political condition but is itself also easily ignored by politics – except, of course, when normative theory provides what politics already knows to be 'true'. Such status-quo normative theory may be a nice way to pass time, but society and politics will be left unchanged.

Normative theory is important, even in its liberal non-political guise, to the extent that it forces us to think about morality, ethics, justice and rights. However, normative theory castrates itself when its insights merely remain in the realm of thought and not in the realm of action, and it castrates political action when legitimate politics is restricted by foundationalist notions of consensus or universal morality or, even worse, when it discourages political action until a definitive truth is found. As Peirce (1877) has already said, we should not mock man's need for certainty. But if normative theory wants to understand and influence real life politics it must come to grips with the inherent complexity of it, which means it must drop all pretences of foundationalism and relate more directly to the empirical social sciences.

However, empirical theory also needs to come to grips with complexity. The social sciences are still dominated by quasi-behaviouralist empiricism looking for universal social laws based on reductionist assumptions. Of course, I readily admit that my multi-faced analytical framework of political legitimacy will not always easily translate into the 'muddiness' of empirical research. There will always remain a difference between analytical and empirical research. Yet, that does not mean that the empirical social sciences should not at least try to introduce complexity by opening up to multiple methods and techniques. The dominance of statistics tends to blur even the more obvious analytical differences in multi-interpretable survey-questions. Again, quasi-behaviouralist comparative research could be quite informative, especially in debunking (its own) myths, but its agenda should not be ruled *only* by the demands of method and the availability of databases. One only has to look at the multi-faced framework of this dissertation and compare this with the ways in which political legitimacy or trust are usually measured in mainstream political sciences to understand how these are still worlds apart. But that does not mean that this is an intrinsic necessity.

If we criticise liberal normative theory and quasi-behavioural empirical sciences for lack of complexity, then we should also criticise postmodern theory and purely contextual qualitative social sciences for failing to come up with normative or decontextualised social theory at all. However, these are not the mainstream dominant sciences and not the sciences that tend to have the most political influence. Simplicity sells. Fortunately, there is a great amount of social research that does try to break free of these constraints – I do not want to over-simplify myself. I just want to claim that both normative and empirical theory should open up to complex reality without falling into the trap of either judgmental-relativism or fear of generalised analytical theory. As such, I think we can learn much from critical realism.

If anything, I think science can learn three things from the critical realist tradition. First, it does not demand that all of science becomes a critical science, but rather that both normative and empirical social sciences at least have to become *realistic*. Second, it does not mean that all sciences have to use the same method or that all disciplinary differences have to be blurred. To the contrary, there is no single and final ‘right’ way to do science (or politics, for that matter). It rather means that the social sciences should be more open to mutual *learning* instead of withdrawing into niches of self-indulgence. As science is remarkably slow in learning about itself, this would, for sure, require institutional change at the level of decision-making, funding, career opportunities, journals, intellectual self-awareness and, especially, the curriculum. Finally, critical normative theory or critical social science does not demand that we share a clear normative foundation, research methodology and ontological reality – as in neo-classical economics – to the contrary. Critical realism shows that the objective of *social learning* might be the only shared objective we need. Working out what ‘reasonable’ means in such learning processes readily allows different normative interpretations. Social learning does demand an institutional turn and therefore a realistic understanding of the complexities of the empirical social-political conditions, including political legitimacy understood in empirical and subjective terms, but it does not demand a single method.

My criticism of science is not particularly novel. Most has been said many times before and already many years ago. That, of course, is the disturbing thing justifying me to repeat it. But the real significance of a realistic science open to social complexity is not the relevance for science itself, but its societal relevance. In this dissertation I have tried to provide an analytical perspective, not an empirical or normative theory. It would be misplaced, then, to contribute to the already inflated debate about *legitimacy crises* of contemporary politics. A few final remarks can be made, though, without falling into the trap of cryptonormativism or quasi-empiricism.

First, a complex understanding of political legitimacy rather makes the notion of crisis a problematic *empirical* concept. A crisis of legitimacy, in any case, is not 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 the increase and decrease in 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" (Offe 1984:37). But maybe we should acknowledge that an empirical concept of crisis inherently tends towards cryptonormativism. Avoided, in any case, has to be any a-priori norm that supposedly indicates legitimacy – e.g. transparency, elections, representation, inclusiveness or Pareto-efficient output. One can, of course, take a normative-critical perspective on the preferability of certain types of political institutions – e.g. in terms of learning capabilities, democratic participation or norms of political and social equality – but this says nothing about the empirical legitimacy of these institutions. Normative theory does not stand outside society. The point for (critical) normative theory, then, is to *learn* from social reality and not to make social reality subordinate to normative idealism.

Second, this also means 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 all together or to justify illegitimate political action, but rather that normative theory needs to learn from the empirical socio-political complexity if it wants to provide realistic propositions for institutional change. Such understanding would stay clear of institutional blueprints, but rather appreciate social complexity and attempt to increase institutional learning and learning about learning.

Finally, 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. Although I have tried to show that such disenchantment is not inevitable, it seems empirically plausible to claim that the hope for charismatic collective action is traded in late-modernity for a misplaced faith in popular leadership or for submission to the 'contemporary deity' TINA (*There is No Alternative*, Cox 1999:27). 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 to understand the *causes* that contribute to unwanted status quo and, as such, indicates some concrete objectives for change and critique. Merely searching for some abstract ideology in the hope for a charismatic revival without understanding the complexities of late-modern society seems not

only self-defeating, but utterly naïve. The message of reasonableness, for sure, is not a banner under which politically inspired masses will gather to conquer present Bastilles. Yet, the force of reasonableness is difficult to ignore in the long run. Whoever aspires political change in complex societies must not sacrifice his ambitions just because 'society' turns a cold shoulder, the force of reasonableness is more like the force of the tides slowly pounding the shores to change its course. I can only hope that this dissertation contributes to that change however small the force of its current.