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Four faces of political legitimacy: An analytical framework

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Summary

This dissertation shows how the mainstream sociological and philosophical approaches to political legitimacy are limiting and distorting our understanding. It claims that we need an empirically oriented and subject-centred approach not unlike the one presented in Weber's canonical work of almost a century ago. Weber's understanding of politics, however, is too limited. By engaging in a critical discussion with leading sociologists and political theorists, this thesis provides a novel conceptualisation of political legitimacy more appropriate for understanding contemporary, 'late modern' politics and its crises. The aim, therefore, is to provide an analytical framework which updates Weber's work for the 21st century and captures the distinct ways in which political legitimacy can be empirically analysed. The key insight structuring the main argument is that the way in which scholars perceive the nature of politics determines how they understand political legitimacy. Analysing politics respectively in terms of domination, conflict, coordination and argumentation, this dissertation provides 'four faces' of political legitimacy and presents a innovative, integrative approach.

The analysis is restrained from the beginning by three premises. First, this thesis aims for an empirical and not a normative understanding of political legitimacy. Second, it claims that political legitimacy should be understood from a subjective and actor-centred approach without denying, of course, its social essence. Third, a conception of political legitimacy needs to deal with the fact that there is no single essence of politics.

In the first introductory chapter some analytical building blocks necessary for analysing political legitimacy are introduced. It is important to make clear and careful distinctions between normative and explanatory theories, legitimacy and order, validity and effectiveness, objective and subjective validity, and between normative and cognitive expectations. This leads to the conclusion that, in most general terms, we can define legitimacy as the subjective validity of objectively valid expectations, where this subjective validity possesses some 'quality of oughtness'. It is this specific quality that must be explained, an explanation that occupies the main part of the thesis.

This chapter subsequently sketches the analytical contours of politics. This chapter argues that we should at least differentiate domination from power and political order from social order. However, as this yield a conception of politics that is both too broad and too limited, we should simultaneously limit the concept by drawing institutional boundaries and broaden it by perceiving politics as a specific value-sphere and practice. To combine these seemingly contradictory demands,

this chapter argues that we should perceive politics as a specific practice that is not institutionally bounded but institutionally anchored.

The second introductory chapter explains the problematic relation between normative and empirical theory by looking at the liberal democratic tradition of political thought that lies at the basis of modern democracy and political theory. Discussing the theories of Locke, Rousseau, Hume, Madison and John Stuart Mill, it is argued that despite their normative differences they are in considerable agreement where it concerns empirics. Empirically, politics concerns domination, while legitimacy has to explain a duty of obedience towards the political order. Legitimacy is explained as a political 'artifice' located somewhere between reason and force. Despite their agreement on the empirical form of political legitimacy, they disagree on the empirical nature of legitimate politics. This chapter argues that the way in which they understand the nature of legitimate politics – and, as such, how they construct their normative theories – is a consequence of how they understand the empirical political problems and questions of their time.

In short, there exists a complicated dialectic between normative and empirical theory which any analytical theory has to deal with. We should neither fall into the trap of cryptonormativism nor into some form of a-historical essentialism. This means that an analytical framework cannot reduce its analysis of political legitimacy to one singular empirical understanding *a priori*, nor claim that there exists only one essential nature of legitimate politics. The problem, however, is that we cannot empirically perceive practices of legitimacy without some prior position on the nature of legitimate politics. An analytical theory of legitimacy needs focus beyond the pro-theoretical claim that legitimacy concerns subjective validity and normative 'oughtness'. The solution that this thesis provides is to analyse different faces of political legitimacy in relation to different conceptions of the nature of politics. In the remainder of the dissertation this is the central question: how can we empirically understand political legitimacy if we conceive the nature of politics respectively as domination, conflict, coordination and argumentation?

In the second part of the dissertation the four faces of political legitimacy are developed. The third chapter argues how we can understand political legitimacy if we understand politics as domination. It does so by discussing Weber's famous analysis of political legitimacy. Weber's analysis is complicated to interpret because his work is unfinished and at times confused, and because it combines three levels of analysis: an analysis of ideal-types, of a circular institutional dynamic and of a linear modernisation thesis. This chapter, then, tries to reconstruct Weber's work in order to extract a robust analytical framework of political legitimacy in relation to politics as domination.

To do so, the chapter first explains and clarifies Weber's action theoretical approach to social order, political order and legitimate domination. For Weber, it is concluded, legitimate domination is objectively valid when expectations of domination are socially institutionalised in the normative structure of a social order. Legitimate domination is subjectively valid – legitimate proper – when the ruled value-rationally orient themselves to these objective normative expectations, i.e. they believe in the validity of the right to rule.

The second part of the chapter argues that when Weber tries to explain the sources of these beliefs, he moves from the perspective of *Handeln* to the perspective of *Existenz*, 'being-meaningful-in-the-world'. In this perspective Weber proposes the well-known ideal-types of charismatic, traditional and legal domination. He argues that in the first two ideal-types, experiences of extraordinary processes of proof explain the subjective belief in claims of legitimacy. The experience of transcending truth moves the soul, fulfils man's existential needs and explains subjective normative validity.

However, these soul-moving experiences of absolute and unalterable truths are absent in disenchanting legal domination. Its rational processes of accountability only provide cognitive and not normative validity, while a positivist legal system is inherently contingent. The problem of Weber's work is that he seems to fail to explain the subjective belief in legality. This problem has occupied many scholars ever since. This thesis claims that we should not so much try to understand normative validity in extra-ordinary processes of truth-finding, but that we should change our perspective to normal and externally guaranteed expectations of validity. The core concepts to explain subjective normative validity in this perspective, it is argued, are self-discipline and self-justification. This chapter explains three types of self-discipline related to the gaze of the omnipotent, the gaze of the public and to the inner-gaze of conscience, the latter of which is able to explain the legitimacy of legality. Having solved this long-standing puzzle, this chapter ends with an integrated analytical framework of legitimate domination that carefully distinguishes between objective and subjective validity and between the perspectives of *Handeln* and *Existenz*.

The fourth chapter analyses how we can understand political legitimacy if we perceive the nature of politics as conflict. To develop this argument the chapter explores the democratic realist tradition in political theory. This broad tradition tries to deal with the problematic legacy of Weber where it concerns modern democracy. Modern mass democracy, according to Weber, constitutes a never-ending conflict between ultimate values – the warring of the gods. Weber's legacy, then, poses questions about the rationality, stability and legitimacy of modern democracy that democratic realists try to solve.

This chapter discusses how three approaches within the democratic realist tradition – welfare economics, pluralism and output-oriented cybernetics – deal with these questions. The general conclusion is that neither of these approaches is able to provide a robust understanding of political legitimacy. These approaches tend to be cryptonormative, to emphasise an outsider's perspective, to confuse stability and legitimacy, to depoliticise legitimacy, or tend to suffer from general conceptual confusion. Despite these limitations, the tradition does provide some interesting possibilities. Foremost, it makes sense to take over the analytical differentiation between three political arenas: political system, political game and political theatre. The political system provides an analysis of legitimate domination in the tradition of Weber. The political game provides an analysis of political influence structured by interests, strategies and power resources, and of the relation between political effectiveness and instrumental support. It is the political theatre, however, that provides the most interesting analysis of politics as it allows an understanding of political legitimacy based upon normative but conditional expectations, different from Weber's emphasis on unconditional beliefs.

To understand this novel conceptualisation the chapter incorporates a dramaturgical perspective of politics, emphasising the expressive function of politics, the dimension of time, and the importance of symbolic political actions. Dramaturgical legitimation concerns both the dramaturgical arousal of normative expectations about future political actions and outputs, as the symbolic satisfaction of these expectations. Politics as theatre, therefore, is a self-legitimising process to the extent that it can prove its own validity by constantly suspending instrumental judgement into the future. This dramaturgical perspective provides a novel understanding of political legitimacy without denying the conflictive nature of politics.

Chapter five and six analyse how we can comprehend political legitimacy if we understand the nature of politics in terms of coordination. This face of legitimacy is developed by looking at the work of Luhmann and especially his understanding of media theory. Luhmann builds upon Weber's insight that society consists of different value spheres, each coordinated by its own internal logic. For Luhmann this means that we can understand the political system as an action system coordinated by a special language or medium: legitimate power. Chapter five provides a thorough analysis of how to understand legitimate power as a coordinating medium, without losing the connection to an action theoretical perspective. This is accomplished by analysing Luhmann's earlier work in which the connection to Goffman's work on the presentational basis of social action is still present, in contrast to his later more system theoretical work. Understanding legitimate power as a medium of coordination forces analysis to the question of how contingent expectations of

asymmetry – the essence of power – are generalised in the social, material and temporal dimensions, how such expectations can be communicated, and how such communication coordinates social action. Luhmann's analysis points to the idea that media are able to reduce social complexity through the communication of generalised expectations, which simultaneously allows an increase in the complexity of social organisation.

If the first part of this chapter shows how legitimate power is able to coordinate social action, the second part tries to understand how this shapes late-modern political organisation and, foremost, what this means for its validity. It is argued that Luhmann's approach provides us with four analytical levels from which to answer these questions. At the highest level of analysis, the value-sphere, Luhmann argues that the problem of validity (truth) of legitimate power cannot be solved at the level of the subjective, as Weber claims, nor in some form of solidarity, as Parsons claims, nor in some foundational normative sense, as Habermas claims. The political system is suspended in mid-air: it is inherently symbolic. The problem of validity (truth), then, is replaced with the problem of social validity and vulnerability. The problem of vulnerability is analysed at the level of political organisation in terms of the problem of conflict, or Weber's warring of the gods. This problem is solved to the extent that political organisation is inherently indeterminate and ambiguous due to the use of additional legitimations: vote, expertise and party. However, this means that the problem of conflict is replaced with the problem of ambiguity which can only be dealt with by a continuous organisation of trust. At the analytical level of political interaction, the problem of vulnerability is analysed as a problem of effectiveness, which can also only be addressed by the organisation and communication of trust. Finally, at the level of person, analysis concerns processes of individual self-management in relation to the problem of validity (truth), vulnerability, ambiguity and effectiveness.

Luhmann provides a promising and comprehensive analysis of politics as coordination and of legitimate power without the notion of truth. The main problem, however, is that he is dismissive of the subject altogether, problematising a subjective understanding of political legitimacy. Chapter six addresses this problem by the insight that the problems of vulnerability, ambiguity and effectiveness must all be countered by the social and political organisation of trust. Trust, for sure, is a complex and contested concept in itself. Chapter six, then, provides a general sociological account of trust. This account carefully distinguishes between contingency and uncertainty, between external and internal assurances, between trust and confidence, and between normative and cognitive ways to deal with disappointments. The conclusion of this analysis is that trust entails a normative dimension. If trust plays a role in politics this might explain its subjective normative validity even if politics is inherently symbolic. The remainder of the chapter, therefore, analyses the possible role of trust in

politics by analysing specific risks that emerge at the four analytical levels of politics. These risks concern the risk of contingency, ineffectiveness, indeterminacy, dependency and self-disappointment. The role of trust in politics, in conclusion, explains how we can understand political legitimacy when the nature of politics concerns coordination.

Chapter seven and eight analyse the final face of political legitimacy in which politics is understood in terms of argumentation. In Weber's work there is little room for a validating rationality of argumentation. However, the importance of public argumentation or reason has attracted immense scholarly attention. In chapter seven the work of Habermas is discussed to analyse the possible relation between political legitimacy and public argumentation. It is argued that Habermas provides three possible models for understanding this relation: discursive democracy, the public sphere model and the lifeworld model. A careful analysis shows, however, that discursive democracy severely limits a sociology of political argumentation because there is no reason to assume that the goal of value consensus is coordinating political argumentation, there is no reason to assume that the foundationalist epistemic ideals of argumentative rationality are probable in a complex society, and because this model obscures a clear understanding of politics at the level of institutions. The public sphere model, it is argued, suffers from the problematic notion of public sphere and from the unspecified relations between politics as decision-making and politics as public argumentation. The first problem can be solved to the extent that the public sphere can be conceptualised as institutionally anchored networks of publics and public argumentation – i.e. of non-secretive argumentation governed by social expectations of the norm of the better argument. The second, however, remains problematic as complex reality threatens to reduce the public sphere model to mere fiction or ideology.

Habermas' lifeworld model, on the other hand, seems more promising. In the remainder of this chapter this model is discussed. Habermas develops the notion of lifeworld in direct opposition to system and, over time, provides two accounts of the relation between legitimate politics and lifeworld, a direct and an indirect relation. It is argued that the indirect relation between politics and lifeworld, constituting legitimacy by detour, provides the most promising prospect for a sociology of political argumentation. In this indirect account the public sphere is perceived as the driving force of the communicative rationalisation of lifeworld itself. It provides the opportunity to analyse the relation between political legitimacy and political argumentation without denying the plurality and multiplicity of public spheres and 'public opinion' and without reducing this relation to deliberative rational decision-making. Unfortunately, Habermas' analysis of lifeworld and systems is severely distorted. He overemphasises the consensual notion of lifeworld, gives it a too strong functionalist

reading and misunderstands the nature of social systems, on the one hand, and obscures, on the other, a general sociological understanding of lifeworld because of his aim to formulate a foundationalist normative theory simultaneously.

If Habermas' lifeworld model is going to provide a basis for understanding political legitimacy and politics as argumentation, these distortions need to be addressed. This, then, is the aim of chapter eight. To do so, this chapter first of all gives Habermas' theory a critical realist's re-reading. Critical realism shows that an understanding of legitimate politics as argumentation does not need foundationalist notions. Instead of epistemic rationality, an ontological notion of reasonableness suffices. This insight echoes Weber's aim of scientific and political reasonability over truth. Furthermore, it allows a sociology that recognises the structuring powers of discourses without disregarding material structures, and a sociology that is aware of the social complexities of late-modernity.

In the remainder of the chapter these insights are used to reconstruct a lifeworld-model of political argumentation. This means, first of all, that lifeworld and system must be grasped as two types of social coordination existing side by side. Second, to grasp the specific coordinative nature of lifeworld, it needs to be analysed from a performative perspective, discarding coarse functionalism. This perspective allows an understanding of lifeworld practices in terms of four layers of symbolic communication: scene, role, character and script. Where a system perspective of social action and coordination emphasises rules of the game that can be generalised, formalised, controlled and prescribed, a lifeworld perspective emphasises social action coordinated by rules of art that seem to deny such forms of generalisation.

The final section of the chapter, however, offers an innovative conception of how lifeworld expectations coordinated by rules of art might be generalised after all. The crucial insight is that these expectations can be generalised in the form of narratives. Lifeworld expectations can be generalised beyond everyday lifeworld practices in terms of cultural narratives, ontological narratives and discourses. Cultural narratives are generalised meaningful experiences (scene, role, character), ontological narratives are generalised histories (script) and discourses are generalised coordination (the logic or art of performance). All three types of generalisation allow an analysis of different kinds of more or less institutionalised practices of storytelling that open up symbolic spaces of respectively fiction, worldview and authority above and beyond everyday life. Finally, this account of lifeworld generalisation offers the possibility to analyse the dramaturgical relation between these symbolic spaces, storytelling and everyday life in terms of meanings, facts and normative truths.

This understanding of lifeworld offers a complex but analytically clear perspective upon the nature of public argumentation, public opinion, and the relation between the rational force of argumentation and authority or truth. A lifeworld analysis of politics shows how authoritative political claims must be discursively validated, but even more importantly, how everyday practices, political actions and different forms and types of story-telling – especially public argumentation – continuously shape the discursive space in which politics must legitimate itself. And because these processes of discursive legitimation are not merely a cognitive affair but also entail a normative quality, this analysis of politics as argumentation offers a final face of political legitimacy in accordance with the premises of this dissertation.

The final and concluding chapter provides a short summary of the different faces of political legitimacy analysed in this dissertation based upon four different notions of the nature of politics. Political legitimacy not only concerns value-rational belief but also dramaturgical support, trust and discursive validity. Seen from a different perspective, this thesis updates 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 modern society Weber tried to understand, but that have become increasingly prominent in the social-political complexity of late-modernity.