

# Critical Responsiveness: How Epistemic Ideology Critique Can Make Normative Legitimacy Empirical Again

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## *Abstract:*

This paper outlines an empirically-grounded account of normative political legitimacy. The main idea is to give a normative edge to empirical measures of sociological legitimacy through a non-moralised form of ideology critique. A power structure's responsiveness to the values of those subjected to its authority can be measured empirically and may be explanatory or predictive insofar as it tracks belief in legitimacy, but by itself it lacks normative purchase: it merely describes a preference alignment, and so tells us nothing about whether the ruled have reason to support the rulers. I argue that we can close this gap by filtering the preferences of the ruled through a form of non-moralised epistemic ideology critique, itself grounded in an empirical account of how belief in legitimacy is formed.

## *Key words:*

Ideology, Legitimacy, Political Realism, Max Weber, Bernard Williams

## **Introduction**

Why do people put up with others' power over them? And should they? Those are questions about legitimacy. The first one is primarily a social-scientific or descriptive question, the second one is primarily a philosophical or normative question. In this paper I want to show how a social-scientific description of a political state of affairs can yield an evaluation of its normative legitimacy without relying on moral commitments.

Despite their shared heritage in early-modern social contract theory, there is little overlap between philosophical and social-scientific approaches to legitimacy.<sup>1</sup> Roughly speaking, social-scientific accounts of legitimacy follow Max Weber: "the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige."<sup>2</sup> On this approach legitimacy

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<sup>1</sup> David Beetham, *The Legitimation of Power* (London: Macmillan, 2013 [1991]).

<sup>2</sup> Max Weber, *The Theory of Social and Economic Organization*, ed. Talcott

is belief in legitimacy, so legitimacy is a descriptive concept, useful to explain regularities in human behaviour. Philosophical accounts of legitimacy, on the other hand, consider legitimacy a normative concept. They try to identify the properties that make a political order acceptable or justified, or that generate political obligations—properties that, at least in principle, are independent of people's belief in legitimacy, much as that belief is in principle independent of the normative qualities of the system of authority at hand. Why people assent to power and whether they have reason to do so remain two largely separate questions.<sup>3</sup>

This sharp separation between social-scientific and philosophical approaches to legitimacy leaves both sides dissatisfied and unable to benefit from each other's insights. Philosophers lament the fact that the Weberian concept of legitimacy precludes the possibility of an objective evaluation of a regime.<sup>4</sup> Social scientists tend to denounce the lack of observable features in normative accounts of legitimacy.<sup>5</sup> To grasp the source of the dissatisfaction in a more concrete way, consider the much-discussed 'crisis of democracy.'<sup>6</sup> If legitimacy is framed as a purely normative matter to do with whether those in authority have a right to rule, it becomes hard to make sense of the significance of democratic deficits, regardless of how one measures them (trust, participation, accountability, etc.): citizens' attitudes seem irrelevant to the normative status of political authority. Yet if all there is to legitimacy is a descriptive account of citizens' beliefs and behaviours, democratic deficits only matter if they are perceived as such. Either way something important is missing—an account of the link between the normative status of a polity and the actual attitudes of those subjected to it. In short, most descriptive (social-scientific) approaches cannot account for the actual quality of political power structures, because of their reliance on mere belief about their quality; whereas most normative (philosophical) approaches to legitimacy cannot account for how political power is actually experienced, because of their tendency to use normative standards that float free of actual beliefs and political practices.

I contend that this gap can be bridged if we replace the moral normativity at the centre of most philosophical theories of legitimacy with a form of epistemic normativity. The rough idea

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Parsons (New York: Free Press, 1964 [1920]), 382.

<sup>3</sup> I shall discuss some exceptions in the next section.

<sup>4</sup> Robert Grafstein, "The Failure of Weber's Conception of Legitimacy," *Journal of Politics* 43, no. 2 (1981): 456-472.

<sup>5</sup> Stephen Turner, *Explaining the Normative*. (Cambridge: Polity, 2010).

<sup>6</sup> Colin Crouch, *Post-Democracy* (Cambridge: Polity Press, 2004); Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (London: Verso, 2013); Pippa Norris, *Democratic Deficit* (Cambridge: Cambridge University Press, 2011).

behind this radical form of political realism is this.<sup>7</sup> We need an epistemic filter that tells us when actual belief in legitimacy is justified, and so normatively salient. This filter can be created by applying a form of ideology critique grounded in epistemic normativity to empirical measures of legitimacy. If belief in legitimacy turns out to be significantly epistemically flawed it is not justified; if it isn't, it is justified (with some caveats, as we shall see).

But what is epistemically-driven ideology critique, and why shouldn't we use moral commitments? Those familiar with the "new" ideology critique in Anglophone philosophy will indeed be used to morality-driven forms of ideology critique.<sup>8</sup> On those views, ideologies are flawed when they contribute to independently identified moral ills such as injustice, oppression, and the like. One problem<sup>9</sup> with using such an approach to filter flawed beliefs in legitimacy is that it makes the normative assessment of the regime depend on a separate evaluation of its moral qualities, which is tantamount to simply applying a moral standard to the power structure in question—just the kind of empirically detached philosophical approach we are trying to overcome. Epistemic ideology critique works differently. In a nutshell, beliefs and other cultural elements in support of a hierarchical power structure should not be a product of that same power structure, because the powerful should not influence culture in ways that let them be judges in their own affairs. For example, the belief that "father knows best" is not a reliable one when it's the product of inculcation in a patriarchal family structure. And this need not be a matter of fairness. For our purposes, it is one of epistemic justification: it would be epistemically reckless to reliably expect judges in their own affairs to reach as accurate a verdict as one could reasonably expect.

What I will need to show, then, is just how we can combine such an epistemic ideology critique with the various measurement proxies used in the empirical literature on legitimacy, so as to rule out epistemically unjustified beliefs in legitimacy. But lack of justificatory flaws does not automatically produce justification, so then I will need to argue that putting social-scientific legitimacy

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<sup>7</sup> On the role of radical realism vis-à-vis other forms of political realism see my "Being Realistic and Demanding the Impossible," *Constellations* 26, no. 4 (2019a): 638–52.

<sup>8</sup> Cf. Kirun Sankaran "What's New in the New Ideology Critique?" *Philosophical Studies*, 2019: <https://doi.org/10.1007/s11098-019-01261-9>.

<sup>9</sup> For a discussion of other difficulties of those approaches as well as a comprehensive defence of the account of ideology utilised here, see Ugur Aytac and Enzo Rossi, "Ideology Critique without Morality: A Radical Realist Approach," *American Political Science Review*, December 2022, 1–13, <https://doi.org/10.1017/S0003055422001216>.

through this filter of ideology critique suffices to produce normative legitimacy. I carry out those two tasks in the second section of the paper's main body. Before that, in the next section, I will set the stage by discussing the empirical-normative divide in legitimacy theory, and some extant attempts to bridge it. In the conclusion I take stock by briefly discussing how my argument advances several debates: not only the first-order ones on legitimacy and ideology, but also the methodological one on the possibility of realistic, i.e. non-moralised normative political theory.

### **Weberian legitimacy and its discontents**

While it is true that modern empirical approaches to legitimacy can largely be traced back to Weber, the earlier quotation about social-scientific legitimacy being just belief in legitimacy is deceptively simplistic. Critiques of Weber's approach abound, especially when it comes to his typology of forms of legitimation (e.g. Friedrich 1961, Beetham 2013 [1991], Dogan 2010), and his silence on the processes through which social support is formed and sustained.<sup>10</sup> But we need not delve into those controversies, insofar as the scholars involved remain committed to the broadly Weberian project of construing legitimacy as an explanatory concept for the phenomenon of authority, i.e. willingness to comply with or not oppose a power structure for reasons other than mere fear or calculations of advantage: "the widely shared view across contemporary social sciences that the problem of legitimacy is defined in a social relationship, and that it is not possible to evaluate the legitimacy of a system of power without considering the views of the ruled, continues to be the enduring Weberian legacy."<sup>11</sup> Indeed the focus of contemporary social-scientific approaches to legitimacy is often an extension of the Weberian approach, in the sense that it goes beyond a description of the different ways in which structures of authority may enjoy support, and focuses on the dynamics through which "the structures and processes of social entities become aligned with collectively supported norms, values, and beliefs."<sup>12</sup>

Partly building on that type of work, and more relevantly for

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<sup>10</sup> On the forms of legitimation see C.J. Friedrich, "Political Leadership and the Problem of the Charismatic Power," *Journal of Politics* 23, no. 1 (1961): 3-23, Mattei Dogan, "Political Legitimacy: New Criteria and Anachronistic Theories," *International Social Science Journal* 60, no. 196 (2010): 195-210. On process see Walter Powell & Paul DiMaggio, eds, *The New Institutionalism in Organizational Analysis* (Chicago: University of Chicago Press, 1991).

<sup>11</sup> Alba Ruibal, "Legitimacy," in *The Wiley-Blackwell Encyclopedia of Social Theory*, ed. Bryan S Turner (Oxford, Wiley, 2017), <https://onlinelibrary.wiley.com/doi/10.1002/9781118430873.est0210>, 2.

<sup>12</sup> Troyer, Lisa. "Legitimacy." In *The Blackwell Encyclopedia of Sociology*, edited by George Ritzer. Oxford: John Wiley & Sons, 2007. <https://doi.org/10.1002/9781405165518.wbeosl029>, 2.

our present concerns, some contend that Weber's account of legitimacy isn't merely descriptive or explanatory, but also contains normative commitments that can take it into the philosophical camp. Two related sets of arguments that may be deployed to construct a Weberian theory of normative legitimacy stand out in the literature. The first one is due to Tamsin Shaw, who puts forward an intriguing critique of Weber's scepticism about democratic rule, as well as an alternative account broadly in keeping with Weberian commitments.<sup>13</sup> The second one is due to Amanda Greene, who resourcefully argues that Weber's account of legitimation provides a viable moral standard for the evaluation of political regimes.<sup>14</sup> So this will be my starting point: I will argue that broadly Weberian normative commitments—which have variously been called 'civic alignment' or 'responsiveness'—are not sufficient (on their own) to get an empirically-grounded normative theory of legitimacy off the ground.

In so doing I will, whenever possible, try to range over the various methodological controversies about just how one may or may not empirically measure the properties of a system of authority that give rise to legitimacy. But, for reasons that should become clearer shortly, it is probably best to not ignore another social-scientific debate that is closely connected to the issue at stake here, namely the one on responsiveness and other indicators of the quality of political institutions, and especially democratic political institutions. Indeed the claim that developing a normative version of Weberian legitimacy is unusual and controversial is likely to surprise those who follow the empirical literature on democracy. In this literature, it is standard to think of 'responsiveness'—essentially, alignment between public opinion and policy outcomes—as a key indicator of a well-functioning democratic polity.<sup>15</sup> And the step from democratic responsiveness to Weberian

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<sup>13</sup> Tamsin Shaw, "Max Weber on Democracy: Can the People Have Political Power in Modern States?" *Constellations* 15, no. 1 (2008): 33–45.

<sup>14</sup> Amanda R. Greene, "Legitimacy without Liberalism: A Defense of Max Weber's Standard of Political Legitimacy," *Analyse & Kritik* 39, no. 2 (2017): 295–323. Greene also extends this argument in joint work with Ilaria Cozzaglio: "Can Power Be Self-legitimizing? Political Realism in Hobbes, Weber, and Williams," *European Journal of Philosophy* (2019): <https://doi.org/10.1111/ejop.12476>. In "Political Realism, Legitimacy, and a Place for External Critique," *Philosophy & Social Criticism* (2020), 019145372094839, 7, Cozzaglio states that she also "believe[s] that Weber provides normative insights", but she does not develop this line at length beyond her article with Greene, which is centred on Bernard Williams's reading of Hobbes and Weber, rather than on Weber directly. I will in any case discuss that article below.

<sup>15</sup> Cf. Martin Gilens, "Inequality and Democratic Responsiveness," *Public Opinion Quarterly* 69, no. 5 (2005): 778–796, and Andrew Roberts and Byung-Yeon Kim, "Policy Responsiveness in Post-communist Europe: Public Preferences and Economic Reforms," *British Journal of Political Science* 41

legitimacy seems fairly short: one can take responsiveness as a proxy or at least an indication of broad support for authority.<sup>16</sup> Indeed, as Andrew Sabl notes, something like this view often appears to be the implicit normative theory adopted by empirical scholars of democracy. But it is very far from anything political theorists and philosophers think about the matter:

Empiricists typically claim, or assume, that “democratic theory” tells us how important responsiveness is. However, to the extent that democratic theory means the reflections of political theorists who study democracy, this claim is essentially false. Political theorists do not, and never have, regarded responsiveness as the central measure of democratic quality. When they have imagined a perfectly responsive regime, they have judged that this would be a bad thing. Democratic theorists, put simply, are not playing the role that empiricists have written for them. And empiricists are not interested in the play that theorists are actually starring in.<sup>17</sup>

What gives? Max Weber’s own famously sceptical if not despondent views on democracy and popular rule provide an answer that anticipates this theoretical-empirical divide. In short, Weber thought that modern states, even when they take the form of electoral democracies with mass participation, cannot afford any meaningful degree of popular rule. Modern states are too large and too complex for the people to collectively be at the helm of the political process. For that would require direct democracy, and that is only a live option in much smaller polities which do not require as much division of labour as modern societies.<sup>18</sup> And so much political power evaporates as it makes its way through a capillary bureaucracy that escapes the control of anyone’s political will.<sup>19</sup> To

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(2011): 819–39. Following Andrew Sabl’s insightful discussion, I will use ‘responsiveness’ as an umbrella term for what is sometimes also called ‘policy/issue congruence’ or ‘correspondence’. Cf. “The Two Cultures of Democratic Theory: Responsiveness, Democratic Quality, and the Empirical-Normative Divide,” *Perspectives on Politics* 13, no. 2 (2015): 345–65.

<sup>16</sup> I use ‘support’ in a non-technical sense, partly to range over the standard distinction in the political science literature between diffuse and systemic support. And I take it that democratic “quality”—the term most often used by empiricists—is at least a key component of democratic legitimacy for them. Another way to put this would be to say that responsiveness can be taken as a major indicator of what other parts of the empirical literature call ‘output legitimacy’, i.e., echoing Lincoln, of what institutions can do “for the people”. Cf. F.W. Scharpf, *Demokratietheorie zwischen Utopie und Anpassung* (Konstanz: Universitätsverlag, 1970) and Vivien A. Schmidt, “Democracy and Legitimacy in the European Union Revisited: Input, Output and Throughput,” *Political Studies* 61, no. 1 (2013): 2–22.

<sup>17</sup> “The Two Cultures of Democratic Theory”, 346.

<sup>18</sup> J.J.R. Thomas, “Weber and Direct Democracy,” *The British Journal of Sociology* 35, no. 2 (1984): 216.

<sup>19</sup> Peter Breiner, *Max Weber and Democratic Politics* (Ithaca, NY: Cornell University Press, 1996).

the extent that any power is wielded, it can only be wielded by charismatic, Caesarist leaders in ways that may find support with the people—in Weber-legitimate ways, that is, though that may well involve a significant amount of demagogic manipulation. Which is why, for Weber, modern democracy is far from being rule *by* the people.

It would seem, then, that Weberian legitimacy comes apart from the ideal of popular rule that does much of the normative work in underpinning democratic regimes. Legitimacy ends up looking like a description of a passive attitude tinged with irrationality, and as such it is not clear how it can compete with the typically more demanding ideals put forward in philosophical theories of legitimacy. Which is arguably why philosophers typically consider Weberian legitimacy normatively sterile, or at least inadequate.

Upending that standard judgment is the challenge Tamsin Shaw takes on when she tries to construe a broadly Weberian theory of democratic legitimacy. The problem, as she puts it, is one of whether there is any sense in which the people can be said to have power in modern democracies. Her ingenious solution is to reject Weber's understanding of political power as voluntary control, while retaining Weber's insight that legitimacy consists in a form of alignment between the rulers and the ruled. Simplifying somewhat, we may say that Shaw's claim is that, while Weber is right to say that democracy cannot be rule *by* the people, he is wrong to dismiss the power that people may wield if democracy turns out to be rule *for* the people. To demonstrate why that may be the case, Shaw argues that Weber had at his disposal an alternative account of political power—one not centred on an account of freedom “derived from the conception of the methodical-rational personality produced by inner-worldly asceticism.”<sup>20</sup> That is to say, Shaw ascribes Weber's rejection of the democratic ideal of popular self-rule to his commitment to a view of rule as a form of freedom, in turn understood as individual rational control. As an alternative that is faithful to other general Weberian themes, Shaw puts forward an understanding of democracy that divorces self-rule from an ideal of freedom: “whilst it may be the case that democracy is instrumentally useful in preserving freedom, we do not have to see it in itself as the realisation of freedom.”<sup>21</sup> Rather, “more significantly from the point of view of Weber's concerns, democratic participation might help to make political life more *responsive* to human values [...] making political rule maximally *responsive* to the avowed values of a

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<sup>20</sup> “Max Weber on Democracy”, 38.

<sup>21</sup> *Ibid.*, 40

population.”<sup>22</sup> This, for Shaw, would be an account of democratic legitimacy that is closer to Weber’s own reading of ancient democracy, and one that could be adapted to modern democracy simply by shedding “inherited post-Christian encumbrances”<sup>23</sup> such as Weber’s “nostalgia for the systematic self-control, the autonomy, that ascetic Protestantism fostered.”<sup>24</sup>

Now, to bring Shaw’s argument into a closer conversation with our present concerns, we may restate its conclusion as follows: rulers’ responsiveness to the people’s values gives normative weight to Weberian legitimacy, thus making it more than a mere description of a mechanism through which compliance is produced. Put differently, people power or popular rule—though probably not popular sovereignty—<sup>25</sup> can be realised through responsiveness, i.e. when political power is exercised in accordance with values widely held by those over whom it is exercised. Lack of direct popular control over political decision-making does not preclude other Weberian avenues for normative evaluation of such decision making, and so measuring the axiological distance between rule and the ruled yields a substantive normative criterion of legitimacy.

However, as anticipated, I don’t find that strategy fully satisfactory, albeit for reasons that, at least in part, differ from those of most other political theorists. Shaw herself points in the direction of my main worry, which has to do with how genuinely the ruled support rule.<sup>26</sup> When extolling responsiveness of political rule of “the avowed values of a population”, she goes on to say that “we might independently hold that these ethical commitments

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<sup>22</sup> Ibid., 41-2, emphasis added.

<sup>23</sup> Ibid., 42.

<sup>24</sup> Ibid., 38.

<sup>25</sup> This tentative distinction between popular rule and popular sovereignty is meant as a passing comment on the longstanding controversy over the translation of Weber’s term *Herrschaft*. Cf. Sheldon S. Wolin, “Max Weber: Legitimation, Method, and the Politics of Theory,” *Political Theory* 9, no. 3 (1981): 401–24, and Tribe’s “Appendix A” in Max Weber, *Economy and Society: A New Translation*, ed. K. Tribe (Cambridge, MA: Harvard University Press, 2019 [1922]). Crudely, for Weber *Herrschaft* is incompatible with genuine political control by the ruled, and so is an inescapable feature of modern mass democracies. I am suggesting that, especially if Shaw is right about Weber’s democratic road not taken, ‘sovereignty’ may be a better term for *Herrschaft* in this quasi-pejorative sense, given its voluntaristic and decisionist connotations. So, on my terminology, Weber would be right to say that there is no truly democratic form of *Herrschaft* (in the sense that there cannot be truly voluntaristic popular sovereignty). And this is compatible with Shaw’s conclusion that the lack of popular sovereignty—in my sense of the term—does not preclude other understandings of people power, which I would still term popular *rule*.

<sup>26</sup> Another way to put this would be to stress the distinction between supporting X and having reason to support X. I will return to this sort of language below, when laying out my version of epistemic ideology critique.

should be protected as far as possible from ideological manipulation, in which case, again, we arrive at a more fully articulated account of liberal democracy.<sup>27</sup> Set aside the issue that, as it happens, historically liberals have been uninterested in if not contemptuous of ideology critique.<sup>28</sup> After all, I am interested in a broadly Weberian account of legitimacy tout court, not liberal-democratic legitimacy. Rather, the problem can be provisionally stated as follows. While protection from ideological distortion seems indispensable if we want rule-ruled value alignment to be more than just a description of one way in which the rulers rule (i.e. by inculcating their values in the population), it is not clear that problematising the quality of beliefs in legitimacy is at all compatible with Weber's idea that legitimacy just is or supervenes on rule-ruled value alignment. It is not clear, that is, how we may introduce ideology critique as a normative filter without depriving the theory of its distinctiveness, and turning it into a standard philosophical account of legitimacy, i.e. one that gets its normative force from commitments beyond what can be empirically observed. Or, at the very least, Shaw doesn't tell us how introducing ideology critique would be compatible with what we may call Weber's resignation or even complacency about the top-down nature of rule, and its attendant expectation that reinforcing or even producing support for authority in the ruled just is part and parcel of ruling.<sup>29</sup>

The normative-descriptive gap still seems as wide a chasm as ever. To see exactly why that is the case, and what my proposed remedy is, it will be useful to consider another attempt to extract a normative theory of legitimacy from Weber.

We can read Shaw's suggestion to fortify Weberian legitimacy with ideology critique as signalling a normative dissatisfaction with an aspect of Weber's view, namely the self-justification of power. As will become clearer below, even though I don't think Shaw does enough to show how her solution can work within her framework, I share this dissatisfaction. Others don't: Amanda Greene and Ilaria Cozzaglio bite the bullet, and argue that even when political power

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<sup>27</sup> "Max Weber on Democracy", 42.

<sup>28</sup> E.g. Michael Rosen, *On Voluntary Servitude: False Consciousness and the Theory of Ideology* (Cambridge: Polity, 1996).

<sup>29</sup> "Every highly privileged group develops the myth of its natural [...] superiority. Under conditions of stable distribution of power and, consequently, of status order, that myth is accepted by the negatively privileged strata. [...] Indeed, the continued existence of every domination (in our technical sense of the term) always has the strongest need of *self-justification* [*Selbstrechtfertigung*] through appealing to the principles of its legitimation." Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley: University of California Press, 1978 [1922]), 953-4, emphasis added.

generates its own support among the ruled, this support has significant normative weight.<sup>30</sup> They partly establish that point via a critique of Bernard Williams’s realist theory of legitimacy, in which he indeed proposed a critical-theoretic amendment to Weber—much like Shaw, or vice versa. While I share some of Cozzaglio and Greene’s reservations about Williams’s proposal, in the next section I will try to show that there is a viable combination of Weberian legitimacy and ideology critique. But to get there, we first need to consider some arguments that say we don’t need to go there, or can’t.

According to Greene, Weberian legitimacy is “morally valuable”<sup>31</sup> insofar as it brings about “‘stable civic alignment’, which is the realisation of political stability with minimal brutality and intimidation.”<sup>32</sup> The idea is that most mainstream philosophical theories of legitimacy tend to conflate the value of legitimacy with other commitments “such as justice, liberalism, and democracy”<sup>33</sup> Whereas the Weberian approach manages to isolate a more modest but more distinctive account of the normative significance of legitimacy—one that can illuminate precisely how some widespread moral commitments “can come apart from political legitimacy.” What is more, this approach also has the added benefit of “maintain[ing] alignment with the empirical study of legitimacy by social scientists.”<sup>34</sup>

This normative reading of Weber, then, has one key idea in common with Shaw’s, give or take: that the focus on civic alignment (essentially, what I’ve been calling responsiveness) enables us “to approximate more closely the moral ideal of a voluntary association,”<sup>35</sup> while avoiding the Scylla of unattainable literal voluntarism and the Charybdis of hypothetical agreements

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<sup>30</sup> Amanda Greene, “Legitimacy Without Liberalism”, Ilaria Cozzaglio & Amanda Greene, “Can Power Be Self-Legitimating?”

<sup>31</sup> It is worth noting that in a later co-authored paper Greene characterises—correctly, in my view—Weber’s position as non-moralistic: “Weber develops the idea of illegitimate political domination in a way that has normative implications [...], while nevertheless remaining realist in the sense that Williams praises.” See Ilaria Cozzaglio and Amanda R. Greene, “Can Power Be Self-legitimating?” 7. So one could substitute “normatively” for “morally” here.

<sup>32</sup> By extension, Greene argues, this can be observed in the states of affairs that turn out to be sufficiently legitimate in light of modern empirical theories of legitimacy (“Legitimacy Without Liberalism”: 305-309, 314).

<sup>33</sup> Ibid., 314. Cf. Laura Valentini, “Assessing the Global Order: Justice, Legitimacy, or Political Justice?” *Critical Review of International Social and Political Philosophy* 15, no. 5 (2012): 593–612.

<sup>34</sup> Greene, *ibid.*, 319 and 314. Chris Thornhill puts forward a comparable line of argument in “Political Legitimacy: A Theoretical Approach Between Facts and Norms,” *Constellations* 18, no. 2 (2011): 135–69.

<sup>35</sup> Greene, *ibid.*, 319.

unmoored from reality.<sup>36</sup> In a sense, on this view civic alignment or responsiveness are the best we can do in terms of legitimacy—as opposed to justice and other values—if we care about the normative significance of what citizens actually think *and* are serious about what a modern polity may look like, or at least a modern polity that is a state.<sup>37</sup>

Indeed, and not coincidentally, a number of political realists have recently been developing normative theories of legitimacy broadly along those lines. The general angle of what I have termed the ‘ordorealist’ current of realism is that legitimacy is best thought as a relatively permissive standard, aimed primarily at securing relatively weak forms of assent or acquiescence to political power, which in turn constrains the worst excesses of political power.<sup>38</sup> In so doing, these theorists emphasise Bernard Williams’s ‘Basic Legitimation Demand’, namely his idea that the political order must merely be stable and ‘make sense’ to those subjected to it—a far weaker demand than what is typically found in standard liberal theories of legitimacy, and one that can be grounded in an account of what politics (as opposed to raw domination) is, rather than in

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<sup>36</sup> Cf. A.J. Simmons, “Justification and Legitimacy,” *Ethics* 109, no. 4 (1999): 739–71. and Enzo Rossi, “The Twilight of the Liberal Social Contract: On the Reception of Rawlsian Political Liberalism,” in *The Cambridge History of Philosophy, 1945–2015*, eds. Kelly Becker and Iain D. Thomson (Cambridge: Cambridge University Press, 2019), 297–309, respectively.

<sup>37</sup> Indeed, one may well argue that this takes too narrow and state-centric a view of what a modern polity may be (cf. Raekstad 2018 for this issue in relation to Williams’s Weber-inspired theory of legitimacy, and Levy 2020 for a wider view).

<sup>38</sup> Cf. John Horton “Realism, Liberal Moralism and a Political Theory of Modus Vivendi.” *European Journal of Political Theory* 9, no. 4 (2010): 431–48, and Matt Sleat, “Legitimacy in Realist Thought: Between Moralism and Realpolitik.” *Political Theory* 42, no. 3 (2014): 314–37. This approach has come under fire from opponents of realism (e.g. Erman & Möller 2015, 2018) but also, more interestingly for our present concerns, from radical realists. Cf. Eva Erman and Niklas Möller, “Political Legitimacy in the Real Normative World: The Priority of Morality and the Autonomy of the Political,” *British Journal of Political Science* 45, no. 1 (2015): 215–233; Ugur Aytac, “Political Realism and Epistemic Constraints,” *Social Theory and Practice* 48, no. 1 (2022): 1–27; Ben Cross, “Radicalizing Realist Legitimacy,” *Philosophy & Social Criticism* 21, no. 4 (2019): 1–21, and “How Radical Is Radical Realism?,” *European Journal of Philosophy* (2021), <https://onlinelibrary.wiley.com/doi/abs/10.1111/ejop.12710>; Lorna Finlayson, “With Radicals like These, Who Needs Conservatives? Doom, Gloom, and Realism in Political Theory,” *European Journal of Political Theory* 16, no. 3 (2017): 264–282; Enzo Rossi, “Being Realistic and Demanding the Impossible”. Part of what I am attempting to do here is to reconcile some insights from both ordorealism and radical realism. Arguably Williams’s own position tries to strike such a balance, but, as I have argued elsewhere, in an unstable way. See Janosch Prinz and Enzo Rossi. “Political Realism as Ideology Critique.” *Critical Review of International Social and Political Philosophy* 20, no. 3 (2017): 334–48.

moral commitments such as liberty or autonomy.<sup>39</sup> These same theorists, however, de-emphasise or ignore another key element of Williams's theory of legitimacy: his 'Critical Theory Principle.'<sup>40</sup> Roughly, this is the idea that political power doesn't *really* make sense to those subjected to it if this making sense is the product of the power itself. As we have seen, Shaw's proposal to supplement Weberian legitimacy with ideology critique proceeds from this sort of insight. The radical realists agree: they centre various versions of this idea even as they criticise its coherence and other shortcomings.<sup>41</sup> Whereas it is not always clear on what grounds ordorealists reject or downplay this aspect of Williams's realism—unless one puts political concerns ahead of philosophical ones, which may well suit the ordorealist temperament.

So, should we care about ideological distortions in the acceptance of power? And can we do so while remaining faithful to Weber's broadly realist orientation?<sup>42</sup> Cozzaglio and Greene, as anticipated, offer an argument for why a realist need look no further than Weberian responsiveness to establish legitimacy. They do so by building on Greene's account of the normative significance of Weberian legitimacy. The starting point is the observation that Weber's accomplishment was to establish a distinction between legitimate and illegitimate political domination without the need for moral commitments—an improvement over Hobbes's "might makes right" account of legitimacy:

Weber contrasts obedience based on fear or calculations of advantage with obedience based on beliefs about the rightfulness of the authority. He calls the latter "belief in legitimacy". [...] While systematic obedience is a necessary feature of political domination [what Shaw calls 'rule'], it does not contribute to the legitimacy of the domination if it is grounded on fear or expediency. Thus, Weber's capacity to distinguish between multiple grounds of obedience provides the sought-after distinction between legitimate

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<sup>39</sup> Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning Was the Deed* (Princeton, NJ: Princeton University Press, 2005); Edward Hall, "Bernard Williams and the Basic Legitimation Demand: A Defence," *Political Studies* 63, no. 2 (2015): 466-480.

<sup>40</sup> Williams, *ibid.* and *Truth and Truthfulness: An Essay in Genealogy* (Princeton, NJ: Princeton University Press, 2002).

<sup>41</sup> And, according to some ordorealist critics, to the reckless detriment of the Basic Legitimation Demand: cf. Greta Favara, "Political Realism as Reformist Conservatism," *European Journal of Philosophy* (2021), <https://doi.org/10.1111/ejop.12636>.

<sup>42</sup> Here I agree with Cozzaglio and Greene that Weber's prominent place in the realist canon is secured by his effort to develop "a purely realist standard of legitimacy, that is, one that is logically derived entirely from the nature of politics" ("Can Power Be Self-Legitimizing?", 15). On Weber's role in the realist tradition also see Alison McQueen, "The Case for Kinship: Classical Realism and Political Realism," in *Politics Recovered*, ed. Matt Sleat (New York: Columbia University Press, 2018).

and illegitimate political order.<sup>43</sup>

That is the key normative but not moralised step: domination, or rule, can be conceptualised as something other than raw coercion or self-interested calculus: “political domination is legitimate when its exercise of power is viewed by subjects as corresponding to their values.”<sup>44</sup> And this proceeds from an explanation of the social phenomenon of compliance with power, not from a moral postulate. Cozzaglio and Greene call this requirement to “to maintain congruence between the mode of legitimation and the underlying values in a specific political community” ‘the ethic of rule.’<sup>45</sup> They also identify a second dimensions of evaluation that yields “a basis for developing a realist form of political normativity” in what Weber himself calls ‘the ethic of responsibility,’ namely an ethic of fitting means to ends, however those ends may be determined.<sup>46</sup> For Cozzaglio and Greene the ethic of responsibility is particularly interesting when combined with the ethic of rule, as it yields another ground on which power may be criticised:

...those who exercise power are criticizable insofar as they misuse or abuse some means to that end—namely, the end of maintaining congruence. [...] Politicians still have some freedom in choosing their ends, but they are constrained in their use of coercion in pursuit of those ends. In other words, political actors have to use coercion in a way that is compatible with both the existing mode of legitimation and the value system displayed in their own political community.<sup>47</sup> (Ibid.: 11-12)

And so we end up with a Weberian theory of normative legitimacy consisting of two necessary and jointly sufficient conditions:

First, the politician's actions must fit with the mode of legitimation and with the underlying values, in such a way that their use of coercion maintains the congruence between these two levels. And second, the fit between the politician's actions and the two levels must be perceived as such by subjects. These conditions correspond to two ways in which political actors can be criticized: whenever they use coercion to pursue aims that conflict with either the mode of legitimation or the political community's values and whenever they disregard *maintaining the perception of the validity of*

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<sup>43</sup> “Can Power Be Self-Legitimizing?”, 8.

<sup>44</sup> Ibid., 10. Presumably this line of reasoning also applies to the mere holding of power, and not just to its exercise.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid. For a similar argument cf. Shalini Satkunanandan, “Max Weber and the Ethos of Politics beyond Calculation,” *American Political Science Review* 108, no. 1 (2014): 169–81.

<sup>47</sup> Ibid., 11-12.

*power*.<sup>48</sup>

Note the words I emphasised, for this is where Cozzaglio and Greene part company with Williams: “from Williams’s perspective, Weber’s view is defective because it appears to allow for power to produce its own acceptance. [...] But according to Weber, power producing its own acceptance is consistence with legitimate political domination.”<sup>49</sup> Cozzaglio and Greene are adamant that given Williams’s realist commitments, he is not entitled to supplement the Basic Legitimation Demand with the Critical Theory Principle. On their view, realism can support the increase in normative demandingness from Hobbes’s to Weber’s theory of legitimacy, but not the further requirement introduced by Williams. They argue for that conclusion by showing that Williams has three options to make good on his claim, but two are unpalatable—inconsistent and circular, respectively—and the third one obscure to the point of near hopelessness. The first option would be for Williams to argue that “it is wrong to use power in order to influence values and beliefs.” But, Cozzaglio and Greene note, “it is moralistic to say that some uses of political power are moralistic as such.”<sup>50</sup> The second option would be to argue that “when power produces its own acceptance, it is inconsistent with a relationship of political subjection.” And that seems circular, because “It claims that there is something inherent in the idea of political power that entails Williams’s interpretation of legitimation, as opposed to that of Weber.”<sup>51</sup> After all, it is not as if Weber doesn’t have an account of power that affords a critical standard for its evaluation, Cozzaglio and Greene argue. Finally, the third option would be to show that “a violation of the critical theory principle shows that the first political question has not been solved [i.e. that the Basic Legitimation Demand has not been met].” And this “seems very hard to do, if all the requirements of legitimacy must arise from the idea of political order.” For even Hobbes’s account of legitimacy requires order. And so, Cozzaglio and Greene, conclude, “Maybe the normativity in Weber [...] is the most that political realism can have.”<sup>52</sup>

I agree with Cozzaglio and Greene that the first two options are unviable. Indeed I have argued elsewhere that Williams seems to take the first one, since his Critical Theory Principle ultimately rests on “an aspiration to the most basic sense of freedom, that of not being in the power of another.”<sup>53</sup> I am even tempted to agree

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<sup>48</sup> *Ibid.*, 12, emphasis added.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, 14.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, 15.

<sup>53</sup> *Truth and Truthfulness*, 231. Cf. Janosch Prinz & Enzo Rossi, “Political

with Weber that politics may just fundamentally be about some people being in the power of others. Still, I don't think that the third strategy is as arduous as Cozzaglio and Greene suggest. So in the next section I will show how an epistemic form of ideology critique can succeed where Williams's crypto-moralised Critical Theory Principle failed. What is more, I will suggest that without the addition of such a normative requirement, Weberian legitimacy cannot actually fulfil the role of a normative theory.<sup>54</sup>

### Critical responsiveness

How, then, is it possible to say (without introducing moral commitments) that a stable political order that produces its own acceptance is illegitimate? My suggestion is that to answer that question we need to understand Williams's "first political question" as being to a significant extent an *epistemic* question—a question about the preconditions of inquiry into how social orders function and what social orders are possible.

Let me explain. Williams says: "I identify the 'first' political question in Hobbesian terms as the securing of order, protection, safety, trust, and the conditions of cooperation. *It is 'first' because solving it is the condition of solving, indeed posing, any others.*"<sup>55</sup> My idea is that the formulation I've emphasised also refers to the question of whether the order is a genuine political order, and not a case of raw domination or suspended warfare. The first political question remains unsolved unless we are in a position to properly judge whether it has been solved. We can't know whether the first political question has been solved unless our understanding of social reality is good enough, and power that generates its own supports is bound to distort this understanding. For example, Williams argues that there can be cases of ostensibly stable political order that are, in reality, "pure cases of internal warfare", such as the situation of the Helots in ancient Sparta.<sup>56</sup> But there can be

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Realism as Ideology Critique". Here one might argue, as Sleat does in his contribution to this volume ('Against Realist Ideology Critique'), that Williams's appeals to freedom as a political rather than moral value. But it is not clear to me that Williams's genealogical salvage of a political conception of freedom that just so happens to support liberalism shouldn't be seen precisely as something that should fail his own Critical Theory Test, or at any rate the sort of ideological distortion test I canvassed here. This is not a line of argument that I can pursue here but, as Paul Raekstad pointed out in "Realism, Utopianism, and Radical Values", Williams's account of political liberty rules out non-state orders and skews the value's political upshot towards liberalism on rather speculative if not altogether flimsy empirical grounds.

<sup>54</sup> So, in a sense, my position is more demanding than Shaw's: ideology critique is not just 'nice to have' besides responsiveness, but it is required for responsiveness to have normative force.

<sup>55</sup> *In The Beginning Was The Deed*, 3, emphasis added.

<sup>56</sup> *Ibid.*, 6.

cases in which an ideological distortion succeeds in disguising successful internal warfare as mere rule, at least with a sizeable part of the population. Apartheid—an example to which I return below—may well have been such a case. At any rate, this is why “the acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified.”<sup>57</sup> We can’t properly pose, let alone answer any questions about which social arrangements are justified if our grasp of how the world works is distorted by a ruling ideology. We need a theory of ideology to tell us when those epistemic distortions are bad enough to compromise the way in which an order answers the first political question. The first political question, then, is not a moral question but it is, in part but irreducibly, an epistemic question. And if that is the case, my epistemic interpretation of Williams’s Critical Theory Principle shows how this normative requirement is “derived entirely from the nature of politics”, and so satisfies Cozzaglio and Greene’s desideratum for a properly realist standard of evaluation.

What is more, my approach turns the table on Cozzaglio and Greene’s suggestion that realists committed to something like Williams’s Critical Theory Principle risk collapsing into a Hobbesian position where political subjection just is political legitimacy.<sup>58</sup> Rather, it is those who only look at Weberian assent or support without considering the real conditions in which it is given that risk being unable to distinguish between a genuine political relationship and one of raw domination or suspended warfare. That is the sense in which, as anticipated, my argument shows that pure Weberian legitimacy is not, in fact, an adequate normative standard. But Weberian responsiveness plus an epistemic form of ideology critique is still much closer to the facts than most alternative normative theory. And, importantly, epistemic ideology critique is itself a form of empirical inquiry into the actual genealogy of beliefs in legitimacy, so the approach proposed here—critical responsiveness—really should be able to bridge the normative-descriptive gap discussed at the outset of this paper.

To better see why that is the case, we should unpack the idea of critical responsiveness further. I take the ‘responsiveness’ part to be covered by our earlier discussion of social-scientific theories of legitimacy. It is the ‘critical’ part that needs some elucidation. So let us begin by setting out some desiderata for the form of

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<sup>57</sup> *Ibid.*, 5. As should become clearer below, I believe this applies also to non-coercive forms of political power. The focus on coercion could mislead: it may suggest a moral concern with violence and threats of violence, whereas the focus should be firmly on power itself.

<sup>58</sup> “Can Power Be Self-Legitimating?”, 15.

epistemic ideology critique that underpins this view. We may call the approach radical realist social analysis. It is a non-moralised form of genealogical inquiry. Its normativity is epistemic in origin. It is centred on an account of a distinctly political type of epistemic distortion, namely the self-justification of power. So the approach can generate evaluations of political orders without drawing on moral commitments.

The general idea behind this epistemic account of ideological distortion is that self-justifying power causes 'legitimation stories' to become epistemically suspect (regardless of their truth, and of whose interests they effectively advance). A legitimation story is a set of beliefs and other cultural *technes* deployed in support of political practices or institutions.<sup>59</sup> To provide a normative edge for a the sort of realist theory of legitimacy outlined here, then, radical realist social analysis must satisfy three desiderata:

- (i) *Debunking desideratum*: the analysis must afford debunking judgments on legitimation stories, avoiding what has come to be known as the genetic fallacy, namely mistaking the faulty causal history of a belief with the lack of alternative arguments in its support.
- (ii) *Realist desideratum*: the analysis must eschew moral commitments, or any other commitments that may themselves be comparably ideologically distorted.<sup>60</sup>

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<sup>59</sup> I borrow the term 'cultural *techné*' from Sally Haslanger, *Resisting Reality: Social Construction and Social Critique* (Oxford University Press, 2012). Though one may also conceive of ideologies as embodied practices without propositional content, most cultural *technes* will take the form of beliefs of some kind. This also makes them more empirically tractable. Think, for instance, of results in social psychology around the longstanding issue of 'system justification': a term of art denoting the widespread phenomenon of "a system-justifying motive, whereby people seek to maintain or enhance the legitimacy and stability of existing forms of social arrangements." (John Jost and Orsolya Hunyady, "The Psychology of System Justification and the Palliative Function of Ideology," *European Review of Social Psychology* 13, no. 1 (2003): 111-153, 113). Another, newer relevant finding in social psychology is the upturning of 'moral foundations theory': apparently political commitments are precursors of moral commitments and not vice versa, which puts the latter in odour of ideology, in a pejorative sense of the term. Cf. Peter Hatemi, Charles Crabtree, and Kevin Smith, "Ideology Justifies Morality: Political Beliefs Predict Moral Foundations," *American Journal of Political Science* 63, no. 4 (2019): 788-806. For a discussion of how this result relates to a radical realist orientation in political philosophy see Adrian Kreutz, "Moral and Political Foundations: From Political Psychology to Political Realism," *Moral Philosophy and Politics* (2022), <https://www.degruyter.com/document/doi/10.1515/mopp-2021-0067/html>.

<sup>60</sup> Anti-moralism is a frequent move within the Marxian tradition of ideology critique, which is wary of morality-driven critiques of the status quo, insofar as "effective norms of right and justice (if correctly understood in their actual social function) are largely weapons of the oppressive class." Allen Wood,

(iii) *Justificatory desideratum*: the analysis must show why a lack of significant epistemic distortion is sufficient to consider a legitimation story justified.

I contend that social-scientific evidence can be used to challenge legitimation stories in politically productive ways, in a two-pronged manner. Social science can either uncover instances of self-justifying power directly, by looking at the genealogy of legitimation stories, or indirectly, by revealing that a legitimation story is not what it seems, i.e. it does not fit our best social scientific understanding of the relevant social dynamics, which in turn rings an alarm bell about a possible genealogical problem. In the parlance of contemporary epistemology, the latter kind of epistemic normativity is accuracy-driven, the former is justification-driven.<sup>61</sup> Strictly speaking, accuracy-driven considerations do not debunk, but they can be useful when they lead us to uncover justification flaws. Elsewhere I have defended the justification-based account at length, by combining the social psychology of motivated reasoning and the theory of epistemic circularity to provide a micro-foundation for radical realist social analysis.<sup>62</sup> Given the focus and space constraints of this paper, here I will simply lay out the view in a merely analogical way. Consider this easy case. A scholar may in principle be the best critic of their own work; nonetheless a journal editor would be epistemically reckless if they knowingly used a referee report written by a paper's author. The underpinning epistemology here is reliabilist: self-refereeing just isn't a procedure that tends to yield accurate or trustworthy results.<sup>63</sup> Likewise, legitimation stories with the sort of pedigree

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*Karl Marx* (London: Routledge, 2004, 145). But even though it can be made compatible with it, the desideratum does not require commitment to that general approach. Nor does it require a notion of oppression, but only of power asymmetry.

<sup>61</sup> We cannot do justice to the literature on the possible drivers of epistemic normativity. Suffice it to note that the accuracy-driven account is exemplified by the "accuracy-first" research programme: cf. Richard Pettigrew, *Accuracy and the Laws of Credence* (Oxford: Oxford University Press, 2016). The justification-driven account is compatible with a range of positions about what constitutes epistemic warrant (or justification), from those that has come to be called "liberal" to more "conservative" ones. See, e.g., Ram Meta, "Liberalism and Conservatism in the Epistemology of Perceptual Belief," *Australasian Journal of Philosophy* 88 (2010): 685-705.

<sup>62</sup> Ugur Aytac and Enzo Rossi, "Ideology Critique without Morality: A Radical Realist Approach," *American Political Science Review*, December 2022, 1-13, <https://doi.org/10.1017/S0003055422001216>.

<sup>63</sup> Hence my use of the qualifier 'significant' when discussing epistemic flaws. This is meant to signal that, as the epistemology literature makes clear, reliabilism leaves open the question of what the appropriate threshold for reliability may be (Cf. Robin McKenna, "Is Knowledge a Social Phenomenon?" *Inquiry*, DOI: 10.1080/0020174X.2022.2135823). I cannot tackle this issue here, though I do so in forthcoming work.

characterized above are epistemically flawed, and so ought to be rejected (importantly, this is not because of whose interests they advance, but because of their genealogy). That, in turn, yields a pro tanto reason to withdraw support from the practices and institutions underpinned by such stories. Yet nothing directly follows from the debunking about the practices and institutions themselves, and so the genetic fallacy is kept at bay, and the debunking desideratum is met.

Now, unlike straightforward cases of self-refereeing, most real-world legitimation stories hide self-justifying power under layers of history and culture, hence the centrality of empirical results to radical realist social analysis. Sometimes the distortion can be directly adduced to state power or other clear-cut forms of (coercive) agency.<sup>64</sup> Sometimes the historical and cultural thread will be more garbled, because societies typically reproduce themselves through their existing structures; routinely, and often in epistemically faultless ways, we believe legitimation stories about our society that originated from the society itself, and so from its power structures. Therefore we need a more fine-grained criterion to identify epistemically flawed cases of cultural reproduction.

The solution to that problem is to distinguish between different types of cultural transmission and social reproduction. The rough idea is that people and social groups that enjoy a distribution of power particularly skewed in their favour (men in a strongly patriarchal society, say) cannot be seen as epistemically reliable producers and reproducers of legitimation stories about their social order. More specifically, we have reason to be particularly suspicious of legitimation stories involving "family values" in patriarchal societies, or private property in capitalist societies, and so on.<sup>65</sup> But note that this is not a moral critique of the inequalitarian or unjust nature of such social orders. It is an epistemic critique. If a society is highly stratified its hegemonic or simply mainstream cultural production cannot be trusted to not be ideologically distorted, typically through power self-justification mechanisms. To buttress their position, those in power are likely to (deliberately or not) distort perceptions of social reality. This is purely about their inclination to retain power, and so whether they are (morally) entitled to their position is irrelevant to the epistemic assessment of the situation. A straightforward example would be the

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<sup>64</sup> Cf. Enzo Rossi & Carlo Argenton, "Property, Legitimacy, Ideology: A Reality Check", *Journal of Politics* 83, no. 3 (2021): 1046-1059; Enzo Rossi, "Understanding Religion, Governing Religion: A Realist Perspective," in Cecile Laborde & Aurelia Bardon, eds, *Religion in Liberal Political Philosophy* (Oxford: Oxford University Press, 2017).

<sup>65</sup> For detailed empirical discussions see Ugur Aytac & Enzo Rossi, "Ideology Critique Without Morality", as well as the works cited in the previous footnote.

legitimation stories about ethnic origins that officially underpinned Apartheid in South Africa—easily debunked with historical and ethnographic evidence.<sup>66</sup> Conversely, the more egalitarian the power distribution in society, the less likely such distortions would be, *ceteris paribus*. To be sure, this view has radical implications: crudely, it amounts to an epistemic argument against hierarchy. Many widely accepted social and political structures are likely to be called into questions by it, from states to families. This is a feature of the view, not a bug. Yet the aim of this approach isn't to completely eliminate the effects of power from the ways in which we make sense of social reality. Rather, the aim is to find out by how much those effects can be reduced. Matt Sleat contends that this is a betrayal of the traditional realist attention to the inescapability of power.<sup>67</sup> I would retort that, on the contrary, it is a doggedly realist attempt to find out how power really works. It is true that the realist tradition contains a complacent or resigned attitude towards the politically familiar. But realism also contains an aspiration to grasp reality beyond surface appearances—this may not be the realism of Weber or Schmitt, but it is the realism of Nietzsche and Marx, among others.<sup>68</sup> In other words, it is far from clear whether Weber was right to maintain that successful political rule *must* generate its own support by influencing—distorting, as I'd rather put it—the beliefs of the ruled. Like Weber, Sleat seems to assume that social order requires hierarchy, whereas radical realism seeks to put pressure on this assumption.

That said, one might still ask whether this epistemic critique of power asymmetries is a violation of the realist anti-moralist desideratum. It isn't—at least insofar as it is possible to use a non-moralised account of power, especially when power is observably coercive. Crudely, to say that an agent has power over another need not imply any moral judgment about this situation. And even though the concept of power itself may be essentially contested and so shaped by one's priors, it is not obvious that those should be characterised in moral terms as opposed to terms of interests or identity.<sup>69</sup>

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<sup>66</sup> For less stylised examples see the genealogical critique of embodied ideologies such as foot-binding and female genital mutilation in Kirun Sankaran, "What's New in the New Ideology Critique?"

<sup>67</sup> "Against Realist Ideology Critique", this volume.

<sup>68</sup> On realism in Marx and Nietzsche also see Brian Leiter "Some Realism about Political and Legal Philosophy," 2022. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4137804](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4137804). For a comprehensive realist reading of Marx see Paul Raekstad, *Karl Marx's Realist Critique of Capitalism* (London: Palgrave MacMillan, 2022).

<sup>69</sup> Even if one rejects positivistic accounts of power such as Felix Oppenheim's, there are other options available to us. To name just one, consider Steven Lukes's recent reformulation of his influential account of power as the answer to the question of how compliance to domination is

Before turning to the third and final desideratum, we should pause to consider a possible objection: the epistemic normativity at play here is probably not entirely politically innocent. We have seen how some realists regard ethics as dead politics. But politics has a way of insinuating itself nearly everywhere, so it would be naïve to presume that epistemology isn't also, to some extent, dead politics. Yet there is ample reason to think that it is incomparably less so than ethics. After all, given also the pervasiveness of moralism in political philosophy, it is not even a desideratum for much ethics to be politically innocent (or as politically innocent as possible), but it certainly is for much epistemology, pragmatic encroachment notwithstanding. As Quill Kukla puts it in a recent overview of literature critical of old-fashioned epistemic purity, “We cannot do epistemology without fundamental, central attention to social identities, power relations, and the social institutions and structures within which epistemic practices happen. But [...] this result is of no threat to our usable notions of objectivity, justification, and the like.”<sup>70</sup> What is more, it is worth reminding ourselves of the different functions of ethics and epistemology qua social practices. Ethics is directly and primarily concerned with regulating behaviour, so its links with social hierarchy are direct and strong (“ethics is usually dead politics”, as Raymond Geuss puts it, echoing Nietzsche).<sup>71</sup> Epistemology certainly plays a role in underpinning the social order, but only rather extreme forms of post-modernism would posit that its primary aim isn't truth or knowledge, and that it is as politically-contaminated as ethics.<sup>72</sup>

Finally, let us consider the justificatory desideratum. Suppose we are satisfied that a population's belief in the legitimacy of the regime they live under is not epistemically distorted—or rather, more precisely and as we have seen at the outset of this section, not epistemically distorted to a degree that casts doubt on whether the basic legitimation demand has actually been met. Does that imply that the regime is legitimate? In other words, even if the

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secured. Cf. *Power: A Radical View (Second Edition)* (London: Palgrave Macmillan, 2005), 109, and Felix Oppenheim, *Political Concepts* (Chicago, IL: University of Chicago Press, 1981). As Lukes notes, openly coercive ways of securing compliance are observable independently of one's commitments (Ibid.: 113). In cases of power producing internal rather than external constraints, more fine-grained judgments are called for: one could for example deploy a naturalised rather than moralised account of human flourishing to determine whether a group is dominated (for how such an Aristotelian view may be interpreted non-morally see Wood, *Karl Marx*, 242ff).

<sup>70</sup> Quill R. Kukla, "Situated Knowledge, Purity, and Moral Panic," in *Applied Epistemology*, ed. Jennifer Lackey (Oxford University Press, 2021), 37.

<sup>71</sup> *Politics and the Imagination* (Princeton University Press, 2009), 42.

<sup>72</sup> Aytac and I discuss this point at length, also in relation to arguments made in science and technology studies, in “Ideology Critique Without Morality”.

citizens have formed the belief in legitimacy without the sorts of distortions caused by steep power asymmetries, how can we conclude that this belief is justified, and so that they have *reason* to comply with the authority? To be sure, moral answers are readily available: citizens should be free, autonomous, sovereign, and so on. But a realist must eschew such answers, and probe the limits of epistemic normativity instead. Here is a thumbnail sketch of how that might work—for reasons of space and focus, I submit it as a question for further research more than as a firm thesis. The core idea may be assimilated to an empiricist form of standpoint epistemology: quite simply, those subjected to political power get to decide whether the power is justified because they are epistemically best placed to understand the import and consequences of that power. Radical realist social analysis is merely a tool to help them keep their cognitive windscreen reasonably clean, as it were.<sup>73</sup> That seems the most epistemically cautious default position—if only because, quite often, the forms of expert knowledge that may claim to override the standpoint of those directly affected turn out to be invested in some of the very hierarchies that would otherwise be called into question.<sup>74</sup> Ultimately, then, the normative grounds of radical realism are to be found in the simple aspiration to improve the epistemic position from which we make decisions about society.

## Conclusion

Let us recap. If my arguments hold water, I have established that Weberian legitimacy in and of itself is not sufficient to provide a genuinely normative standard for the evaluation of political regimes. Mainstream philosophers are right about that. But they are wrong to think that the only alternative is to ignore Weberian legitimacy and focus on moral standards unmoored from the empirics of how actual polities secure and maintain order. What I have called critical responsiveness can bridge the normative-descriptive gap by supplementing Weberian legitimacy with epistemic ideology critique. And it can do so without relying on moral commitments. So critical responsiveness is not only a

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<sup>73</sup> For an account of why those directly affected may be in an epistemically privileged position (at least under certain conditions) that draws on current developments in decision theory and social epistemology see Liam K. Bright, “Du Boisian Leadership Through Standpoint Epistemology”, MS, London School of Economics, 2023. Combined with this approach, radical realism would be a deliberative tool (or a form of “consciousness raising”) for those in the relevant standpoint, rather than merely a form of external expertise.

<sup>74</sup> Consider, for example, the link between various kinds of oligarchies and what has come to be called the ‘epistocratic’ corrective to democracy (cf., e.g., Gordon Arlen and Enzo Rossi, “Is This What Democracy Looks like? (Never Mind Epistocracy)”, *Inquiry* 65, no. 1 (2022): 1-14 and MPP.

contribution to legitimacy theory and to the rapprochement of empirical and normative angles, but also a vindication of a key claim of the realist current in political philosophy: the claim that it is possible and desirable to make normative claims about politics without relying on moral premises, and on the basis of an understanding of what is distinctive about the practice of politics.<sup>75</sup>

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