Constituting Rules: The Production of Legitimacy in two European Organizations

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Declaration of non plagiarism

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Date

Signature: _____

Ismael Al-Amoudi

To my intellectual adversaries, who contributed so much to this research

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Abstract of thesis

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My thesis comprises three essays that explore the basic nature and processes of legitimacy and social rules in organizations combining elements from critical realism and post-structuralism.

I/ Revisiting rules: An ontological study of social rules

What kind of things are social rules? I start from the shortcomings of functionalist and ethnomethodological writings on rules to propose an alternative conception of rules as situated, often tacit, imperatives. This ontological theorisation borrows insights from critical realism and post-structuralism to explore some general features of rules. For instance: they under-determine fields of legitimate actions, are prone to logical stratification, are anchored to desires and are inherently open to interpretation (though in a discursively structured way). Moreover, I propose that a rule is social if and only if it is internally related to a social relation. In turn, this helps to clarify and systematise an understanding of how social rules are related to social positions and identities.

The objectives of this paper are two-fold. Firstly, I initiate a dialogue with authors writing on rules from a realist perspective, in particular John Searle and Tony Lawson. Secondly, I aim to facilitate the development of empirical research on processes of legitimation, authority and power in organizations.

II/ Redrawing Foucault's Social Ontology: A Critical Realist Reading of Michel Foucault

I propose that Foucault's works, since he wrote *Discipline and Punish*, rely on an implicit meta-theory that is compatible with the fundamentals of Critical Realism. To this end I examine the status of truth, methodology and social ontology used by Foucault. If this thesis is correct, then a critical realist reading of Michel Foucault would avoid some of the pitfalls generally associated with his works - such as constructivism, determinism, localism, and reductionism. Moreover, this understanding of Foucault's works would also offer novel and challenging perspectives for researchers adopting a Foucauldian and/or critical realist study of organizations.

III/ How Is legitimacy constituted? A critical realist contribution to institutional questions

I attempt to lay bases on which a realist study of the processes of legitimation can be engaged. Contrary to alternative social theories such as Institutional theory, I treat legitimacy as explicandum rather than as explicans and propose that the legitimacy of a social entity should be understood as its congruence with a set of respected legitimating social rules. Basing my critical realist ontological argument on contrastive ethnographic studies, I describe how legitimating social rules contribute to enabling and structuring the processes of legitimation at play in specific organizational settings. It is suggested that, by treating the constitution of legitimacy as a process, one is able to account for the dual evolution of people's conceptions of legitimacy and of the social rules that legitimate given social entities.

Introduction

1. Why study legitimacy?

In everyday life, when we say that something is legitimate we mean that it is acceptable or that "it is ok" for some reason. A decision, command or practice imbued with legitimacy is viewed as something we are expected to accept and would not consider challenging[1]. Consequently, it is not surprising that the notion of legitimacy has been widely used in management studies, organisation studies and sociology. What is surprising, however, is that very few authors have sought to move beyond the purely mundane understandings of legitimacy to ask: "What kind of thing is legitimacy?" and "What are the basic social processes through which it is continually reproduced?" At best, scholars using the concept of legitimacy have jumped to questions such as "According to what principles is X to be judged legitimate or illegitimate?" (Habermas 1975; Hayek 1982; Parijs 1991; Rawls 1971) and "What are the various types of sources of legitimacy?" (Weber 1978, see also Bendix 1974, Guillén 1994, Kojeve 2004). This general tendency is reflected in management studies, for instance when institutional theory (DiMaggio and Powell 1991; DiMaggio and Powell 2000; Meyer and Rowan 1977) attributes central importance to legitimacy in explaining social transformations but never addresses the issue of what legitimacy *is* and, equally importantly, is not.

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[1] The *Concise Oxford Dictionary* defines "legitimate" as : '**adj. 1** conforming to the law or to rules. **2** able to be defended with logic or justification. **3** (of a child) born of parents lawfully married to each other. **4** (of a sovereign) having a title based on strict hereditary right. **v** make legitimate ... ORIGIN **ME**: from med L. *legitimatus*, *legitimare* 'make legal'.'

In neglecting an *explicit* study of legitimacy, researchers face two types of risk. Firstly, social theorists expose their research to theoretical inconsistency if, at one moment, they suppose that legitimacy is a certain type of thing and then, at another, imply that this category refers to other things. Secondly, empirical researchers run the risk of misinterpreting processes involving, amongst other things, the constitution of legitimacy and the related formation of social rules because they would not be able to rely on the more basic mechanisms my research uncovers. I argue, for example, that institutionalist authors such as Meyer and Scott (in DiMaggio and Powell 1991) do not distinguish sharply between the legitimacy of any social entity and people's belief in that legitimacy. It follows that they are unable to distinguish between situations in which a social entity is legitimate and situations in which it is uncontested. This in turns leads to a relative myopia about the processes through which agents refer to commonly respected rules to persuade others of the legitimacy of a social entity.

My PhD work is, to my knowledge, the first ontological study of legitimacy. It relies on elements borrowed from critical realism (CR) and post-structuralism (PS) and involves numerous movements between theorisation and observation. The latter is informed by ethnographic research conducted with people working in French and British corporations. As a result of these investigations, I attempt to move beyond a mundane understanding of legitimacy and articulate a more consistent and challenging conception of legitimacy as the congruence of a social entity with sets of (tacitly known) social rules. This, in turn, enables me to explore some fundamental features of the social processes of legitimation and delegitimation.

2. Unity of the thesis

My thesis comprises three papers that are meant to be readable and publishable independently. However, these essays evolve and revolve around closely knit questions: What is legitimacy? What is a social rule? Through what processes do rules realize their legitimating

power? Taken together, these works form a totality that is greater than the sum of its parts. In this section, I will examine their main points of contact and interrelation.

The first essay of this thesis (*Revisiting Rules*) argues that rules should be conceived as the ideally real[2] objects that make a social entity more legitimate than its opposite. By drawing on elements of CR and PS, I tackle such questions as: How does one define the opposite of a social entity? How are relevant rules recognized in specific situations? *Revisiting Rules* also prepares the ground for the third paper (*How is Legitimacy Constituted?*) by showing that the notion of rule, when conceived properly, does not lead necessarily to a reification of the social. Moreover, it proposes that the writings of social-constructionist and ethnomethodologist authors do not contradict such a notion of rule but, rather, presuppose it. Finally I propose to re-orient future empirical research on social rules by proposing a number of research questions in line with the reconceptualised notion of social rules I defend.

The ontological study of social rules is facilitated by the use of the notion of *discourse* as understood by post-structuralist authors (Foucault 1972; 1973; 1974; 1977; 1978; Foucault and Gordon 1980; Foucault, Morris et al. 1979; Foucault and Rabinow 1986; Laclau and Mouffe 1985). However, the presence of this notion in a critical realist (CR) framework may seem problematic to readers used to seeing critical realism and post-structuralism as incompatible meta-theories (Contu and Willmott 2005; Reed 2005a; 2005b). In order to show that such conciliation is, at least in principle, acceptable, I had to go back to my MA dissertation (Al-Amoudi 1999) where I attempted to show that the ontology implicit in the later works of Foucault is not

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[2] The notion of "ideally real" objects is not as contradictory than it may seem: The term 'ideally real' refers to conceptual entities such as discourse, language, genres, tropes, styles, signs, symbols and semiotized entities, ideas, beliefs, meanings, understandings, explanations, opinions, concepts, representations, models, theories and so on.' (Fleetwood 2005: 200)

fundamentally incompatible with a CR ontology. When writing the second essay of this thesis (*Redrawing Foucault's Ontology*) I have built upon a central argument of my MA dissertation and have spent substantial effort connecting it with the works of other researchers in sociology and organization studies. For instance I now engage with Archer's critical appreciation of Foucault (Archer 1995; 2000) and I illustrate the pay-off of my approach by re-visiting Grey's "Foucauldian" study of *Careers as a Project of the Self.* Furthermore, I suggest that a CR reading of Foucault does not necessarily contradict Grey's analysis of benevolent power but complements it by bringing ontological depth to the causal connection between the various stratified social mechanisms that generate such forms of power.

The third and last essay of this thesis (*How is Legitimacy Constituted?*) questions the nature of legitimacy and proposes that legitimacy can be understood as the result of a social process involving ontologically distinct elements such as i) the social entities whose legitimacy is being constituted, ii) agents' beliefs about the legitimacy of these entities and iii) the social rules that constitute the legitimacy of the (legitimate) social entity. This essay is based both on the theoretical results of the first two essays and on the empirical fieldwork I conducted over 12 months. Although it is primarily concerned with the very general question of how legitimacy is constituted, it also clarifies some of the specific situations faced by members of the organisations I studied. To this extent, I hope that it illustrates how ontological theorising can make a difference to the empirical study of specific organisational situations.

3. Audiences

This thesis is directed at three audiences. Firstly it may be of interest for authors who rely on the categories of 'legitimacy' and 'social rules' in their research. Strictly defined this audience encompasses students of organizations and management with an interest in corporate governance, institutional theory, marketing, strategy, etc. More

broadly, this audience may also include researchers interested in ethnology, legal studies, moral and political philosophy, political studies, social philosophy and sociology. Secondly my thesis may be of value for researchers with an interest in social ontology; that is the study of the basic nature of the entities that constitute the social world. In recent times, interest in ontology appears to have been gaining momentum in disciplines such as management, economics and organization studies. Although some voices have argued convincingly in favour of ontological awareness in organization and management studies (Fleetwood 2005) there are still almost no examples of such enquiries in management studies. Despite its limitations my thesis is intended to show that such ontological studies are possible and useful. It is also intended to show (rather than affirm) how such ontological enquiry can be done and what the product of such enquiry may look like. I do not expect all my readers to accept all my claims. Rather, I would be satisfied if the three articles I present could fuel further debate and research on social ontology. Thirdly, my thesis may be of particular interest for authors interested in critical realism, be they advocates or challengers. On the one hand it addresses the concerns raised by Contu and Willmott (2005) that so-called CR contributions to management studies are only superficially connected to CR philosophy and that 'Very rarely... has Critical Realism been embraced openly or consistently by students of management or organization. Citations of key critical realist texts, let alone their careful exposition, are scarce.' (Contu and Willmott 2005). On the other hand it aims to create a constructive dialogue with other approaches, such as Foucauldian post-structuralism. I attempt to initiate this discussion by incorporating elements of post-structuralism into CR analysis (Papers 1 and 3) and by comparing foundational texts of both philosophies (Paper 2).

4. Use of research techniques

It is tempting to legitimate one's research by putting forwards the use of complex techniques: hundreds of interviews, elaborate

questionnaires, analysis of financial data, etc. Indeed, it may be the case that many highly respected academics would consider the use of such tools as tokens of intellectual rigour. Further reflection may, however, suggest the limitation and potential danger of such an emphasis. What is the use of multiplying the number of interviews, of questionnaires and of financial reports if these tools are poorly adapted to grasping the ubiquitous, yet elusive, processes of legitimation? During the empirical fieldwork that served as a background to this thesis, it appeared with striking clarity that legitimacy is a sensitive, almost taboo, topic. When interviewed in their office most informants would at first adopt a politically-correct attitude consisting in describing at length the formal organization chart and would ensure that all the information they convey is consistent with it. In such situations, data produced by the multiplication of short interviews, of anonymous questionnaires and of financial reports is at best superficial and at worst misleading.

Abandoning the research techniques mentioned above does not mean abandoning the use of rigorous and systematic ways of constituting knowledge. It does, however, mean that the techniques of research one uses must be assessed in relation to the objects of research and the research questions through which these objects are problematised. The research technique behind the third paper is still uncommon in management studies. I believe nonetheless that it is particularly well suited for engaging with questions such as: "What kind of things are rules?", "what makes a rule social?" and "how should one study specific rules in specific organizations?". I address these questions through retroduction from a mundane situation that my readers (including my fiercest adversaries) should find familiar and uncontroversial: sending a letter of resignation. By questioning the conditions of possibility and intelligibility of this state of affairs, I am then able to suggest some crucial characteristics of social rules. Readers familiar with critical realism should recognize a research strategy very close to the one used by Bhaskar (1978) who starts

from the accepted fact that "experiments are possible and indispensable for the progress of natural sciences" and questions the conditions of possibility of such a statement.

The topic of the second paper is less empirical than the first in the sense that it is principally a confrontation of the ideas of Roy Bhaskar and Michel Foucault. This task required in-depth study of the works of each author and so involved intensive library work. Since the paper purports to provide more than mere intellectual gratification, a substantial part of it is devoted to illustrating how a CR reading of Foucault can make a difference to the study of organizations. I do this by re-considering Grey's exemplary Foucauldian study of *Career as a project of the self* and by showing how such study could be extended when recast into a CR framework.

The third paper addresses the empirical question of the processes through which legitimacy is constituted in organizations. I have relied on research techniques that are adequate to understanding a generalized social process that participants reproduce in their day-to-day work, without always being able to formulate it. Such techniques include contrastive study (Lawson 2003), in depth semi-structured interviews (around 50 hours in total), interviews with closely related informants (around 30 hours with 6 people) and participant information with people of similar ethnic and educational background during more than 150 hours (see Appendix 1).

The blood and marrow of my thesis is provided by the CR ontology and the Foucauldian variant of the post-structuralist theory of discourse. These (meta)theories inspire and nourish all aspects of my thesis, from the questions I ask to the answers I suggest. The methods I use are the bones of the present research; they provide rigor and consistency for the theses I defend. Finally, the study of legitimation processes and social rules constitute the flesh and skin of my PhD research as it is this aspect that will probably be most appealing to the wider community of researchers in management and organization studies.

Paper 1: Revisiting Rules. An Ontological Study of Social Rules

Circa 10,000 words

Abstract

What kind of things are social rules? I start from the critique of social rules articulated by ethnomethodologists and propose an alternative conception of rules as situated, often tacit, imperatives. This ontological theorization borrows insights from critical realism and post-structuralism to explore general features of rules. For instance: they under-determine fields of legitimate actions, are prone to logical stratification, are anchored to desires and are inherently open to interpretation, though in a discursively structured way. Moreover, I propose that a rule is social if and only if it is internally related to a social relation. In turn, this helps to clarify and systematize an understanding of how social rules relate to social positions and identities.

The objectives of this paper are two-fold. Firstly, I initiate a dialogue with authors writing on rules from a realist perspective, in particular John Searle and Tony Lawson. Secondly, I aim to facilitate the development of empirical research on processes of legitimation, authority and power in organizations.

Keywords

1. Revisiting rules. Why? How?

The notion of 'rule' seems to be almost as contested as it is central to both sociology and organization studies. Whereas classic works of sociology tend to consider rules as a vital resource (Durkheim 1982; Giddens 1984; Parsons 1964; Weber 1978), ethnomethodologists criticize their taken-for-grantedness and propose rather to view the continuous reproduction of rules as a problematic topic of enquiry (Zimmermann in Douglas 1971; Garfinkel 1984; Heritage 1984). As Garfinkel puts it

> [functionalist] social science theorists … have used the fact of standardization to conceive the character and consequences of actions that comply with standardized expectancies. Generally they have acknowledged but otherwise neglected the fact that by these same actions persons discover, create and sustain this standardization. (Garfinkel, 1967: 66-7, cited in Heritage 1984, text modified)

Indeed, a notion of rules that would equate them with the explicit formalizations used by agents to explain their actions conveys little and provides misleading explanatory power. Moreover, ethnomethodologists suggest that the ability to know when the rule must be suspended is an essential element of competent social action. This indicates that failure to incorporate the interpretative work performed by participants results not only in blindness to incompetent/deviant social action but also misses key features of competent/normal action.

The purpose of the present paper is not to refute this ethnomethodological critique but, rather, to include it into a refined study of rules. Thus, against functionalism, I consider that rules are immanent to (though distinct from) the very practices of participants. Contrary to ethnomethodologists, however, I do not conclude from the limitations of functionalism that rules are a potentially misleading category and that

> At the present time, it is clear that the analysis of actions in context is best forwarded by the detailed analysis of families of cases rather than through the formulation of prescriptive systems of rules which gloss over more than they reveal and foster the illusion of understanding and explanation where none exists (Heritage 1984: 129).

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In the remainder of the paper, I try to carve out a conception of rules that could be valuable for researchers in social sciences including ethnomethodologists. My point is not to defend the "formulation of prescriptive rules" against the "detailed analysis of families of cases". It is rather to show the implicit importance of rules for the very process of "analysis of families of cases".

I base my argument on retroductive and contrastive reasoning which can be explained by comparison with the more common practice of induction (Bhaskar 1978; 1998; Lawson 1997; 2003). Whereas induction seeks to move from the observation of a property in a few individuals to a statement about all individuals of the same kind, retroduction seeks to uncover the necessary conditions of possibility for an observed event, these conditions of possibility being things of various kinds: (usually anterior) events but also powers, mechanisms, processes, structures, reasons, beliefs, and so on. For example, an inductive study of swans typically prompts questions of the type: considering the swans I can observe, what can be said about all swans? In turn, these questions bring answers of the type: all swans must be white, big birds, capable of swimming and eating fish. Notably, induction seeks to generalize observations without attempting to explain them. In the present example, we are therefore left with no answer to the question why (some or even all) swans are white, big birds, etc. Conversely, a retroductive and contrastive study of swans would prompt questions of the type: What must be the case about the swans I can observe, for them to be white in England (but not in Australia), big (compared with ducks), capable of swimming in quiet rivers (but not in torrents) and eating fish in some rivers but not in others? The resulting answers do not take the form of a generalization of observed characteristics to the totality of swans. Rather, they take the form of hypotheses concerning the genetic, physiological, environmental and social mechanisms that make swans white in England, bigger than most ducks, capable of swimming in rivers with little current and eating fish when the water is not too polluted. It is important to stress that (just like for induction) the knowledge produced through retroduction is fallible and

depends in large part on social and psychological processes related to the researcher. How useful and reliable is knowledge produced by retroduction then? A possible answer is that it is definitely more useful for explaining states of affairs than induction or deduction (that predicts without explaining). Moreover, it is possible to appreciate and have some idea of the reliability of such knowledge since retroduction is revelatory of two inextricable things at the same time. On the one hand, it reveals my own assumptions –although in specific terms of reference - and helps clarifying them. On the other hand, it reveals features of the world that are irreducible to my conception of them, although it does so with a strict *caveat*. In effect, I am entitled to believe that the implicit assumptions I make about the world are adequate only to the extent that I also believe that my chosen point of departure refers adequately to the world. For example, a retroductive study of the positive impact of why swans can speak Spanish is likely to generate more dubious hypotheses than a tentative explanation of why swans are able to float on quiet rivers. Finally, the hypotheses generated through retroduction are inherently open to debate and discussion. For the present research, this means that my retroductive reasoning will attempt to be convincing by departing from a situation that is familiar and plausible to all readers. The situation I have chosen can be summarized in five words and is the following:

John posts a resignation letter

In section 2, I propose to study rules as situated, tacit imperatives. I then distinguish between social and personal rules (section 3) by examining the internal relation of social rules and social relations. In section 4, I compare the conception of social rules developed in the previous sections with the conception of social rules proposed by Lawson (1997; 2003). Finally, I dedicate sections 5 and 6 to indicating directions for studying social rules and the processes of authority through which they are established and reproduced.

2. Rules as situated, tacit imperatives

I would now like to defend a conception of rules as imperatives or injunctions. In common usage, the word 'imperative', refers both to "the imperative mood, or a verbal form belonging to it" (*Oxford English Dictionary*) and to "an imperative action, speech, condition, etc.; an action involving or expressing a command; a command." (*Ibid.*) In this light, the imperative is related to a class of actions that ought to be, but what does "ought" mean? Arguably, ought does not mean "is", it does not mean "can" and it does not mean "is wanted". So, the imperative is distinct from the actual, the possible and the desired, which is reflected in English language by the distinction made between indicative, conditional[3] and imperative moods. But then, what is the imperative? A short answer could perhaps be that **imperativity refers to the mode of being of an action that is more legitimate than its opposite. The rule (imperative, norm or injunction)[4] is thus the implicit, local, ideally and (sometime) socially real object that generates the imperativity of a set of possible actions.** This prompts comment on the notion of opposite and on legitimacy. First, the idea of an action's "opposite" may raise some eyebrows, especially amongst authors sympathetic to post-structuralism. Is it possible to speak meaningfully of the opposite of an action considering the plurality of actions qualifying plausibly as opposite for any given action? For instance, it is possible to imagine a multitude of opposites for the action of "posting a letter": refraining from posting anything at all, posting a postcard, sending an email, burning a letter or, why not, putting a slice of ham in the mailbox. Interestingly enough, most people are capable of using the context of the statement in order to figure out the opposite of "sending a letter". Instead of sending a letter, they would abstain from posting anything at all if they finally decided not to send that letter of resignation, they would send a postcard to friends if they are on a holiday, an email if they wish a quick reply and a slice of ham if they lost a stupid bet. Moreover, the theories of

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[3] NB: In English, the conditional conflates possible and desired actions.

[4] In this paper, I refer to invariably to 'rules', 'imperatives', 'norms' and 'injunctions'.

discourse developed by authors such as Foucault or Laclau and Mouffe may bring an interesting explanation to this inherent ambiguity of the opposite of an action. The very oppositions of the kind "sending a letter/not sending anything at all", "sending a letter/sending a post-card", etc. is in itself constitutive of a discourse to the extent that these oppositions presuppose differential positions (Laclau and Mouffe 1985: 108). Thus, an (often unacknowledged) discourse exists and structures the field of conceivable actions (including statements) at the disposal of agents. This discourse endows actions with meaning through chains of equivalence and opposition between signifiers. However, these chains of equivalence are only partly fixed and signifiers are prone to some sliding. So, within a given discourse, the ambiguity of "sending a letter" is not dis/solved unless some additional elements of context are taken into account to delineate more clearly the field of acceptable meanings at the exclusion of other candidates (what Laclau and Mouffe call "hegemony"). It follows that a reference to the "opposite" of an action does not contradict theories of discursive antagonism but is rather illuminated by them and ultimately presupposes the kind of discursive structures theorized by them. The second remark concerns the relativity of legitimacy (Al-Amoudi 2006). Legitimacy is relative to the extent that it is a congruence between a (legitimate) social entity and a (legitimating) set of rules. So, an imperative action presupposes the existence of rules that are respected and with which the action under consideration is more congruent than its opposite. This indicates an interesting feature of rules: On the one hand, they define fields of other (subordinate) rules which they legitimate and, on the other hand, they are themselves legitimated by (super ordinate) rules with which they are congruent. For example, the imperative according to which "John ought to send a letter to the tax administration today" may be legitimated by the super ordinate rule according to which "John must not send the letter after the deadline which is tomorrow" and it legitimates the subordinate rule according to which "he ought to wait in the desperately long queue in the post office". But then, does this indicate that rules are caught in a never ending regression in which there would be rules

legitimating rules in turn legitimating other rules and so on? Or can we think of a bottom to this regression?

A. The rule of desire: From desiderata to rules

I propose that rules are anchored in desires and that there is **an immanence of imperatives to desiderata** or, in other words, that the objects of desire analytically create imperatives. For the sake of clarity, I first illustrate my argument by using *ceteris paribus*[5] (*c.p.*) clauses. I will then generalize it and replace the c.p. clauses by *to some extent* clauses. I accomplish this shift from *c.p.* to *some extent* clauses by introducing the notion of discourse.

The crucial point of my argumentation from desiderata to rules is that the proposition "I want X" implies "I ought to let X happen *ceteris paribus*". So, as long as I have a desire for X, if Ax is an action that causes X, then the proposition "I want X" implies "I ought to do Ax, *c.p.*". Let us illustrate this with an example. John desires to quit his current job. So, the desideratum is the action of quitting his current job. Everything being otherwise equal, this intention implies an imperative (it thus creates a rule) according to which he ought to quit his current post. Now (still under the *c.p.* clause) any

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[5] In English, the Latin locution c.p. means: "Other things being equal, other conditions corresponding" (Oxford English Dictionary). Within an actualist ontology, it can have the meaning of: "all other events being equal". Since I do not use c.p. in an actualist ontology, *c.p.* does not refer to a constancy of events over time but to an absence of inference from competing desires or rules. Back to our example, saying that "I want another drink although I also want to be able to drive my car" is already breaking the *c.p.* clause. If we want to respect this clause, we should rather say: "I want another drink and do not bother about being able to drive my car". If this proposition is taken seriously, then it follows that I should have another drink. Any (commonsensical) critique of the rule according to which I should have another drink needs precisely to put forwards alternative rules that, in the given situation, contradict it and overwhelm it.

action that has the effect of making him quit his job becomes imperative to the extent that it contributes to the fulfilment of this desire: sending a resignation letter, going to see his boss to directly present his resignation or even telling his boss openly what he always thought about her make-up. The fact that we have supposed so far that John expressed imperatives under *c.p.* clauses can appear flawed since, in their every-day action most (non-autistic) people do not behave this way. In fact, I adjudicate a *c.p.* clause to the expressions of imperatives above because *c.p.* clauses are necessary NOT for the existence of imperatives, but for their formulation. Indeed, a moment's reflection indicates that "everything being otherwise equal" is only meaningful as an antiphrasis, it functions to express exactly the contrary of what it means literally! The role of the *c.p.* clause in the formulation of an imperative is to say: "This would be the formulation of the imperative if everything were otherwise equal. But of course, everything is never otherwise equal! So now, one needs to adapt this imperative to their understanding of actual situations and might even sometimes need to favour other opposing imperatives over the present one." So, John's desire to quit the job generates an imperative to present his resignation (either directly or by post), but if he knows that he can only get unemployment benefit as a condition of being fired instead of resigning from his job, then he may consider the option of upsetting his boss. However, by recognizing that imperatives are context dependent, we are left with the question: "How do agents take account of context?"

B. Discourse and the interpretation of rules: Against a widespread Wittgensteinian objection

The question of the application of rules to given situations raises the classic problem addressed by Wittgenstein (1968 see also Kripke 1982): When confronted with a given series, there is an infinity of rules that may be extrapolated and that would match the series. The conclusion reached by Wittgenstein and his followers, amongst which ethnomethodologists, is that the notion of rule is potentially misleading and, though it may yield some explanatory power, it should rather be replaced by other concepts

more adequate for conveying the sense-making activities of agents. It sounds indeed very reasonable that, if confronted with a given series it is always possible to extrapolate more than one possible rule. But does this mean that ANY rule could govern the series? We must first note that - from within the very perspective of Kripke/Wittgenstein - all rules that suppose a beginning different from the series would be considered to be unsuitable candidates. So if the series under scrutiny is "1,2,3,4", any rule generating as its first components numbers such as "1,**3**,4,5" would be dismissed. But then, are all other series suitable candidates? I would suggest that Wittgenstein would only be right on the condition of ignoring totally the presence of discourse and its effects. Matters get interesting however as soon as we start considering the role of discourse for ranking rules and judging their suitability. But how are we to apprehend discourse, that structure which is itself neither the text nor the actions it governs, although it is immanent to them and has no actual existence independently of them? A possible answer is to use retroductive arguments by

1. Taking for granted an effect of discourse
2. Asking: Considering what we can say about this effect, what can we also say about the properties of discourse itself?

Let us pick a starting point that Kripke and Wittgenstein also accept: The apparently spontaneous belief of people that some rules are more congruent (than others) with a given series although there is no purely logical reason for believing that. What is it that pushes people to consider that some rules are more congruent than others with the series? A plausible answer could be, following post-structuralists, that it is precisely because our conceptions are discursively mediated that we tend to promote "spontaneously" some rules whereas we consider some other rules as being inappropriate to the given series. In order to explain how discourse allows both to differentiate between rules and to estimate their relative adequacies it can be useful to resort to the notion of "hegemony" as it is used by Laclau and Mouffe. Strictly speaking, and without consideration of background discursive structures, there is no reason for interpreting the situation as fitting one candidate rule better than another. The positions of the candidate rules are, as it were, "floating"; each of them

could occupy the position of the best-suited rule for the given series. There thus needs to be an extra set of imperatives to be added in order to determine (Lacan would say: "to quilt") the candidate imperatives in competition and to determine their relative importance.

These imperatives that both allow us to distinguish the imperative possibilities present and to rank them, are contingent to the extent that they were not explicitly mentioned in the imperatives they discerned and ranked. John may have never thought that he would be some day confronted with such choices. Nonetheless, neither was he confronted with completely arbitrary (that is, un-determined) choices. He already had some vague preconception of the relative importance that he would attribute to each of these imperatives. More fundamentally, he also already had a preconception about his social environment, his identities and his activities. All of these encompass some more fundamental imperatives from which he could derive the subordinate imperatives that emerged in order to determine (fix, quilt) the possible rules and their relative weights. As a worker John is under-determined to quit his firm, as a consumer he is under-determined to get as many unemployment benefits as possible and as a gentleman he is committed to avoid being rude to his boss. Alternatively, he could offer to create a worker's committee, which is at the same time a "reasonable" compromise between the various rules John is committed to and a powerful way to get a full dismissal from many firms!

C. Beyond an algorithmic conception of rules

One frequent argument against the notion of "rule" is that it presupposes more or less implicitly that people act *following* codified rules and that such an account offers at best a rough *ex post* rationalisation and fails to do justice to the tacit nature of most actions. Let us discuss this argument by turning to Sudnow's remarkable account of how he learned jazz improvisation (Sudnow 2001). The notion of "ways of the hand" occupies a central place in Sudnow's eponymous book as these constitute at the same time the goal and the means of his practice. Throughout the text, an implicit opposition is sustained between "ways" and "rules", the former

being related to tacit, embodied, mature and relatively free actions whereas the latter relate to actions that are explicit, reflexive, immature and constrained. As he puts it:

> Although my teacher provided readily accessible instruction on chord production, voicing, and song play, offering *constructional rules that were easily followed* and quickly produced quite wonderful-sounding results for just playing and arranging those standards I loved so much, when it came to improvisation, the lessons became increasingly unsatisfying. (Sudnow 2001: 27)

This conception of rules is algorithmic to the extent that the rule is here presupposed to be a set of instructions that guide action by being followed explicitly. Conceived this way, rules allow at most the reflexive production of a determinate sequence of actions through explicit reflexive monitoring but do not allow improvisation without thinking about them. No surprise then that Sudnow felt unsatisfied when he started to try improvising variations on the music he could reproduce so well. Understandably enough too, Dreyfus suggests in the preface to Sudnow's book that

> [such an account] shifts the burden of proof to those who think of skill acquisition as the acquisition of more and more refined rules (Dreyfus in Sudnow 2001: xi)

However, things appear under a different light if we abandon the idea of "following rules explicitly" and if we adhere rather to the idea that rules are imperatives that can guide behaviour by de/legitimating certain types of actions. A first consequence is that rules do not delimit a single acceptable action but a whole field of acceptable (legitimate) actions. There are indeed plenty of ways to act in conformity with most rules. Thus, John complies equally well with the rule according to which he ought to send a resignation letter whether he posts the letter in the morning, in the afternoon or in the evening. A second consequence is that, contrary to what seems to be presupposed by Dreyfus and Sudnow, rules are distinct from their very formulation. Therefore, the same rule may be formulated in a variety of ways that are more or less useful for a given kind of practice. Specifically, the irreducibility of rules to their formulation implies that actions congruent

with rules can involve tacit and embodied knowledge. For John, not only can the act of posting a letter be done in a routine way but also the linkage of his resignation to his sending a letter can be more or less tacitly (and unquestionably) accepted. It follows that the "acquisition of more and more refined rules" is not necessarily a process of being able to replicate more and more complex algorithms. Rather, it is about being able to find more and more ways of complying with imperatives that are immanent to the practice without having been explicitly formulated. Notably enough, such rule-based account of learning is not far from Sudnow's once we move beyond the strict meaning he assigns to the word "rule". Consider the following passage:

> I learned [the] language [of jazz] through five years of overhearing it… I came to see that this jazz music *is* first and foremost particular ways of moving from place to place… Little bits and pieces of jazz handlings showed themselves to me, revealed as that jazz music in my hands' ways, and I would nudge myself: Springboard – get the beat right – … let the hands say where and how to go … Remember Jimmy – … keep that hand from tripping… But the instruction is now embodied in the ways of my hands, just as … "wait for the dial to return" advice a youngster must explicitly follow, is in the adult's wayful, sequentially unfolding hoverings with a rotary phone. (Sudnow 2001: 127-8)

What is significant here is not the absence of rules but their double embodiment both in exemplary objects and in the body executing "wayful" practices. Sudnow is able to let his hands produce "good" jazz music because he is also capable of recognizing moments of jazz music "like in the records". However, because he is improvising, his practice is not about replicating exemplary songs note by note but about producing new sounds that nonetheless qualify as "good" jazz music. Sudnow attempts to produce a novel musical performance in which he would nonetheless reproduce the exemplarity of his sources of inspiration. But then, what makes an action exemplary? A possible answer is that an action is exemplary if it has characteristics that are more legitimate than their opposite. This presupposes in turn the existence of rules and discourse. For an action to be exemplary, there must be a discourse that makes it possible to

distinguish and individuate its characteristics. In other words, the positivity of these characteristics necessitates and presupposes a discourse. Moreover, the discourse also allows us to think the opposites of these characteristics and, thus, defines their negativity. For instance, the discourse of jazz distinguishes the melody from the chord. Moreover, it allows to distinguish and oppose "wayful" melodies and "clumsy" or "immature" melodies. However, saying that an improvised melody presents "wayful" characteristics presupposes more than discourse, it also presupposes rules to the extent that the "wayful melody" is not only distinguishable from the "unwayful melody", but is also preferable to it. Finally, these rules and this discourse are immanent to the characteristics of the exemplary practice and of the improvised practices. So, we do not have on the one hand Jimmy Rowles' and David Sudnow's ways of playing and on the other, rules about how to improvise jazz music. Rather, the rules are embodied in Jimmy Rowles' and David Sudnow's way of playing the piano. Although the rules may be explicated and transcribed through other media, these transcriptions are neither necessary nor even sufficient for the continuous reproduction and transformation of "wayful" jazz music.

3. What makes a rule social?

A. Which criterion of sociality?

So far, we have been dealing with rules without bothering too much about the distinction between non-social and social rules. My strategy to tackle this issue is to start from a criterion of sociality and to follow the implications this has for social rules. Even within a realist ontology, this is not a straightforward task as there appears to be some divide amongst realist authors about the most adequate criterion for sociality. John Searle, for example uses the expression "social fact" to refer to any fact involving collective intentionality (Searle 1996: 26). If we apply his criterion, then a social rule is a rule that we share together. More precisely, what is meant by Searle is that

    1) A plurality (a group) of people is presupposed by the plural noun: "we".

2) Each person in this group ought to conform with the social rule.

3) Each person in the group believes the others ought to conform with the social rule.

Moreover, according to Searle, collective intentionality is to be located exclusively in the minds of individual people. As he puts it:

> The form that my collective intentionality can take is simply "we intend", "we are doing so-and-so", and the like. In such cases, I intend is only as part of our intending. The intentionality that exists in each individual head has the form 'we intend'. (Searle 1996: 26)

For the present purpose of studying rules, to what extent should we rely on Searle's definition of the social? Admittedly, the continuous existence of social reality depends on the continuous existence of the minds of individuals. Without people thinking or acting reflexively, there would arguably be no such things as a mailing system or boss/subordinate relationships. So, the existence of the (collective) intentions of individuals is a condition for the continuous existence of many social objects. But is it a necessary and sufficient condition for the existence of any social object? It is at this point that the conception of sociality I wish to defend gets significantly closer to a critical realist position than to Searle's.

I propose rather that, on its own, (collective) intentionality cannot account satisfactorily for all social objects. More specifically, it overlooks social objects that are not represented by agents. For instance how can one rely on Searle's criterion of the social to account for the causes of the unexplained breaking down of social objects (such as marriage, firms or work contracts) and of the social relations they entail? Are the conceptions of participants enough to explain these situations? After all, it may be the case that the spouses have unidentified suspicions that poison their couple, that the partners of the start-up are in an unacknowledged situation of competition for scarce resources and that John is structurally in a situation of exploitation despite the belief shared in his firm that employees get a fair pay for a fair day of work. Perhaps such problems can be better understood (and avoided) by moving beyond the conceptions held by individuals and recognizing that some social objects are not perceived by

participants. In short: the social is greater than the collectively intentional. Non-intentional elements such as the incapacity of the spouses to discuss their feelings, the informal organisation of the startup or the exploitative dimension of capitalism (under)determine the resulting form of these social relationships as much as the mental states of participants[6]. So, if intentionality is not a sufficient characteristic of social rules, we are left with the question: what are the necessary and sufficient conditions for a rule to be a social rule?

An alternative route for theorizing what makes a rule a social rule is to follow the critical realist tradition and chose a criterion for the social that is expressed in terms of social relations. Notably enough, critical realist authors appear to have written very little on rules and do not seem to be much preoccupied about a distinction between private and social rules. Tony Lawson (1997; 2003) is amongst the few critical realist authors who mention the topic of rules and still, he invariably refers to "social rules" without questioning much the very sociality of social rules as opposed to "non-social", or personal, rules. In the following section, I suggest that studying the sociality of social rules helps to better characterize social rules and make explicit the relation between social rules and people's identities. Moreover, it contributes to clarifying Bhaskar's famous and bewilderingly concise claim that

> It is clear that the mediating system we need is that of the *positions* (places, functions, rules, tasks, duties, rights, etc.) occupied (filled, assumed, enacted, etc.) by individuals and of the practices (activities, etc.) in which, in virtue of the occupancy of these positions (and vice versa), they engage. (Bhaskar 1998: 40-1)

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[6] I do not engage with Searle's notion of the background in this essay. I believe, however, that such omission is not invalidating for my critique of Searle's conception of the social as the collectively intentional. The fact that Searle develops an explanation of intentionality (and collective intentionality) in terms of background abilities may be useful for making sense of how people get intentional states. However, I do not see that it changes the way Searle characterises the essence of the social, that is, as the collectively intentional.

B. Social rules and social relations.

I propose that **a rule is a social rule if and only if it is internally related to one or various social relations**. I then contrast this criterion with alternative criteria such as the external relationality of social rules and social relations.

Saying of a social rule that it is internally related to social relations means several things. First and foremost, it means that the rule is what it is because the social relations are what they are and, conversely, the social relations are what they are because the rule is what it is. For instance, the rule according to which a postman will deliver John's resignation letter is a social rule to the extent that it is an essential element of the relation between postman and customer. The internal relationality of social rules and relations also implies that a substantial transformation of the rule (the rule becoming something else than what it was) constitutes *ipso facto* a substantial transformation of the social relation. So, if English postmen started to read the mail of customers instead of delivering it, the relation between postman and customer would be essentially affected. Social rules are also internally related to social positions/identities to the extent that the latter are internally related to social relations. So, the rule of distributing the mail rather than reading it is not only constitutive of the relation postman/customer but it is also constitutive of the very social position of postman and of the social identity that may be attached to it. In short, it is integral part of what it is to be a postman and to see oneself as a "good" postman. There is more to say about the internal relationality of social rules and social identities. Firstly, it is not contradictory to admit with Laclau and Mouffe and other post-structuralist authors that social identities are fundamentally antagonistic. So one is never completely a postman just as one is never completely a customer. The identities of postman and customer only acquire their positivity within a discourse that opposes them without exhausting them. In line with Laclau and Mouffe, we could then say that the imperative of delivering the mail is constitutive of the social identity of the "postman" **within a specific discourse** that is itself presupposed by

the social relation postman/customer. However, even with the strongest post-structuralist precautions I believe it is possible to state that, within any given discourse, social rules are constitutive of both social relations and social positions. Secondly, because of their internal relatedness, a tension exists between social rules and social identities such that failure to comply with a social rule threatens *ipso facto* the social identities with which it is internally related. If the postman opens John's mail instead of delivering it, his identity as a "good" postman is potentially threatened by the transgression of the rule. A possible way to safeguard his identity as a postman is to bring forward a justification for the transgression of the rule and articulate a conception of the position of postman that would be in line with this justification. For instance, he may have been asked to open and read the letter because the police suspects John of terrorist activities. Within a discourse in which postmen should obey orders and safeguard national security before they should respect the privacy of customers, the postman did his job very well. On the contrary, from the perspective of a discourse in which safeguarding the privacy of customers comes first and foremost, he acted as a very "bad" postman.

Let us now contrast this conception of a social rule as **internally** related to social relations with a conception of social rules as **externally** related to social relations. Both internal and external relationality imply the idea of a mutual dependence. However, internal relationality refers to a dependence of the identities of the related elements whereas external relationality refers to a relation of causation that does not affect the identity of the relata. Thus, saying of a rule and a social relation that they are externally related means that the one has an impact over the other without being essential to its identity[7].

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[7] Some post-structuralist readers appear to be doubtful of any use of the notion of 'essence'. I believe however that we may perfectly share their critique of naïve essentialism without rejecting the usefulness of the notion of essence. Admittedly, we never get to think or identify essences without the mediation of discourse. This is very different however than saying that the way we identify essences depends

It becomes very difficult to sustain a distinction between social and non-social rules if we define social rules as rules that can only be actualised (complied with) through reliance on social relations. In effect, since human practice presupposes social forms (which themselves presuppose social relations) and if rules are imperatives to perform an action rather than another, then we must admit that the actualisation of any rule presupposes social forms and social relations. This may be illustrated by going back to our initial example of John sending a letter of resignation. Let us imagine that John decides to allow himself some time for reflection and decides to delay the posting of his resignation letter for a week or so. It may arguably be affirmed that such a rule is a personal (as opposed to a social) rule. Nonetheless, in order to comply with this personal rule, John may still need to rely significantly on social relations: at the very least, he needs to eat and drink during all that week of reflection. In a modern society this presupposes buying the food from merchants rather than hunting it with weapons created by oneself. Moreover, the very reflection he will undertake will use words and concepts that themselves presuppose social relations with teachers, parents, colleagues, etc. It follows that the relation of causality (social relations ➔ rules) is not an adequate criterion for distinguishing social rules from personal ones. But then, what about the obverse criterion (rules ➔ social relations)? Is it the case that any rule affecting (externally) a relation should be viewed as a social rule? Back to John's personal rule according to which he should wait an extra week or so before resigning from his job, this rule has an (external) incidence on his relation with his colleagues and boss as it (under)determines whether he is still a member of the firm or not the next morning. Since the relation of causality is external, the rule does not (under)determine or transform what the boss/employee relationship is in John's firm. But because the relation of causality is nonetheless real, it makes a difference as to whether (or not)

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exclusively on us. Thus, although under some discourse hemlock may be identified as fennel (they have similar roots and leaves), a fennel based potion would have had different effects on Socrates than a hemlock based one.

John's relation to his colleagues will be tomorrow a relation of colleagues or ex-colleagues.

4. Discussing Lawson's conception of rules

I would now like to use the conception of rules advanced in the present article to discuss three aspects of Lawson's theorization of social rules (Lawson 1997; 2003). First, I defend Lawson against possible mechanistic, deterministic and algorithmic (mis)interpretations of his conception of rules as generalized procedures of action. Second, I examine whether his formulation of social rules as "injunctions of the form: 'if x, do y under conditions z'" (Lawson 2003: 162) can avoid an algorithmic conception of rule following. In so doing I attempt to propose a formulation of rules that improves Lawson's without contradicting it. Finally, I study the absence of a distinction between personal and social rules in Lawson (1997; 2003). This third point of discussion is slightly more critical than the first two as I end up proposing some amendments to Lawson's conception of what a "social rule" is as opposed to a "personal rule". These three topics of discussion are by no means the only points of contact between the conception of rules I propose and Lawson's. Rather, they are intended to stimulate further discussion amongst authors interested in rules and social rules.

Casting away a mechanistic interpretation of Lawson on rules

In order to defend Lawson against a mechanistic reading, let us go back to Lawson (1997; 2003) where he defines social rules as

> *generalized procedures of action* that, under a suitable transformation at least, can be expressed as injunctions of the form: 'if x, do y under conditions z' For example, 'if driving, keep to the left hand side of the road, when in twentieth century Britain'. (Lawson 2003: 36, emphasis added).

I agree that, when they are formulated, rules are best expressed as injunctions. What seems slightly ambiguous, however, is that the intransitive object of these expressions (that is, what these expressions are

about) is conceptualised as a generalized procedure of action rather than as an injunction, a norm or an imperative. The consequence is that a potential misunderstanding may arise concerning the nature of rules and the way they are articulated within a vision of society that purports in other respects to avoid positivist forms of determinism. This ambiguity is sustained, I believe, by the legal, computational and otherwise algorithmic connotations of the word "procedure". Lawson seems to suggest that, in the context of his work, rules and procedures should not be understood as the "*fact* of proceeding with any action" (*Oxford English Dictionary*) but rather as

> A (possibly contested) directive, code, convention, or understanding about *how* an act could or should be performed; it is not *per se* a prediction or claim that the performance so indicated in fact always proceeds (Lawson 2003: 37)

Moreover, he casts further away any doubts concerning a possible algorithmic understanding of rule following by making it clear that

> It is likely the case, for example, that actions consistent with many rules (especially those to which there is wide and enduring conformity) can be learnt via trial and error or by way of imitating others, and that, for many individuals at least, many forms of rule-consistent action may never be given an explicit formulation. So a knowledge of rules may not always, or usually, take a codified form. (Lawson 2003: 37-8)

However, if we agree with Lawson that a knowledge of rules may not usually take a codified form, what about his claim that rules can "under a suitable transformation at least, … be expressed as injunctions of the form: 'if x, do y under conditions z'" (*Ibid*: 36)? i) Is such a formulation too algorithmic to convey satisfactorily a knowledge that is usually tacit? ii) Moreover, what about the question of the identification of y, is it as straightforward as the formulation seems to suggest? iii) Also, is there a redundancy between the "if x" and the "under conditions z" clause? iv) Besides, how can we accommodate the explicit expression of "conditions z" with the acknowledgement that social rules are contextual and prone to (sometimes ambiguous) ranking? v) Finally, is the "do y" to be understood

at the indicative mood (as the expression of a state of affairs) or at the imperative mode (as an injunction or imperative)?

A. Examining Lawson's general expression of rules

Let us tackle the questions prompted above in reverse order. v) Because Lawson insists on the inherent normativity (imperativity) of rules, I believe that the "do y" clause should be understood at the imperative rather than at the indicative mood. It follows that the clause "do y" can be replaced by "one should do y" so as to reflect the normativity of rules. iv) Moreover, if we admit, as Lawson seems to do, that social rules are dependent on context and that contexts happen in an open world, then we need to account for the necessary indexicality of rules and we are confronted again with the difficulties raised by the Kripke/Wittgenstein objection about the ambiguity of rules. I proposed above a solution to this ambiguity by using the notion of discourse[8]. This solution consists in saying that it is only because people rely on discursive structures to distinguish between what counts as context and what does not that they are able to face the kind of new situations that happen in an open world. The immediate consequence for the formulation of rules is of course that the formulation of the context of application of the rule can never be exhaustively described in the formulation of the rule. So, although Lawson is right to signal that rules can only be expressed under certain conditions, it should also be added that, even when these conditions are met, the formulation is always incomplete or, as post-structuralist authors would perhaps love to put it, the

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[8] With the meaning ascribed to it by Foucault and Laclau and Mouffe, which is not widely shared amongst authors in social theory and sciences such as Lawson or Fairclough. For post-structuralists, discourse is the "system of differential entities " within which objects acquire their positivity and their meaning. Contrary to Fairclough who equates discourse with text or groups of texts, Foucault and Laclau and Mouffe consider discourse as the object which conveys meaning to texts (Foucault) and to practices (Laclau and Mouffe).

formulation is always a partial failure to grasp the rule. It follows that, for instance, Lawson will need to use a "so on", an "*etc.*" or a "*ceteris paribus*" clause to account for this indexicality of rules. So, the formulation, "whenever x, do y under conditions z" is not wrong in itself but could be advantageously replaced by a formulation of the kind "whenever x, one should do y under conditions z *ceteris paribus*". iii/ This brings us to the question about the redundancy of the "if x" and the "under conditions z" clauses. In fact, I can not think of a single "if x" clause that couldn't be transferred into the "under conditions z" clause. So, for instance, the formulation "if driving, keep to the left hand side of the road, when in twentieth century Britain" could be reformulated as "one should keep on the left hand side of the road when driving in twentieth century Britain, *c.p.*"[9]. ii/ We also need to address the very ambiguity of the "do Y" clause. The clause "keep on the left hand side" is only devoid of ambiguity for people having some conception of what it is to drive a car. And still, the condition of intelligibility of what we spontaneously understand is that we contrast "keep to the left hand side of the road" with "keep to what appears to the driver as the right hand side of the road" rather than with "keep to what appears as the right hand side of the road when looking at a map" (or "when looking backwards" or "to other passengers looking through the window" and so on and so forth). This inherent ambiguity of the "do y" clause brings us back to the idea that a rule is what renders a (desired, possible or actual) action more legitimate than its opposite. i/ A consequence is that Lawson's expression of rules can be reformulated as:

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[9] This ambiguity is parasitic on and resurfaces in Lawson's study of the relation between rules and positions (Lawson 1997: pp.172-3). Lawson acknowledges that "there is an ambiguity in the literature as to whether or not any positions referred to are best conceived of as part of the rule formulation, i.e. as part of the conditional 'if x' or part of the 'under conditions z' clauses' (Lawson 1997: 172) And Lawson to conclude that '[he is] not sure that anything hangs on this distinction in practice' (Lawson 1997)

"you should do y1 rather than y2 under conditions z, everything else being equal."

B. Sustaining a distinction between social and personal rules

Besides the formulation of rules, there also appear to be differences between the conception of the sociality of rules I propose and the sociality of rules that seems to be presupposed by Lawson for whom there is no point in distinguishing between social and personal rules. This can perhaps be traced back to his reliance on a criterion of the social, formulated in terms of dependence on intentional action (rather than on relations between people and on relations between relations).

> Now if the term social is to designate anything specific here, it must be a dependency on human intentional agency. This is a standard interpretation of the term, and does not seem contentious. (Lawson 2003: 31)

In effect, if the social is anything depending on human agency, then any rule is social. As a consequence, it becomes inconceivable to talk of a non-social or "private" rule. This restriction of the word rule is reflected in the fact that realist authors such as Faulkner and Runde take liberties with Lawson's criterion of the social precisely at the point of introducing private rules into their theoretical toolbox:

> Now according to our earlier criterion, all rules are social to the extent that their existence depends on human beings. From this point on, however, we shall reserve the term social rules for the subset of the general category of rules that are sustained in virtue of being accepted by, and implicated in the activities of, members of a social group, possibly in ways that require some kind of inter-dependence between their actions… Social rules are distinct from what we shall call private rules, rules that are unique to particular individuals (such as the self-imposed rules an individual athlete may follow pertaining to diet, training regime and the like) (Faulkner and Runde 2005: 14)

If we stick, however, to the conception of rules used in the present paper and to the relational criterion of the social, Faulkner and Runde should be able to introduce private rules without contradiction. Moreover, they would also be able to account for the fact that, within a given society, a single person may be the only one who complies with a social rule or that various persons may follow the same personal rule. In the example of the athlete, the rule she complies with is social only if it is constitutive of her social relation to others. For instance, if the athlete has no coach and sticks to her training regime for the expected health benefits, then the rule may be said to be personal. If, on the contrary, she complies with the rule because she would not be able otherwise to renew her contract with a manufacturer of sport equipment, then the rule may reasonably be said to be a social rule. It can be noted, however, that in the example above, there can be various athletes complying with the same personal rule (for the health benefits) or a single athlete being the only person complying with a social rule. This would be the case, for instance, if the athlete were to sign a contract in which she becomes the official representative of the brand by tatooing the logo on her body[10].

In summary: In order to account for the distinction between personal and social rules, a few amendments need to be made to Tony Lawson's conception of rules. Firstly, we need to adopt a relational criterion of the social. Secondly, we should in general conceive of rules as normative (rather than generalized) procedures of action and, finally, we should conceive social rules as rules that are internally related to social relations.

5. Import for future empirical studies of rules

An immediate consequence of conceiving rules as imperatives (or injunctions) is that researchers willing to account for rules should interrogate the injunctive aspect of participants' practices. Acknowledging that participants may often find it difficult to express an explicit conception of these imperatives, a description of the rules at play is to be prompted through research questions of the kind: "what should a competent

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[10] to my knowledge, such "permanent" contracts are still uncommon, though.

participant do (or avoid) in such context?" Moreover, rules cannot be described at the level of the event regularities they sometimes generate. Therefore, although (relative) regularities may often constitute a useful starting point for the inquiry, their study is neither a necessary nor a sufficient condition for studying rules. For example, if we want to study the process of sacking in a twenty first century UK corporation, we may usefully start from an observation of the frequency of various "types of departure" (relying for example on the categories elaborated by participants). However, this measurement of frequencies does not constitute by itself a study of the rules with which the participants ought to comply. At best, it can constitute a possible (though by no means necessary) starting point for asking questions of the kind: "considering that, despite a very difficult job market, 80% of the employees who leave a certain workplace are not officially forced to leave, what must be the case about the rules at play in this firm?" Moreover, it may often be possible to start from local practices considered by participants as exemplary or, on the contrary, unacceptable. For instance, in *How is Legitimacy Constituted?*, I attempt to shed some light on basic processes of legitimation by contrasting a departure regarded as "successful" (by members of a work organization) with a departure that was commonly regarded as "messy" and "illegitimate". If the exemplarity or the frequency of a practice is only a starting point, then what should make the bulk of the study of rules itself? I now attempt to bring elements of answer by showing how the basic features listed in the ontological study of rules can generate practical research questions for empirical studies of rules and of their evolution (Cf tables 3.1-3).

Figure 3.1: Some research questions for studying specific rules in specific organizations (1/3)

Ontological features of rules	Research questions	Illustration
An action is imperative if it is more legitimate than its opposite	What are the basic oppositions within the discourse of participants? Is one term of the opposition valued over the other?	Posting a stamped letter/ posting a letter that is not stamped; posting a letter/ posting a postcard; posting a regular letter/ sending an express mail.
Rules more often tacit than explicit	Look at recognition of « failures » / « successes » to discover tacit rules	Some people may forget to mention that posted letters need to be stamped If forgetting to put a stamp on the letter is a "failure", what can we infer about the rules of posting letters?
Logical stratification of rules	What rationale ties rules together in a specific context? If a specific rule is broken, what other specific rules are threatened?	"One should stamp a letter because else it won't reach its destination" vs. "one should stamp a letter because users should contribute to the costs of the mail system" If the postmen deliver unstamped letters, they may threaten the rule according to which the postal service ought to be financed by its users.

Figure 3.2: Some research questions for studying specific rules in specific organizations (2/3)

Ontological features of rules	Research questions	Illustration
Anchorage of rule on a desire created by a *desideratum*	What are the "objectives" of the participants? What desires do they wish to fulfil in acting in congruence with the rule?	When John puts a stamp on the resignation letter: Does he want to finance the postal system? Does he want to stop working? Does he want to work in another organization?
Non algorithmic conception of rules	What kind of actions comply (or fail to) with the rules at play in the practice under scrutiny?	Over-stamping a letter does not break the rule. However, putting foreign stamps on a letter may break it
Distinction and inter-relation of rules and possibilities	What possibilities (or impossibilities) make it possible (or impossible) for the participant to comply with the rules?	If there is a strike of postal services, one may prefer to deliver important letters personally

Figure 3.3: Some research questions for studying specific rules in specific organizations (3/3)

Ontological features of rules	Research questions	Illustration
Recognition that 1/ rules are contextual 2/ context is discursively mediated	1/ What discursive oppositions define the limits of the context of applicability of rules? In many cases, such boundaries may be "floating" or under-specified by the discourse on which participants rely 2/ Through what social processes do participants come to identify and recognize the contexts within which rules are held to be applicable?	How do participants recognise when they are meant to chose between a stamped and an unstamped letter; between a letter and a postcard; between a regular letter and express mail?
Social rules are internally related to social relations	1/ What social relations depend on the compliance with the rule to be what they are? 2/ What aspects of these social relations are bound to be transformed if the rule is transformed or broken? 3/ How does a transformation in the social relation affect the rules at play?	By distributing the mail, the postman reproduces the customer/postman relation If postmen are expected to scan the mails, then some users may prefer to communicate some messages through other media.
Social rules are often internally related to social identities	1/ What are the social identities related to a given rule? 2/ Which social identities are bound to be transformed if the rule is transformed or broken?	If refraining from reading the mail is internally related to the social identity of postmen, then a change in this rule is likely to transform and threaten the identity of postmen.

Needless to say, these research questions are not meant to constitute an exhaustive guide on how to research rules. Rather, they are proposed as illustrations of possible axes of research on social rules. This prompts in turn the question: What are the most appropriate research techniques for answering the questions presented above? Here, I believe that methodological pluralism is viable and desirable, on the condition that the techniques of research are reflexively related to the objects of study and the kinds of questions asked. For instance, network analysis (Latour 1996; 2005; Lazega 2001; Zalio 1999) may be extremely useful for mapping relationships but not for describing the rules associated to them. Semi-structured interviews may help in turn collecting rules that agents would spontaneously explicate under some form. In order to grasp rules that are more tacit, I found it very useful in my fieldwork research to engage in observation and in repeated discussions with close friends who are themselves subject to those rules, relations and identities.

6. Import for studying authority

The theorization of rules sketched above may offer some ground for a study of authority as both *legitimating power* and *legitimate power*. This dual aspect of authority is reflected in the dual process of authority through which (a) illegitimate social features are rendered legitimate (and *vice versa*) and of (b) the legitimacy of a social entity is enforced which, in turn, makes a difference to the possible actions available to participants. Such research will show that, as a power, authority has points of application on social rules and on practices. In addition, such research will show that authority makes a difference to the relations between people, to their very capacity to account for their own actions and to their own sense of self. Moreover, authority is to be located in the people exerting it and equally crucially (though somewhat less obviously) in the social rules they comply with, in the positions they occupy, in events, texts, beliefs and proverbs all deemed to be exemplary. Finally, authority is to be located at the level of the very discourse that renders meaningful and contributes to structuring these social rules, positions, events and fragmentary texts, beliefs and proverbs.

Research into the first moment of the process of authority leads to examining the processes through which both legitimacy and conceptions of it are realized. Although I have attempted to explore some aspects of these processes in *How Is Legitimacy Constituted*, further investigation is welcome as it would shed light on social and symbolic resources at the disposal of agents wishing either to promote social features they cherish or to transform social features they dislike. Such research may also help to highlight inequalities amongst members concerning their authority, understood as a power to legitimate or to de-legitimate.

Research along the second moment may need to dedicate particular attention to the enforcement of social and personal rules. Although the enforcement of rules is widely associated with more or less organized and explicit forms of external punishment (Weber 1978: pp. 317-9), I hope that a conception of social rules as internally related to social positions may help to articulate a conception of enforcement that encompasses, without being restricted to, punishment by other members of the social group.

Thus, other mechanisms of enforcement of social rules may be explored such as legitimate impotence and loss of identity. By legitimate impotence, I refer to situations in which a person is incapable of justifying her/his actions in a way that sounds meaningful to other people. In my fieldwork research, I noticed this happening, for example, when subordinates overloaded with work were unable to find arguments to refuse or postpone some of the workload. In these cases, all their attempts to do so were systematically interpreted by members (including themselves!) as further signs of professional incompetence. Moreover, participants' loss of identity is another aspect of the intimate enforcement of authority. In cases where social identities are internally related to rules, failure to comply with the latter may result in a sense of incapacity to sustain the former, resulting in turn in shame and guilt (Willmott 1986; 1993). Thus, research on this intimate form of enforcement of authority could be conducted by posing research questions of the kind: Why is it that I feel interpellated by some rules and not by others? What do I lose when I fail to comply with a rule I respect? Am I losing my own sense of identity? Am I damaging the way others identify me?

7. Concluding summary

Let us restate the limitations inherent to the retroductive reasoning that guided this study. Firstly, the scope of validity of the present argument is equal or narrower than the scope of validity of what is commonly understood when we say that "John posts a resignation letter". Thus, retroduction assumes that all parties in the discussion agree on both the meaning and validity of the fact that serves as a point of departure. Secondly, retroduction reveals two things that are inextricably linked. On the one hand, it reveals my own assumptions and helps clarifying them. On the other hand, I am entitled to believe that the implicit assumptions I make about the world are adequate only to the extent that I believe that the situation I chose as a point of departure refers adequately to the world. Thus, it is only with this strict *caveat* that retroduction reveals features of the world that are irreducible to my conception of them. Thirdly, the knowledge generated by retroduction, although fallible and conditioned to

some extent by the discourse and premises through which it has been generated, can nonetheless be improved through debate and discussion. Acknowledging these limitations, I propose a positive definition of rules as the implicit, local, ideally and socially real objects that generate the imperativity of a set of possible actions. Imperativity refers in turn to the mode of being of an action that is more legitimate than its opposite. As we have seen, such conception of rules does not oppose but rather presupposes a conception of social reality dependent on discourse (with the meaning that Foucault or Laclau and Mouffe ascribe to this word). Besides, contrary to the algorithmic conception of rules and rule-following, the conception of rules as local imperatives seems useful for accounting for processes of improvisation (Sudnow 2001) and thus accommodates some major criticisms levelled by ethnomethodologists against the (algorithmic) notion of rule. I also examine the peculiarity of social rules as opposed to rules *tout court*. Contrary to Searle and Lawson, but in line with Bhaskar, I adopt a relational criterion of the social. This allows us to propose that social rules are rules that are internally related to social relations. A social rule is therefore a rule that is what it is (within a given discourse) because a social relation is what it is (within the same discourse). With this conception, it becomes possible to theorize and illuminate the links between rules, relations and social identities. After contrasting some aspects of this conception of social rules with Lawson (1997; 2003), I also attempt to formulate research questions that can be useful for subsequent empirical research on the specific rules at play in specific organizations. Finally, I suggest that the present research offers a sound conceptual basis for further enquiry into the processes through which authority is sustained, reproduced and transformed in organizations.

Essay 2: Redrawing Foucault's Social Ontology

Circa 8,000 words

Abstract.

I propose that Foucault's works, since he wrote *Discipline and Punish*, rely on an implicit meta-theory that is compatible with the fundamentals of Critical Realism. To this end I examine the status of truth, methodology and social ontology used by Foucault. If this thesis is correct, then a critical realist reading of Michel Foucault would avoid some of the pitfalls that have been attributed to his works - such as constructivism, determinism, localism, and reductionism. Moreover, this understanding of Foucault's works would also offer novel and challenging perspectives for researchers adopting a Foucauldian and/or critical realist study of organizations.

There appears to be much controversy in the field of organization studies over the works of Michel Foucault. On the one hand, authors as Burrell (1988), Jacques (1995), Knights (1990), Knights and Vurdubakis (1994), Knights and Willmott (1989), Mc Kinlay and Taylor (1996), Townley (1994) have identified in Foucault's works promising perspectives for casting a fresh gaze on contemporary organizations. On the other, authors such as Ackroyd and Thompson (1999) , Findlay and Newton (1998), Reed (1998; 2000), Rowlinson and Carter (2002) issue alarming warnings and severely criticise such "Foucauldian" perspectives. For instance, Reed (2000) structured his critique of Foucauldian discourse analysis[11] around

> '… five interrelated themes: constructivism, nominalism, determinism, localism, and reductionism. Each of these in [his] view, identifies major limitations and weaknesses of the Foucauldian approach to analysing organizational discourse." (Reed 2000: 524, text modified).

My thesis is however that Michel Foucault's works, since 'The Discourse on Language' and Discipline and Punish, rely on a consistent social ontology to a large extent congruent with critical realism. The latter entails an ontological framework that was initially developed by Bhaskar (1975; 1998) and that has flourished in various disciplines such as economics (Lawson 1997), sociology (Archer 1995), and Management studies: Ackroyd and Fleetwood (2000), Fleetwood (2005), Fleetwood and Ackroyd (2004), Sayer (2000).

By showing that Foucault relies (albeit implicitly) on a critical realist social ontology, I attempt to show that even if criticisms such as those formulated by Reed (Cf supra) apply to many "Foucauldian" students of organizations they do not apply to the later works of Foucault. Moreover, I am not the only student of Foucault who advocates a realist reading of his works.

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[11] The expression "Foucauldian discourse analysts" refers not to Foucault but to writers claiming to be his followers. (Reed, personal communication)

Marsden, for instance, defended the possibility of a critical realist reading of Foucault that would be "…stimulated by several points of resemblance between Foucault and realism which suggest a *prima facie* case for their compatibility.' (Marsden 1999: pp. 181-2)

My purpose is to move one step beyond the *prima facie* recognition of points of resemblance between Foucault and critical realism. Thus, I attempt to highlight firm points of anchorage between Foucault's later works and critical realist meta-theory - that is its ontology, epistemology and methodology. However, since Foucault's ontology is implicit, not explicit, my demonstration is necessarily based on a limited set of elements in his work that appear, nonetheless, to be central and recurrent in his later writings after the shift from archaeology to genealogy he initiated in his 'Discourse on Language' (Foucault 1970). These later writings include notably 'Discipline and Punish' (Foucault 1977), 'The History of sexuality' (Foucault 1978), 'The Subject and Power' (Foucault in Dreyfus and Rabinow 1982) as well as some interviews Foucault (1979), Foucault and Gordon (1980), Foucault and Rabinow (Foucault and Rabinow). They exclude, however, 'The Order of Things' (Foucault 1974), 'The Archaeology of Knowledge' (Foucault 1974), 'The Birth of the Clinic' (Foucault 1972) and 'Madness and Civilisation' (Foucault 1973). Furthermore, I aim to open a discussion, not to close it. Therefore I do not expect all my readers to agree with every claim I make but would be very content if this paper provides some material for further dialogue between post structuralist and critical realist researchers.

1. What is specific about critical realist meta-theory?

Preliminary to any further investigation of Foucault's work, I attempt to summarize the features that are necessary for any theory to be compatible with a critical realist meta-theory. If I am right, these features may be (reasonably well) expressed under the form of a number of points that fall into three larger categories: a) the status of truth and error, b) the social ontology and epistemology of social science and, finally, c) finally, the methodological principles for social scientific practice.

a. The status of truth and error

CR distinguishes between the 'transitive' and the 'intransitive' dimensions of knowledge. The transitive dimension refers to the field of references and comprises such objects as: Discourses, concepts, beliefs, impressions and so on. On the other hand, the intransitive dimension of knowledge refers to the world to which transitive objects refer. It comprises such objects as rocks, birds, people, social relations, beliefs, concepts and so on. Notably, the intransitive dimension includes the transitive dimension but is not limited to it. For instance, the word "rock" belongs to both transitive and intransitive dimensions whereas rocks themselves only belong to the intransitive dimension. CR suggests that the transitive dimension is socially constructed and therefore open to ambiguity and error. CR defends nonetheless a conception of truth as depending on the adequacy between the meaning of the reference formulated in the transitive dimension and the nature of its referent in the intransitive dimension. Thus, CR is realist concerning the intransitive dimension, relativist concerning the transitive dimension, and rationalist[12] concerning the relation between transitive and intransitive dimensions.

b. The critical realist social ontology and epistemology

According to CR authors, the fact that natural science necessitates experimentation suggests that the world is not only composed of events and experiences but that it is also composed of (metaphorically) deep mechanisms. It is not usually possible for a single theory to encompass all the mechanisms present in the world as it is composed of multiple strata not reducible to each other. Hence, critical realism defends an ontology of stratification and emergence (Cf figure 2.1).

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[12] NB: CR authors traditionally use the term 'judgemental rationali**ty**' instead of 'rational**ism**'. This is because the process of judging and choosing between various competing theories necessarily happens within a community and depends to some extent on its norms and practices.

Figure 2.1: The Stratification of Kinds of Being

(Source: Collier 1994: 108)

Rational beings

Living beings

Material beings
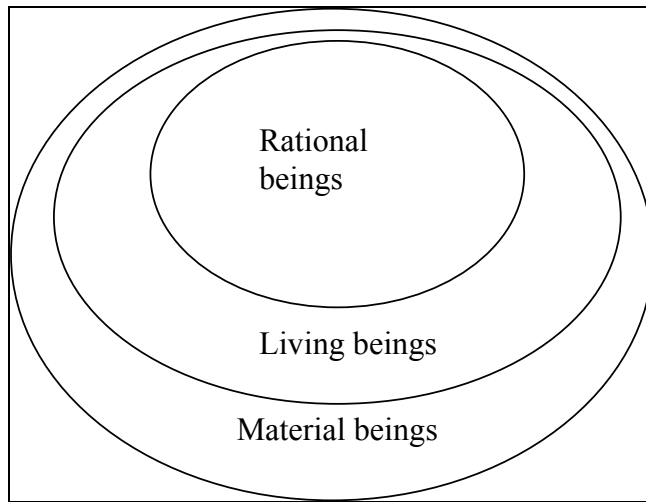
Bhaskar presents the ontological differences between social strata and the more basic ones on which they are grounded by stating that:

> '1. Social structures, unlike natural structures, do not exist independently of the activities they govern.
>
> 2. Social structures, unlike natural structures, do not exist independently of agents' conceptions of what they are doing in their activity.
>
> 3. Social structures, unlike natural structures, may be only relatively enduring (so that the tendencies they ground may not be universal in the sense of space-time invariant).'[13] (Bhaskar 1998: 38)

In order to account for both individual freedom and social structure, Bhaskar claims that they constitute two distinct strata that are however inseparable since they reproduce and/or transform each other. Hence the need for a system of mediating concepts: positions and practices. It follows that society, which is constituted by the relation between individuals' or

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[13] It should be noted that, as Lawson (1997: pp. 223-4) rightly remarks, the invariability of natural mechanisms might well be incorrect. This does not refute however the fact that social mechanisms are time-space dependent.

groups' relations must be understood as the relatively enduring (but continuously transforming) network of positions-practices.

c. Methodological principles for a critical realist social science

Since, for the critical realist, the social world is composed of intricately related mechanisms, it follows that social science must abandon the deductive method and cannot rely on experiments. Rather, it must explain events by retrodicting to known mechanisms and it must seek for (yet unknown) mechanisms by retroduction, not deduction or induction. In addition to this methodological imperative, Bhaskar makes two proposals to counter-balance the impossibility of constant conjunctions of events and, thereby, closed systems. First, situations of crisis or transition might be illuminating since there might be fewer mechanisms actualised than in normal situations. Second, the existent (proto)theories held by agents about the specificities of their social settings can provide the social scientist with a starting point. Although this has to be a rectifiable starting point since science can be counter phenomenal[14].

2. Reconstructing Foucault's meta-theory

I would like now to analyse the congruity of Foucault's works with the meta-theory of critical realism. In a perfect world, I would have presented the section on Foucault's social ontology (that is, on his transformational model of social activity) prior to the methodological sections on his use of scientific knowledge and on the relevance of his field of investigation. I have chosen however to start with the two latter sections because they clarify two possible misunderstandings about Foucault. The first one is his

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[14] Both compensator and analogue were subject to discussion amongst critical realist authors. See for example Collier (1994: pp.237-61) and Lawson (Lawson 1997: pp.199-226)

so-called (judgemental) relativism, while the second is the range of his conclusions, which have arguably been misunderstood by many theorists.

a. Revisiting the status of truth and error in Foucault's works

The question is the following: Is Foucault considering that truth is a mere social product, since he affirms that knowledge and power are intimately linked and that knowledge produces " truths " to which we submit?

> 'We should admit rather that *power produces knowledge* (and not simply because it serves power or by applying it because it is useful); that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.... In short, it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the process of struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge.' (Foucault 1977: pp. 27-8)

Does Foucault consider truth to be entirely a matter of convention, or agreement? Does he consider truth to be unconnected to the intransitive realm? In short, does he consider truth to be **merely** a social construct – where the term "merely" implies that there is no connection between a truth claim made within a community and some intransitive entity? After all he does suggest that knowledge and power are intimately linked and that knowledge produces regimes of truth. If this means that science is unconnected with the intransitive realm; that any claim to truth is always-already doomed by the impurity of a scientific activity which maintains secret and mysterious relations with power, then two disastrous consequences follow in the interpretation of Foucault. Firstly, his claim is that if the object of scientific inquiry can be reduced to (or explained away by) the social mechanisms which govern science, then Foucault very clearly commits the "epistemic fallacy" and denies that the truth of scientific discourse is subordinated to the reality of its object of investigation. In this case, the attempt at grounding Foucault in a critical realist framework

should stop here and my argument is flawed. Secondly, by assuming this position, Foucault would undermine his own theses as he would be committing a performative contradiction (Habermas) - that is a contradiction held not between two contradictory explicit statements but between one explicit statement and an implicit, albeit necessary, statement implied by the very performance of the speech act (e.g. "I did not write these lines"). In effect, if knowledge is only determined by social constraints, then Foucault's own opus is necessarily a mere social product. In this case, his arguments would not have more value than any other contradictory arguments. At best, his work would present an interest as (poor) poesy. If it is the case that Foucault maintains that truth is only socially determined, then he must admit in turn that his own work entirely constructs the reality to which it pretends to refer.

It is crucial, therefore, to show how Foucault can affirm at the same time that power and knowledge are socially and historically inseparable[15] and that science can lead to true knowledge that depends on its object of investigation. The answer, I think, lies in the subordination of archaeology to genealogy. In Foucault's later works (*Discipline and Punish, The History of Sexuality*), the point of analysing discourse is no longer to retrace the sovereign unity of thought that can be found at a given period. Rather, Foucault is interested in science because it is a social practice. To what extent can the consideration of science as a social practice avoid the two pitfalls mentioned above?

First, let us note that Bhaskar readily admits that knowledge is not only determined by its intransitive objects but also by social mechanisms. Knowledge, then, is a social phenomenon and Bhaskar's point is that it is erroneous to conclude from the very social nature of knowledge that it

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[15] Contrary to a criticism formulated in (Archer 1988: 305) and reiterated *mot pour mot* in (Archer 1995: 324), it may be worth stressing that historical inseparability does not imply necessarily ontological or analytical inseparability. Thus, Foucault's 'power-knowledge' is understood here more as a 'specific form of amalgamation' than as an amalgam enjoying a form of ontological unity.

constructs alone the object to which it actually **refers** (Bhaskar 1975: p. 195). I would like to illustrate a similar point about Foucault by analysing his study of scientific activity. When he studies the process of (let us say for clarity) medicine, the nature of the objects of enquiry are quite different: The medical scientist studies the body as the locus of disease whereas Foucault studies the activities of the medical scientist and is therefore interested in the **body as an object for scientific investigation**. If we keep to the distinction between transitive and intransitive dimensions, we could say that the intransitive objects of the medical scientist comprise such things as bodies and the natural mechanisms that help explain their (dys)functioning. However, the intransitive objects of Foucault would comprise such things as the activities of the medical scientist, the discourses she re/produces, the network of relations in which she acts (Dreyfus and Rabinow 1982: 6). Moreover, the transitive dimension of the medical scientist comprises the medical discourse on biological mechanisms, health, illness and so on. It is different from Foucault's transitive dimension that comprises his own theories about medical scientist activities but not those of the medical scientist he studies. (Cf figure 2.2).

Figure 2.2: Foucault's intransitive dimension

	Transitive dimension	Intransitive dimension
Medical scientist	Theory of medical scientist on body and illness	Body and illness
Foucault	Theory of Foucault on medical scientist's activities and theories	Activities and theories of medical scientist

Foucault's object of investigation is two-fold. First, he studies the relation of the scientific practice to its object: how is the (intransitive) object investigated as a scientific (transitive) one? What means does the scientist use for her enquiry? What are the main issues facing her or, in other words, what are the "problématiques" with which she is confronted? It appears that the relation of scientific practice to its object is not only determined by the nature of the investigated object or by the scientific progress made. For example the absence of dissections in Europe until the 16th century cannot be explained in terms of the state of scientific knowledge, but rather in terms of social constraints (law, religion, beliefs, morality, etc.) Hence, the second question Foucault poses is then: what social mechanisms enabled (and encouraged) the deepening of this aspect of reality rather than that other one? And what were in turn the social consequences? For example, what new social mechanisms made "possible and necessary the appearance of houses of confinement"? What, in turn, were the repercussions of these houses of confinement on society? It follows from the intransitive dimension Foucault studies that the very validity of the sciences under scrutiny is voluntarily left unquestioned. Whether the practice of a particular science is epistemically grounded and

whether the knowledge it generates is adequate are not relevant since both false and true beliefs have social consequences and are socially enabled. Therefore, the existence of an intransitive dimension for science is maintained though not studied and Foucault's study of science is not doomed to relativism.

Moreover, the very knowledge generated by Foucault has itself a well-defined intransitive dimension: that of the relationship between power relations and scientific practice. Since "dubious" science can have as much social consequence as legitimate science, and since the social consequences are not necessarily good or liberating ones[16], it follows that, though not a relativist (about the intransitive dimension), Foucault is also not "scientistic" in the sense of having an unquestioned optimism about science:

> 'There is nothing "scientistic" in this (that is, a dogmatic belief in the value of scientific knowledge), but neither is it a sceptical or relativistic refusal of all verified truth. What is questioned is the way in which knowledge circulates and functions, its relations to power. In short the *régime du savoir.*' (Foucault in Dreyfus and Rabinow 1982: 212)

Finally, although Foucault cites many legitimate sciences, he nonetheless focuses his attention on the most "dubious ones": e.g. clinical medicine, psychiatry and criminology (Foucault and Rabinow 1986). I believe there is a reason for this. Since Foucault is interested in the social aspect of science it can be envisaged that this social aspect will appear with more clarity for "dubious" sciences.

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[16] Is it necessary to remind that Auschwitz, as a machine for extermination, for purification and for the constitution of knowledge would have never been possible without numerous "perfectly legitimate" sciences? Needless to say, science alone does not explain how Auschwitz came to happen.

b. Foucault's methodology: studying an open social world

In this section, I contend that the methodology of Foucault's project is highly consistent with the critical realist methodological premises for the study of society as an open system without possible closure. Accordingly I will tackle the issues of Foucault's fields of investigation, as well as the way he uses history.

One of the things Foucault is often reproached for is that, by studying prisons and asylums, he blinded himself to many other forms of power relations and, hence, incorrectly deduced a carceral vision of society. Anthony Giddens appears to have reproached Foucault on similar grounds since as one author critically puts it:

> '[Giddens] approval of Foucault's work is conditional. It is not taken as a contribution to the project of a general social theory, but to a subclass of social theory - the theory of administrative power. It is taken, then, to be a theory of the third rank, operating not at the primary level of foundational clarification of a philosophical kind, nor at the secondary level of a general social theory, but below and subordinate to both of these superior levels.' (Boyne 1990: 59, text modified)

Giddens' comments (and any others similar to his) imply that a mechanism isolated in a certain field would not exist outside of it or, in other words, that society is a juxtaposition of isolated systems. In my view, this entails a serious misunderstanding of the motives of Foucault's study of asylums and prisons. Needless to say, Michel Foucault is not Jean Genet and contrary to the French poet and novelist he does not love prison for its own sake. If we look at the reasons why Foucault has been interested in carceral power it appears that his objective is to obtain knowledge about society, not about the prison or the asylum. Thus Foucault makes it clear that he studies prisons " as a chemical catalyst so as to bring to light power relations, locate their position, find out their point of application and the methods used " (Foucault in Dreyfus and Rabinow 1982: 211). Therefore if Foucault focuses on prisons it is precisely because he wanted to isolate a transphenomenal mechanism (that is, disciplinary power) that is actualised but less visible in other organizational settings such as factories and court-

houses. In short, by focusing on prisons, Foucault not only admits the openness of the social world, but he also presupposes it and adapts his methods of investigation to it.

It can also be asked why Foucault bothered himself with the burden of historical accounts, sometimes over periods going back to the middle ages while he was concerned with present social mechanisms. The answer is, I think, to be found in Foucault's genealogical use of history. It is important to distinguish what Foucault means by "genealogy", since the word can be doubly misleading. Let us first note that Foucault's use of genealogy avoids the so-called "genealogical fallacy" which consists in reducing (explaining away) a current state by referring to a former one. This way of proceeding is incompatible with both critical realism (since it denies the possibility of stratification and emergence) and with Foucault (since it would assume a continuous and homogeneous development of history). The second misinterpretation would be to identify Foucault's "genealogy" with Nietzsche's "genealogy". However, I understand Foucault's denomination of his historical practice as homage: Foucault has borrowed the word from Nietzsche but has not, however, borrowed its exact content.

> 'Whereas Nietzsche often seems to ground morality and social institutions in the tactics of individual actors, Foucault totally depsychologises this approach and sees all psychological motivation not as the source but as the result of strategies without strategists.'
> (Dreyfus and Rabinow 1982: 109)

Thus, Foucault's use of history can be better understood by referring to his statement that

> '[he] would like to write the history of the prison, with all the political investment on the body it gathers together in its closed architecture. Why? Simply because [he is] interested in the past? No, if one means by that writing a history of the past in terms of the present. Yes, if one means writing the history of the present.' (Foucault 1977: 31, text modified)

By affirming that he tries to write a history of the present Foucault detaches himself from two ways of writing history. He aims neither to give a "totalising" picture of the past, nor does he try to write a history of the past by referring to present meanings (and thus ignoring the shifting nature of

social mechanisms). Instead, what Foucault aims at doing is to begin with a (rough) diagnosis of the current situation. In the *The History of Sexuality vol.1*, for example, he diagnoses the importance of the mechanism of confession. He then isolates the particular components of this relation of power[17]. These components form an apparatus, a "grid of intelligibility" or system of relations that can be established between (ontologically heterogeneous) elements such as

> 'Discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions - in short, the said as much as the unsaid.' (Foucault and Gordon 1980: 194)

However, whereas archaeology is preoccupied with the reconstitution of the apparatus, genealogy is interested in taking each of its components literally, and following the web of social relations which supports them (and which they support and modify). Hence the objective of Foucault's genealogy is to study the **effects** of the elements of the apparatus and not their meaning. Finally, Foucault follows through history initially isolated components of the apparatus and then studies their current convergence.

In this light, it might be easier to understand why Foucault's analyses were deemed to lack (traditional chronological) narrative (Rowlinson and Carter 2002: 532). What should, in fact, be noted about Foucault's discourse is less the absence of a narrative than the presence of a diachronic form of narration that follows the chronology not of a group or a society as a whole, but rather of a particular mechanism or a particular aspect of society. For example, when Foucault studies the mechanism of confession as an important ritual of power in which a specific technology of the body was forged through an imperative of verbalising one's sex life,

> '[he] is not giving us a history of the seventeenth century. He is not claiming even that this imperative was of the greatest import then. Instead he is isolating the central components of political technology today and tracing them back in time. Foucault writes the history of the

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[17] A critical realist could argue that relations of power are social mechanisms to the extent that they make a difference to the field of possible actions between two persons.

It could be argued that Foucault's avoidance of both presentism and classic " totalising history" is adapted to the fact that society is an open system and that it is composed of relatively enduring social structures. Foucault's histories of the present seek the multiple mechanisms that converged at a particular time to form a complex and (at first sight) obscure mechanism. Let us retrace the main steps of his approach. First, he often starts from a commonly held view (e.g. that prisons appeared because of the need of the Bourgeoisie for a cheap workforce) and seeks to move beyond them. In doing this, his approach is close to the "analogue" defended by Bhaskar. The aim of his study, however, is precisely to go beyond common views. He shows, for example, in *Discipline and Punish* that the commonly held view is wrong, since prisoners always performed useless tasks and suggests (Foucault and Gordon 1980: 40) that prisons were maintained because they were useful for policy makers in ways that long escaped the analyses of observers from the academic world: prisons create delinquents who help the police in its activity of surveillance and they drive the attention away from the "illegalities" committed by members of the higher strata of society. Hence he considers that social mechanisms can be counter-phenomenal. But then, how does Foucault explain the existence, perpetuation and transformation of social mechanisms without recurring to functionalist accounts that would explain them wholly in terms of their social functions? To these issues we now turn.

c. Foucault's social ontology: a stratified and transformational conception of social reality

The detractors of Foucauldian analysis often accuse it of being incapable of distinguishing ontologically and analytically between human agency and social constraint. As Reed puts it

'By denying any ontological and/or analytical differentiation between creative agency and structural constraint, Foucauldian discourse analysis ends up with an explanatory logic which is unable to distinguish between 'open doors' and 'brick walls' (Reed 1998: 209)

Arguably, distinguishing between freedom and constraint should not mean that, on the one hand, it is possible to find actions which are purely free, liberated from any form of constraint, while, on the other there can exist purely structural constraints in which human freedom is deleted. Even recognising that most actions present the characteristics of both is not enough to make the argument credible. Structural constraint is necessarily enabled by agents' actions. Conversely, these actions, if they are to have any shape or any meaning, must be limited by a form of constraint. Neither the dead body nor the mad man dancing are examples of structural constraint or of human agency. Moreover, if structure is characterised by constraint, and agency by freedom, then we assume a model of Social Reality presenting the same inconsistencies as the one developed by Berger and Luckmann[18] (1967). On the contrary, the critical realist social ontology assumes that: action presupposes both structure and agency; structure enables and constrains; and action reproduces and transforms structure.

I would now like to show that Foucault works with an (implicit) ontology that shares the crucial characteristics of the critical realist ontology as it assumes a relational conception of society and considers structures as both enabling and constraining for agency. Moreover, I argue that Foucault's ontology is stratified as it differentiates between biological, individual and social realms. There is, however, a difficulty concerning the fact that Foucault uses a vocabulary that is different from critical realist vocabulary. Thus, our excavation of the ontological presuppositions of Foucault must be augmented by a work of translation of the elements that may be interpreted as sharing identical referents but different references in each framework. For instance Foucault does not use the words structure and agency but refers to "the political" or "strategies" (processes located at the level of social relations that may not be attributed to any specific

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[18] For a critique of the Berger & Luckmann model, see Bhaskar (1998)

people) and to "tactics" (processes consciously initiated by people). He does not consider power as a (rare) substance to be seized but rather as a relation between people in which one person's actions modifies the range of actions of another person. Hence, any social relation between persons entails power relations and any power relation supposes a social relation.

> 'What therefore would be proper to a relationship of power is that it be a mode of action upon actions. That is to say, power relations are rooted deep in the social nexus, not reconstituted "above" society as a supplementary structure whose radical effacement one could perhaps dream of. In any case, to live in society is to live in such a way that action upon other actions is possible - and in fact ongoing. A society without power relations can only be an abstraction.' (Foucault in Dreyfus and Rabinow 1982: pp. 222-3)

By studying society through power, Foucault is therefore adopting a relational conception of society. Moreover, he does not consider power as mere restriction as do the authors who write about structural constraint without mentioning as a corollary that it enables action. Rather his point is that power has both a negative and a positive role, that it constrains as well as it enables. Hence, power relations not only prohibit actions or limit the field of possible actions, they also enable fields of action and permit the constitution of knowledge. However taking as a given that power is at the same time restrictive (negative) and enabling (positive), to what extent do power relations sustain/rely on social reality? Foucault's point about this is that: "people know what they do, they sometime know why they do it, but what they don't know is what they do does." (Foucault, personal communication with Dreyfus and Rabinow, cited in Dreyfus and Rabinow 1982: 187). This amounts to saying that the use of power leads to deliberate tactics (of which the person may or may not be aware), but at the same time it leads also to unintended strategies of power. Hence,

> 'The rationality of power is characterised by tactics which are often quite explicit at the restricted level where they are inscribed (the local cynicism of power), tactics which, becoming connected to one another, attracting and propagating one another, but finding their base of support and their condition elsewhere, end by forming comprehensive systems: the logic is perfectly clear, the aims decipherable, and yet it is often the case that no one is there to have invented them, and few who

can be said to have formulated them: an implicit characteristic of the great anonymous, almost unspoken strategies which coordinate the loquacious tactics whose "inventors" or decision makers are often without hypocrisy' (Foucault 1978: 95)

Two conclusions can be drawn from Foucault's conception of power. Firstly, by distinguishing between strategies and tactics, Foucault is clearly working with a stratified and differentiated social reality in which the mechanisms governing strategies (relative to social relations) are not the same as those governing tactics (relative to people). Secondly, we can recognise here crucial elements of Bhaskar's ontology: Thus, not only does Foucault have a relational conception of society but also he recognises that people's actions and social relations exist in virtue of two groups of mechanisms that are ontologically distinct.

In addition to the strata of tactics/individuals and strategies/society, Foucault also takes account of the more basic stratum of biology. This is particularly noticeable in his use of "biopower" as an instance of power preoccupied with the government as humans to the extent that they constitute a biological specie. Hence, according to him, one cannot understand modern society without studying the web of power-knowledge relations that traverses it from the strata of strategies to the very biological strata of human beings as a population (Foucault 1978: 143). Furthermore, strategies and tactics (Foucault's designation) have the same influences on people's practice as the strata of individuals and society (Bhaskar's designation): strategies both limit and enable tactics, while tactics both reproduce (sustain) and produce (modify) existing strategies. Foucault refers to the influence of strategies over tactics as "technologies of power", while he refers to the influence of tactics on strategies as "tactics of power" (Cf figure 2.3)

Figure 2.3: Foucault's model of stratification of social reality

Bhaskar's terminology			Foucault's terminology
Society			Domain of the political/ strategy
Individual	Technologies of power	Tactics of power	Domain of tactics
Biology			Species & body
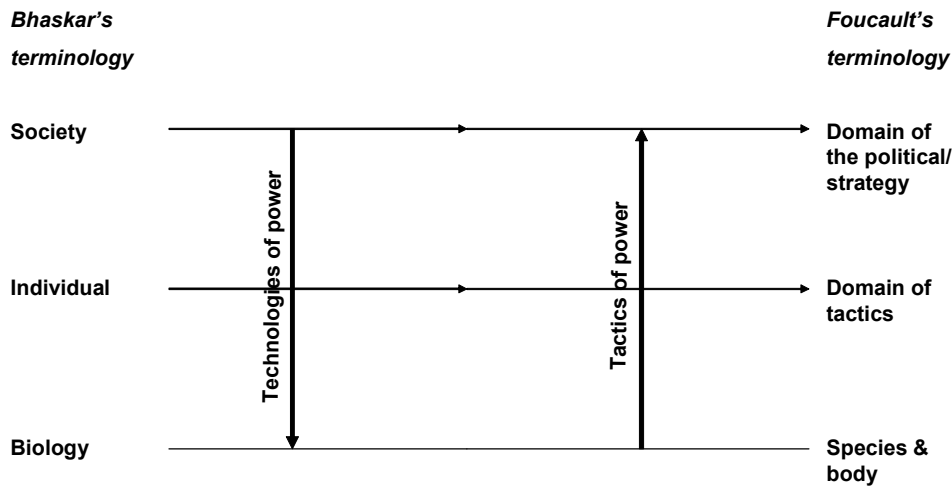
If my reading of Foucault is accepted, then it should undermine one of the major criticisms formulated by Archer against Foucault, i.e. that "the later work [of Foucault] endorses the arbitrariness of socio-cultural interaction because no account is given of why, when or how people do struggle." (Archer 1988: xviii). I agree with Archer that Foucault does not dedicate as much space to examining processes of struggle as he dedicates to processes of domination. However in Foucault's study, struggle is neither unthinkable nor completely omitted. For instance, the chapter "Illegalities and delinquency" in *Discipline and Punish* (Foucault 1977: 257-92) is full of examples of such struggles occurring in the 19th Century. These include: A young delinquent replying to the judge by formulating the illegalities he had accomplished as freedom rather than as offence; workers' newspapers writing "counter fait-divers" to oppose the vision of delinquents mediated by bourgeois "fait divers"; judges and lawyers attempting (unsuccessfully) to break the "police-prison-delinquency" structure; the chained prisoners resorting to songs to praise their own crimes; and so on. The crucial point to be grasped however is that, in a given field, tactics of resistance and

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tactics of domination need to resort to various technologies of power that are defined by a common strategy.

I hope that my interpretation of Foucault's stratification of reality is now clearer and the different strata of his ontology have been identified. The question, however, of how Foucault manages to link structure and agency is not yet evident. My point is that, although Foucault did not pose the problem of the links between strata in the same terms as Bhaskar, it is nonetheless possible to locate in his work similar concepts that constitute a point of contact between human agency and social structures. I will argue that these concepts both endure and are immediately occupied by individuals. However, the fact that they are immediately occupied by the individual does not mean that they appear immediately in sovereign clarity in front of the analyst. Rather, as they have to be individuated relationally, a great deal of work must be undertaken to disentangle the networks they constitute. For Foucault, institutions; apparatuses and, finally, subjects are examples of such mediating concepts. (Cf figure 2.4)

Figure 2.4: Foucault's transformational model of social activity
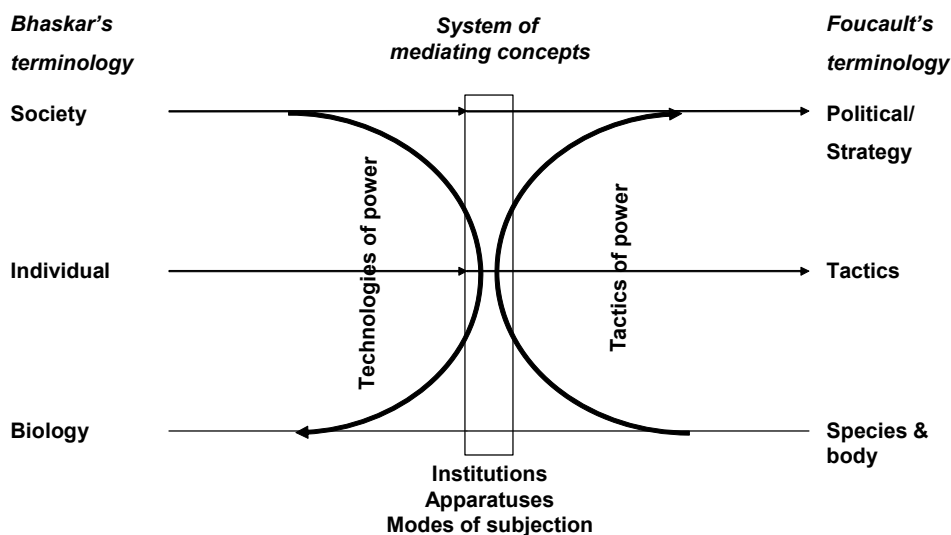
Foucault affirms that it is perfectly legitimate to study power through "carefully defined" institutions, but that this is not sufficient to grasp all the range of relevant power relations. Nonetheless, institutions provide the analyst with a useful (though approximate) range of 'slots' occupied by the individual in the more general structure of power. In institutions, the positions (places, rules, functions, tasks, duties, rights, etc.) and practices that individuals occupy appear easily. However institutions alone might mislead the observer since she runs the risk of interpreting all the relations of power by referring exclusively to the particularity of the institution. Hence, in order to study institutions, Foucault uses another, deeper, mediating concept, that of apparatuses. The apparatus has a double role for Foucault. First, it is a "grid of analysis" for his historical investigation and second, it refers to a range of heterogeneous elements at play (CF *supra*). These elements have two particularities. The first one is that they act directly on the individual's actions (and sometimes on her body), the second one is that they are invested by the "deep" mechanism of power Foucault the genealogist is seeking to excavate. Hence, they constitute privileged links between the biological, the tactical and the strategic strata.

Finally I would put among Foucault's mediating concepts the very **mode of subjectification** of the individual. For Foucault, the word subject has clearly two complementary meanings:

> 'Subject to someone else by control and dependence and tied to his own identity by a conscience or self knowledge. Both meanings suggest a form of power which subjugates and makes subject to.'
> (Foucault in Dreyfus and Rabinow 1982: 212)

Unfortunately, I do not have enough space to define with precision the status of the subject in Foucault's work and to show to what extent 'in his later work […] he began to reinstate a more robust self concept, one strong enough to restore the "problem of structure and agency" which the notion of resistance ineluctably implies.' (Archer 2000: 19-20). I would like, however, to highlight an interesting difference between Foucault and Bhaskar. Although both authors share a common ontology and respect similar epistemological principles, they do not direct social investigation in

exactly the same way. For Bhaskar, it seems that the system of mediating concepts is considered as a tool for further investigation of the social strata. For Foucault, although the investigation of social strata begins with the mediating concepts of institutions and is pursued with that of apparatuses, the aim of his studies is oriented in direction of a third type of mediating concept, that of the individual as subject. However, if both frameworks share the same ontology and epistemology it is arguable that, not only are both types of investigation compatible, but that they may also support each other. In this case, Foucauldians would use social mechanisms to investigate mediating concepts, while Bhaskarians would investigate social mechanisms with mediating concepts refined by Foucauldians.

3. Consequences for critical realist critiques of Foucault

Even if the interpretation of Foucault I propose is accepted, the consequence cannot be that critical realists should accept every substantial claim made by Foucault. For instance, CR authors need not share Foucault's views on the development of disciplinary power in modern times or on the problematization of sexuality as a central object of knowledge. Thus, authors disagreeing with Foucault could attempt to show either that Foucault's historical accounts of the genealogy of disciplinary power are inaccurate, that he did not bother to recast disciplinary power in perspective and omitted important non-disciplinary species of contemporary power, that he failed to distinguish between legitimate and non-legitimate power (or, better, to characterise precisely the legitimacy of the powers he analysed) and so on. The point is however that if they are to disagree with Foucault, their disagreement ought to be located at the level of his theories, not his meta-theory. This leads us to refute the criticisms formulated by Reed (2000) insofar as Foucault is concerned (but not necessarily some his followers). Is Foucault a constructivist in the sense that 'there is nothing outside discourse but more discourse' (Reed 2000: 525) or is he determinist to the extent that 'the functioning of discourse is treated as largely autonomous and independent of human agency'? (*Ibid*) As Dreyfus and Rabinow (1982) convincingly argue, this may well have

been the case at the time of writing the 'Order of Things' and the 'Archaeology of Knowledge' but not after Foucault's genealogical turn and his study of apparatus (CF *supra*). Similarly I hope that by clarifying how tactics of power are constrained and enabled by overall strategies of power I have provided some ground to refute charges of localism (incapacity to deal with institutionalised stabilities and continuities in power relations) and reductionism (blindness to the wider socio-political context). We are still left, however, with the question of whether Foucault is prone to nominalism, understood as: 'any form of interpretation or explanation is necessarily relative to and constrained by the discursive framework and context in which it originates and becomes reproduced as knowledge' (Reed 2000) Arguably Foucault is a nominalist in this sense of the term. It could perhaps be argued, however, that critical realism can be congruent with nominalism defined in these terms, especially if one wants to avoid the ontic fallacy (Bhaskar 1975) consisting in ignoring the social processes through which knowledge is constituted. Thus, Foucault may not escape the charge of nominalism but he may escape the problems commonly associated with it!

4. Consequences for further Foucauldian study: an illustration

I would now like to provide a brief illustration of the contribution that a critical realist reading of Foucault could make to Foucauldian students of organization. To this end, I consider the Foucauldian study conducted by Grey (1994). Grey's study is exemplary in both senses of the term. On the one hand it is insightful and rigorously conducted, on the other it is widely cited and is illustrative of the way Foucauldians have treated such themes as power and identity. Grey's argument is that 'career' constitutes a crucial "project of the self" for most professionals working in large chartered accountancy firms. He also goes further and shows that it

> "transforms the nature and meaning of [significant] exercises of disciplinary power… For, again and again, the techniques of disciplinary power become construed as benevolent aids to career development." (Grey 1994: 494, text modified)

A critical realist reading of Foucault does not necessarily contradict the substance of the theses defended in Grey's paper. However, it could help theorise more precisely the causal relation between career as a project of the self and the emergence of a form of power regarded as "benevolent" by social participants. Indeed, Grey throws some light on the issues of what career is and how it is effective in sustaining this form of "benevolent" power. However, a critical realist would object that Grey's analysis draws a "flat" picture of the apparatus of "benevolent power" and does not locate its various processes at different levels of ontological depth. In the following paragraphs, I rely on my past experience as a professional in order to explore how a (metaphorically) "deeper" picture could be drawn. The purpose of this exercise is less to make a substantial contribution to the field of critical accounting than to illustrate how a critical realist reading of Foucault allows us to understand more fully the relation of causality between career and "benevolent" power. Moreover, the kind of knowledge it generates (retroductively) is necessarily open to contestation and refutation. Nonetheless, I hope that such an alternative understanding may be useful for understanding organizational forms and for transforming them. Thus, I also attempt to indicate (very roughly) how the strategy of power at play presents points of weakness at various levels and indicate possible tactics available to agents wishing to struggle against it.

If we enquire through retroduction into the social mechanisms that make possible career as a locus for benevolent power we may come out with a list of more or less stratified structural causes such as:

(i) the fact that (more often than not) auditors get accustomed to **mystified forms of power relations** in various settings of their previous curriculum: middle class families, university and experiences in graduate programmes. These forms of power relations are mystified as commands and are principally expressed under the form of demand and advice. Arguably, young people from lower-class families who start work immediately after school may not have had the opportunity to learn much how to interpret the 'soft' signs used by management

to give commands. This mystified form of power relations is itself possible because of

(ii)   a **myth of reciprocity and equality** that is fostered in these same social settings and that leads in turn to accountants turning a blind eye on those aspects of discipline that reveal their very subordination as employees. Signs of reluctance as well as overt criticism of the asymmetry of power relations are avoided and have the double effect of making individual interlocutors very uncomfortable and of impeding the usual functioning of this strategy of power. This myth of equality is itself possible because

(iii)   In these settings (middle class family, university, accountancy) the subordinates are in a **social trajectory** offering them a fair chance of attaining in the future a social and economic status comparable to that of their current superordinates. Perhaps, if the professional prospects for (ex) auditors where duller, then much of the appraisal system would seem less benign and the notion of 'career counselling' would make less sense. Moreover, if the prospects of salary increase were not bright then trainees would not be able to produce enthusiasm spontaneously despite the repetitive aspect of most tasks they perform. This social trajectory is itself made possible because of two sets of mechanisms

(iva)   There is an **asymmetry of power between job hunters** that favours those who worked previously in a well-established accountancy firm. Accountants working in large chartered accountancy firm either get promoted or leave the firm to find socially and economically appealing jobs in the industry. This asymmetry is all the more effective for the notion of 'career' that it spreads across a wide range of institutions and countries. For example, an auditor leaving an accountancy firm in Paris could expect to find relatively easily a valued job in a pharmaceutical firm in Boston. However, the existence of the possibility of such trajectory is not enough to explain why professionals chose to

dedicate their efforts to pursuing it. Thus one also needs to understand how it necessitates

(ivb) **The obligation felt by professionals to maintain their status** vis-à-vis themselves and their community (friends, spouses, families, colleagues, etc.) This obligation has both economic and ethical grounds. It is economic since by abandoning their current (advantageous) social status, professionals would exclude themselves from many costly social activities within their community. It is also ethical to the extent that professionals and their communities view career as an individual responsibility and a sign of flourishment. Thus, failure to develop a 'successful' career is viewed as a direct sign of failure to having 'successfully' lived one's life. To this extent, career can be viewed as a project of the self.

Moreover, it could be possible to elaborate a genealogical account of this stratified strategy of benign and counselling power by retracing diachronically the historical emergence of the various mechanisms that contribute to its reproduction. Finally, it is worth noting that agents may use the elements thus mapped for their own local struggles. For instance, agents wishing to transform the current mystification of power relations could both act by promoting management programmes that insist on the constraining aspects of power and by using the help of ex-employees having experimented the "dark side" of these relations of power, for example at the moment of their breaking down. Moreover, the crucial influence of universities on desire for career may indicate that these can usefully be invested either by agents wishing to reinforce this desire (typically, accountancy firms dedicate much time and money for this purpose) or by agents wishing to counter it (for instance, critical OB supervisors). Also, actions against "benevolent" forms of power could also attempt to undermine the belief that people having undertaken such careers are not necessarily better job candidates than people having worked in the accountancy departments of other kinds of firms. For instance, tactical struggle could perhaps be conducted by putting forward failure stories of ex-accountants who switched to industry and were not

quite prepared for the requirements of their new post. Possible vectors for such actions could be associations of HR managers, professional newspapers or magazines and again, management schools. Finally, these "benevolent" forms of power could also suffer from attacks aimed at the relatively widespread belief that professional career reflects intrinsic personal qualities. For example, such a struggle could take the reverse form of the recurring theme of 'hidden talents' that is so often used by large firms for the recruitment of careerist people. Perhaps a persuasive attack could present these talents not as 'hidden' but as 'wasted' because of the excessive demands of such firms on their employees.

Summary and conclusion

This paper has argued that a Critical Realist interpretation of Foucault is possible. By focusing on the distinction between tactics and strategies in Foucault's work, I have argued that it presents a stratified conception of social reality similar to Bhaskar's. I have also argued that Foucault, like Bhaskar, uses a system of mediating concepts linking structure and agency. However, Foucault does not take these concepts for granted and refines them along with his analysis. It has also been argued that Foucault developed an original approach to sociology by undertaking the task of a "history of the present". This approach takes into consideration the time-space shifts occurring in social structures and permits a counter-phenomenal account of social reality. I argued that Foucault's most famous insight (that knowledge and power are interdependent and can be studied at once) entails neither a performative contradiction nor a recourse to the "epistemic fallacy". By distinguishing between Foucault's transitive and intransitive objects, I have argued that Foucault's relativism is an epistemic relativism about the transitive dimension but that it does not imply an ontological relativism about the intransitive dimension. Moreover, I have outlined some consequences for researchers in the field of organization studies. Foucault's works are definitely not out of reach of critical realist authors' critical appreciations. However in order to discharge their full explanatory power the latter must be levelled at Foucault's theories rather than at his meta-theory. Similarly, I attempted to illustrate on an exemplary

piece of Foucauldian research (Grey 1994) what could be gained by adopting a critical realist reading of Foucault: Namely, the possibility of elaborating explanations that take into account the ontological stratification of social reality and of identifying strategic *loci* for social transformation.

Essay 3: How is legitimacy constituted? A critical realist contribution to institutional questions

Abstract

I attempt to lay bases on which a realist study of the processes of legitimation can be engaged. Contrary to alternative social theories such as Institutional theory, I treat legitimacy as explicandum rather than as explicans and propose that the legitimacy of a social entity should be understood as its congruence with a set of respected legitimating social rules. Basing my critical realist ontological argument on contrastive ethnographic studies, I describe how legitimating social rules contribute to enabling and structuring the processes of legitimation at play in specific organizational settings. It is suggested that, by treating the constitution of legitimacy as a process, one is able to account for the dual evolution of people's conceptions of legitimacy and of the social rules that legitimate given social entities.

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1. Introduction

The category of legitimacy enjoys a central place in sociological studies in general and in institutionalist studies of organizations in particular (DiMaggio and Powell 1991; DiMaggio and Powell 2000; Meyer and Rowan 1977). In effect, the seminal contribution of Meyer and Rowan (1977) moves beyond the picture of "organizations" exclusively engaged in maximising output by adapting to the technical requirements of their "technical environments". Instead, such accounts consider the processes through which organizations acquire greater "legitimacy" vis-à-vis their "institutional environments". Not surprisingly, a number of subsequent contributions used the notion of legitimacy to explain organizational configurations and changes otherwise unexplainable by reference to technical aspects alone (DiMaggio and Powell in DiMaggio and Powell 1991). What is somewhat more surprising, however, is that institutional studies seldom consider legitimacy as an *explicandum* (the object that needs to be explained). Rather, they almost invariably employ legitimacy as an *explicans* (the object that serves to explain). Hence, questions of the kind "how did the legitimacy of such or such practice develop?" are neglected in favour of questions of the kind: "In such an environment, should we expect organizations to have similar (formal) structures?" and: "What institutional environments induced the changes that occurred in the (formal) structure of such and such organizations?" As Townley puts it: 'Although recognizing the role of political conflict in terms of organizational self-interest, the issue of how legitimacy is constituted, understood and acted upon is rarely addressed in institutional literature' (Townley 1997: 262). Thus, in a notable attempt at 'unpacking institutional arguments' Scott proposes a definition of legitimacy as '… The degree of cultural support for an organization – the extent to which the array of established cultural accounts provide explanations for its existence… The legitimacy of a given organization is negatively affected by the number of different authorities sovereign over it and by the diversity or inconsistency of their accounts as to how it is to function'. (Meyer and Scott, cited in DiMaggio and Powell 1991: 170)

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Arguably, the legitimacy of social entities may sometimes be related to situations in which "cultural accounts" provide explanations for their existence. However, in the above definition, the authors make a number of implicit presuppositions that deserve explicit scrutiny. For instance, i) is explaining the existence of an organization the same thing as legitimating its existence? If so, then any account that explains (say) the development of Nazism between the two world wars would also be a legitimation of Nazism; ii) Also, what is the role of people in processes of il/legitimation? How are we to move beyond impersonal explanations of the kind "the organization became more legitimate because of the emergence of such cultural account"? iii) Moreover, Meyer and Scott equate legitimacy with people's belief in legitimacy. They presuppose that, as soon as there exist established accounts providing explanations, then there exists legitimacy. Thence, it becomes impossible to conceive of (very common) situations in which people believe that a certain social entity is legitimate only to discover later that it was in fact illegitimate; iv) A confusion follows between a) the absence of legitimacy and b) the ambiguity or contestation of legitimacy. An important consequence is that, from these perspectives, uncontested organizational entities are deemed to be *ipso facto* legitimate whereas contested organizational entities appear to be *ipso facto* illegitimate. In such (managerialist) accounts:

> … Power in organizations necessarily concerns the hierarchical structure of offices and their relations to each other. Particularly (but not exclusively) the field of management studies has tended to label such power as 'legitimate power'. (Clegg, Hardy et al. 1996)

Preliminary to characterizing legitimacy, I start by giving a few methodological signposts to clarify the explanatory scope of this study and to contrast it with (Weberian) ideal-typical *a priori* conceptions of legitimacy. I then propose that a social entity (intentional action, rule, resource, demand, command, tool, convention, habit, resource, positioned-practice, power, etc.) is legitimate if and only if it is congruent with a set of rules that are themselves respected. This short characterisation prompts in turn several questions:

1) What is meant precisely by the "congruence" of a social entity with a set of social rules?

2) What about the common case where there are rules that legitimate an entity and other rules that legitimate its contrary? In other words, what about the very ambiguity of a legitimacy that may be granted by some respected rules and at the same time impeded by other respected rules?

3) What does "respected" mean? Does it mean the same as "recognised" or "followed"? Does it mean the same as "considered to be legitimate"? If respect is the same as legitimacy, then isn't my characterisation of legitimacy too circular to be of any use?

4) On what basis should we distinguish between the legitimacy of a social entity and participants' belief in the legitimacy of that same social entity? Moreover, who should respect the legitimating rule for the social entity to be legitimate?

In the rest of the paper, I address each of these questions and then illustrate, through a contrast ethnographic study, what I take to be the most salient features of the process through which legitimacy is constituted.

2. Methodological considerations

The present study of the constitution of legitimacy is both theoretical and empirically grounded. It is theoretical in the sense that it seeks for general features of legitimacy that may hold in *any* situation in which legitimacy would be involved (though not necessarily actualised). Thus, the considerations about legitimacy I draw out of this analysis should be valid (acceptable, plausible and, hopefully, true) to help understanding of an extended range of situations in which legitimacy is actually present or notably absent. Nonetheless, despite its wide explanatory ambition, this study is also empirically grounded in the sense that it is based on unavoidably local and subjective observations of unavoidably local and subjective practices. These observations are either my own or are made on the basis of the testimonies of various informants who kindly accepted to share and discuss their experiences with me.

The empirical material of the present study was collected over an 18 months enquiry based on two different approaches. Firstly, I conducted 200+ hours of semi-structured interviews and participant observation with financial brokers working in two European banks: Hurdy in Paris and Unibank in London. Secondly, I contrasted these interviews with close friends working as professionals in similar firms. These close friends offered remarkable material as they dared to express their vulnerability as well as the numerous manoeuvres through which they attempted to legitimate some social entities and illegitimate others.

The method of analysis I use (retroduction) also deserves some clarification, particularly in comparison to the more commonly used *inductive* approach (see also Bhaskar 1978; Fleetwood 2005; Lawson 2003). Induction consists in departing from a particular acknowledged state of affairs (e.g. the numerous ravens I can see next to the Seine are black) and then in explaining it by the existence of an *actual* (unobserved and still unacknowledged) general state of affairs (e.g. all ravens are black). On the other hand, retroduction consists in departing from a particular acknowledged state of affairs (e.g. the numerous ravens I can see next to the Seine are black), and explaining it by supposing the existence of a *mechanism* (understood as a structured possibility) responsible for generating the noted state of affairs. Continuing an approach initiated by other critical realist authors, I attempt here to theorize legitimacy through the use of retroduction. Thus, starting from empirical situations in which I observe manifestations of legitimacy (or of its absence) I attempt here to outline the mechanisms that made these situations possible. Typically, my reasoning is as follows: "I observed this state of affairs. What then must be the case about legitimacy for this state of affairs to have the specific shape it has rather than another?" Notably enough, this generalisation is obtained through a careful observation of empirical events but also through the fundamentally creative establishment of a conjectured relation between observed events and supposedly real structural features of legitimacy.

Additionally, my realist ontological theorising should be contrasted with ideal-typical approaches initiated by Weber, who is among the few who have addressed explicitly the question of "what is authority?" (and *a fortiori*

legitimacy). He answers this question by elaborating ideal/pure types of authority. In *Economy and Society*, the types of *legitimate order*, and consequently of *authority,* are relative to their *bases of legitimacy* (i.e. tradition, faith, enactment) as well as to the *grounds* of *legitimate domination* (rational, traditional, charismatic). For Weber, all types of legitimate power that can be encountered through empirical study should be studied as a mix of the pure types that have been isolated *a priori.* These pure types have a heuristic role and 'are thus unrealistic or abstract in that they always ask what course of action would take place if it were purely rational and oriented to economic ends alone.' (Weber 1978).

Contrary to these Weberian approaches to organization theory, I do not attempt any *a priori* typology of the sources of legitimacy. Instead, in this paper I study specific cases of legitimacy through people's beliefs and through the social rules they respect. By focussing on specific legitimating rules, I attempt to offer a more fine-grained analysis of legitimacy than is available through more general categories such as 'ideal-types' (Weber) or 'institutional logics' (Townley 1997; 2002).

3. Legitimacy and (tacitly respected) social rules

I propose that a social entity is legitimate if and only if it is congruent with a set of rules that are themselves respected. In this characterization, the term social entity refers to a wide range of things that depend on our intentional actions: actions, rules, resources, demands, commands, tools, conventions, habits, resources, positioned-practices, powers, etc.

An immediate consequence is that any claim that a "social entity is legitimate" is necessarily incomplete and might be replaced by a more complete claim of the form that a "social entity (SE) is legitimate relative to a legitimating set of social rules (SRL)". The empirical investigations I conducted with financial brokers and young "cadres" (French professionals) suggest moreover that legitimating rules are, more often than not, kept tacit. For example, on several occasions I identified a social rule by which a broker dealing with a specific type of financial product was expected to offer information about specific client needs to colleagues working on a different type of product. In mundane business conversation,

this practice sounds unambiguously legitimate. However, this very legitimacy can only be understood against the background of a tacitly known (that is, implicit and taken for granted) set of rules that are more or less extended across the business community. These legitimating social rules are contingent, to some extent, and are prone to change. For instance, a junior broker working in a brand-new department reported that she had to work as a paired team with another broker. During the first few weeks each of the two brokers thought that it was legitimate to avoid sharing information about his/her own clients with the other team-mate. After a month or so, however, they decided to change the "rule of the game" and start sharing information. The reported reason for this change was mainly that sharing information would be better for each of them in the long run. This example of a situation that evolved through time shows that the same social entity "sharing information about clients with one's peers" is legitimate only by virtue of (tacit) social rules and that this legitimacy evolves with the legitimating social rules.

Interestingly enough, the question remained open as to what kind of information should be shared between the two team-mates. Should they share all kinds of information? Should they share only the information related to some delimited kinds of products? These open-ended questions reveal (retroductively) that the rules that are respected in a specific context seldom determine a unique legitimate action. Rather, they under-determine various legitimate possible actions that may be exclusive of one another (Cf. figure 1.1).

Figure 1.1: Respected rules define a field of legitimate social entities

Field of legitimate social entities
(whose realizations may be mutually exclusive)

Set of respected legitimating social rules
(that may be contradictory with each others)
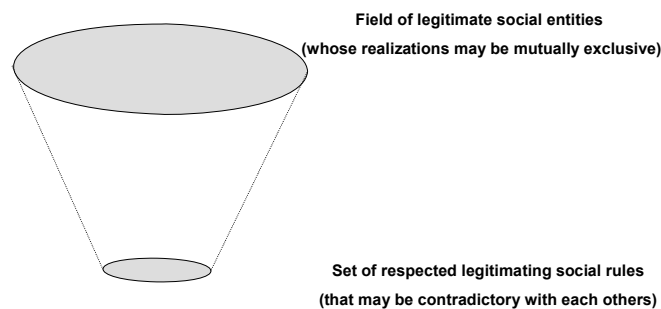
4. Clarifying the notion of "congruence"

I can see at least two ambiguities in saying that legitimacy is a 'congruence'. The first is that "social entity SE is congruent with the set of rules SRL" can mean either that "if you respect the rules SRL, then you must favour (practice, do, reproduce) the social entity SE" or it can mean that "if you respect SRL, then you should permit (not impede) SE". In the first case, legitimacy is conceived as an obligation whereas in the second it is conceived as an authorization. If we follow commentators such as Bullen (1987), it appears that Weber's conception of legitimacy is thought as an obligation rather than as an authorization. Thus, according to Bullen, Weber distinguishes between actions that are "legitimate" (that should be obligatory), entities that are "non legitimate" (for which there is neither obligation nor prohibition) and entities that are "illegitimate" (that should be prohibited).

I think, however, that the conception of legitimacy as obligation is misleading. For instance, employees at Hurdy and co. would sometimes drink water from the fountain. They have the right to do so but they also have the right not to drink a single drop should they so wish. Does it not seem excessive then to state that drinking water from the fountain is a non legitimate action in that organization? Rather, shouldn't we better distinguish between legitimate and obligatory social entities? This would allow us, for example to state that drinking water at Hurdy is legitimate without being obligatory. It follows that the notion of congruence I use does

not express an obligation but a right. Therefore "social entity SE is congruent with set of rules SRL" is equivalent to "if you respect SRL, then you should not impede SE".

It is worth noting too that obligation is a particular case of authorization since, if a set of rules SRL makes social entity SE obligatory, then SRL permits SE *a fortiori*, the contrary being evidently false. Thus, when my informants wanted to prove they had the right to do something (SE), they would very often attempt to show that they have the obligation to do it in virtue of obligating rules (SRLo) that are respected by their interlocutor.

The second ambiguity of congruence stems from the fact that agents do not usually follow explicit and rigorous logics. Thus, the proposition "if you respect social rule SRL, then you should permit social entity SE" is seldom formulated explicitly by agents. For example, employees at Hurdy and Unibank would often affirm that if they fail to deliver results that are "satisfactory" for their manager, they will be legitimately "asked to find other job opportunities elsewhere". When asked why this is legitimate, they usually reply by telling the story of one of their former colleagues who was "asked to leave" for similar reasons. It appears therefore that the congruence of SE with SRL is in practice usually expressed under the form: "I suppose that SE is legitimate (is ok, harmless, etc.) because another similar social entity SE* is legitimate", when the whole (implicit) idea is that "I suppose that SE is legitimate for three reasons. First, because it is subject to the same social rules SRL as SE*, second because SE* is legitimate (which implies that rules SRL are respectable) and third because I assume there are no illegitimating rules SRi that would overwhelm SRL and thus make SE illegitimate." This third reason leads us to our next question: What about the (usual) case when some rules legitimate an entity and other rules legitimate its contrary?

5. Rules that legitimate a social entity and rules that illegitimate it

Amongst the informants who agreed to participate in the study, several called me back to change the date of the interview "because [they] had an important meeting with a client". They would say something like: "you

understand, I have a meeting with a client at that time, could we change the date?" Everything I would find meaningful and relevant in their request expressed the dual fact that they were convinced that their demand was legitimate and that I would myself find it legitimate. By contrast, I also had the luck to wait around 20 minutes for a (junior) interviewee who had forgotten about the interview. When I phoned him, his voice was anxious and he expressed how sorry he was. He hurried to reach our meeting point - a *café* next to his office - and renewed his excuses: "I am so sorry. I forgot about the meeting. I have no excuse." I assured him there was no problem and offered him a cup of coffee, so that the "natural" (that is, the social and conventional) flow of events could continue its course.

In front of these contrasting events, we may suppose retroductively that the set of rules (SRL) according to which "these persons (*qua* professionals) should adapt to the meeting slots of their clients" overrules the set of illegitimating rules (SRi) according to which (a) "they (*qua* informants) should not attempt to cancel or modify the time of the meeting they agreed on with an almost anonymous interviewer" and (b) "they (*qua* "polite persons") should favour the chronologically anterior engagement over the posterior one". In the case of the forgotten meeting, my conjecture is that SRL was not actually realised, so it could not actually overrule SRi. In fact, I imagine that the junior broker who forgot our meeting would have preferred having a "good excuse", that is an overruling reason that would be legitimate according to rules we both respect.

The simultaneous presence of a set of rules (SRL) that legitimates a social entity and of a set of rules (SRi) that illegitimates it can be a source of ambiguity for the legitimacy of social entities. This ambiguity and the tensions that follow are to some extent, but never completely, relieved by the fact that agents rank the different rules they consider. Moreover, even when rules are explicitly and apparently unambiguously ranked, this ranking is highly dependent on the situation at hand. For instance, brokers at Hurdy commonly buy what they assess to be under-priced products without receiving any specific order from their clients. They do so in the hope that they will later be able to offer a competitive price to their clients when the latter express their desire to buy these products. The rule that is

usually respected is that if the broker incurs losses, these should be deduced from her results sheet and not from the client's. Thus, the rule according to which brokers should pay for their losses "because [they] ran the orders" is usually ranked higher than the rule according to which clients should assume these losses "since, after all, they are the ones who get the benefits". However, this prioritisation is sometimes inverted, typically in situations when the broker incurs losses a short time after having brought high returns to her clients thanks to risks she took. In these rather rare cases, both broker and client may find it legitimate that the client "pays for the loss". Notably too, the broker and the client have sometimes divergent opinions regarding which of these two rules should be ranked higher. Thus it appears that, just as the formulation of rules cannot account entirely for their conditions of applicability (Garfinkel 1984; Wittgenstein 1973), neither can they account for their priority relatively to other rules. Needless to say, this essential ambiguity of rule ranking and application generates conflicts that are both "countless" and "normal" between brokers and their clients as well as between brokers and their team leaders.

The ambiguous ranking of legitimating rules is also related to the identities of participants. This appeared clearly in the case of a middle manager who happened to be a 'good friend' of the senior manager who hired him at Hurdy. During our interview, the middle manager referred explicitly to the rule according to which close friends ought to avoid harming each other. However, he also asserted (somewhat contradictorily) that "the moral contract between [him and his friend] is that if [he] performs below expectations, then [he] gets fired. Conversely, if [he] finds a better [job] opportunity in another company, [he] would leave." In order to make sense of this situation, we must suppose that this participant had several identities at play in his relation to his boss. At the same time, he felt he was his friend and felt he was his subordinate. Each of these identities tied him to different sets of rules that would legitimate or illegitimate his behaviour and that of his boss. His remarks indicate that his identity as an employee is *ceteris paribus* having priority over his identity as a friend. As a result, he feels more respect for the set of rules related to his identity as an employee

than for the set of rules related to his identity as a friend. But then, how should we conceive this notion of respect? To this problem I now turn.

6. Legitimacy and the sense of respect

The notion of respect is perilous to define satisfactorily. Despite its centrality to the Kantian system of morality, Kant himself lamented that: 'It might be here objected to [him] that [he] take[s] refuge behind the word respect in an obscure feeling, instead of giving a distinct solution of the question by a concept of the reason.' (Kant 1785) I hope nonetheless that a wide range of readers will accept the succinct analysis of respect I outline below. Although this analysis is focussed on respect for a social rule, I believe however that it could be extended readily to respect for other objects (people, actions, values, etc.)

The word "respect" is derived from the Latin *re-spectare*, the action of looking (back) at something, of (re)considering it. Consequently, respecting something (say, a social rule) implies recognising it and taking it into consideration. This is however a necessary but insufficient condition since respect also implies that one should value the rule as worthy of being taken into consideration in one's actions. Thus, "respecting a rule" can be contrasted with "acknowledging a rule" and with "acting in conformity with a rule": A person may acknowledge the existence of a social rule and refuse to act in conformity with it because she feels more respect for another incompatible rule. For example, it is possible for managers at Hurdy & Co. to pay female staff less than male staff (rule 1). We can imagine plausibly however that a manager may refuse to follow this rule and follow another rule that she respects more, e.g. that all employees in her team should be paid equally without consideration of gender (rule 2). In this case, rule 1 is acknowledged but not respected whereas rule 2 is respected and acknowledged. Conversely, a rule may be followed (and thus known in some way) without being respected. For example, one interviewee, working for a consumer goods firm close to Paris, reported that she was actually managed and evaluated by the director of the department but that one of her senior colleagues claimed to be officially her boss. As a result, the interviewee felt she had to show signs of deference to that colleague

and keep her informed of the progress of her work without feeling any respect for this rule. The absence of respect was manifest in the interviewee's claim that this state of affairs was "bad" and that she would love to change it if only she knew how to proceed without incurring too much harm.

This also illustrates that respect entails trying to establish or to preserve a rule. If we consider the critical realist transformative model of social action, then we may say that if one respects a set of social rules SR, then should either try to reproduce SR (if it exists already) or try to transform the existing (less respected) set of rules SR^- into a more respected set of rules SR^+. It follows too that respect is envisioned in a gradated way. Thus, rather than talking of "respected" or "disrespected" rules, it may be more accurate to talk about rules that are "more" or "less" respected than others. In sum, respecting a social rule implies that one recognizes the existence of this rule, feels it is worthy of being followed and seeks to maintain or establish it. But then, how is it possible to differentiate respect and legitimacy? A possible answer could be that "legitimacy" is not synonymous with "respect" but rather with "respectability". Thus, respect and legitimacy are two different things. Whereas respect is basically a feeling or a belief, legitimacy is basically a possibility that is not necessarily actualised as a feeling or as a belief. Moreover, people often spend significant time and effort trying to find out whether such or such social entity is legitimate and should therefore be respected. For example, it took me a great deal of effort to prove to potential interviewees that my presence and that my activities were legitimate according to rules they already respected and that rejecting my request was not so legitimate according to these same rules.

Is my characterization of legitimacy too circular to be useful? Let us first note that I describe social entities that may be respected in terms of social rules that are already respected. Thus, the object that describes (i.e. the legitimating social rule) is not the same as the object that is described (i.e. the legitimated social entity). Moreover, this characterisation helps accounting for the process of legitimation through which people establish that some social entity is legitimate, and thus respectable though not

necessarily already respected, in the light of other social entities that are already respected (believed to be legitimate). This prompts in turn two important questions. First, to what extent should people believe in the legitimacy of a social entity for this entity to be legitimate? Second, who should be *ready* to respect a social entity for its being legitimate?

7. The relativity of legitimacy

I propose to distinguish between the legitimacy of any specific social entity and people's conceptions of it. This distinction will then allow us to answer the question: "who should respect the legitimating rules for the social entity to be legitimate?" A social entity SE is conceived-to-be-legitimate to the extent that someone actually believes in it. A direct implication of this consideration is that a conception-of-legitimacy should normally be referred to the person (or group of persons) that believes in it. Thus, sentences of the type: "social entity SE is conceived-to-be-legitimate" could be replaced and completed by sentences of the type "social entity SE is conceived-to-be-legitimate relatively to the beliefs of persons P1, …, Pn". On the other hand, a social entity SE is legitimate to the extent that it is congruent with a set of respected social rules SRL. As we already mentioned, considerations of the kind: "social entity SE is legitimate" could be replaced and completed by sentences of the kind: "social entity SE is legitimate relatively to rules SRL1, …, SRLn". Therefore, it is possible to affirm without contradiction that, although conceptions-of-legitimacy are relative to people, legitimacy itself is relative to social rules, not people.

Since legitimacy is a congruence relatively to a set of rules, no one needs to act in conformity with the legitimating social rule for the legitimacy of a social entity to be real! The reality of this congruence depends on the reality of the rules but not on whether people are actually behaving in conformity with them. Thus, it may be the case that we all act illegitimately at times (relatively to social rules we respect) without being aware of this illegitimacy. Although the continuous existence of social rules depends on people's beliefs, the reality of rules and the fields of legitimacy they define may well contradict the conceptions of agents.

8. Exploring further the constitution of legitimacy: a contrast study

In this section I illustrate and explore further the effects on social reality of both legitimacy and conceptions-of-legitimacy (also referred to as 'belief-in-legitimacy'). To this end, I rely on a contrastive study (Lawson 2003) I conducted with Marie and Paul, two close friends of mine who decided to leave their jobs at approximately the same time. Although they were working in different companies, they were occupying *prima facie* similar positions so the situations they faced offer an interesting contrast. Both of them were working as young professionals in consulting firms located in Paris. Moreover, they had graduated from the same *grande école* relatively recently. At the time of writing this case-study, Marie and Paul are still working in their respective firms, although the conditions of Marie's departure look clearer than those of Paul's.

Marie's story

Marie works for Beta Consulting, a management and accounting consultancy that is dedicated to workers' committees. She wanted to leave her job in order to follow her long-standing partner who needed to settle in the U.K. Moreover, she also hoped she could obtain a financial "severance package". For this, she needed to persuade various persons in her firm that her departure was legitimate. A case could perhaps be made that the legitimacy of her departure was already granted by the set of social rules that participants already respected in her firm. Nonetheless, this very legitimacy could only become clearly and fully effective after everyone involved in the negotiation realized it (recognised it, accepted it, believed in it). This whole process was not instantaneous, since it extended over one full month during which matters were "very uncertain". Moreover, this process necessitated considerable energy from Marie. In addition to various actions she undertook, she also reported that, all the while, she felt much more "anxious" than usual. She was uncertain about the issue and

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felt at times lost in front of the complexity of the situation. Arguably, her interlocutors might have felt similarly confused, though to a lesser extent. Marie dedicated substantial time consulting Internet sites that would inform her about her legal rights. Moreover, she also discussed matters with several colleagues in her firm in order to clarify her understanding of how more or less similar cases were treated in the past – that is, she tried to understand the traditions (social rules that were respected in the past) at play in her firm. In the end, the negotiation involved several talks between her and the decision makers. These talks were key for her understanding of two factors. First, she wanted to understand what "imperatives" her interlocutors ought to respect and with what weight. Second, she attempted to understand the "initial position" of her interlocutors with the intention of transforming it if she thought this would be possible and desirable. These discussions additionally necessitated "good faith" from all discussants as they needed to think out what they "really" assumed to be "fair" - that is, legitimate according to the social rules they respect. At the end, Marie and her interlocutors reached an agreement that "sounded fair" to all parties. She would obtain a "satisfactory" severance package and would be welcome to ask for reference letters, which is not that common in France but useful for job-hunting in the U.K. In exchange, she would work "hard" for a few more months in order to face the seasonal peak that was about to start when the agreement was reached. Since she was departing "on excellent terms", she was invited to come back and apply for a job in the firm "whenever she wanted".

Paul's story

By contrast, Paul related a significantly different story about his job departure. Just like Marie, he wished to leave with a "reasonable" financial severance package. However, the reasons why he wanted to leave were different. As he stated in a 10 page document that was written in January 2004 but that was never actually communicated to his firm

> '[…] My work at Mercury Associates is unsatisfactory for various reasons
>
> **Training**: the conjuncture did not allow the firm to realize many missions over the last 2 years. Consequently, I am mainly asked to "sell consulting missions" rather than to perform consulting missions, which is less formative for me.
>
> **Remuneration**: the remuneration that I obtained since the start of my work contract is inferior to what was agreed at the beginning of my internship (40 vs. 42 k€ p.a.). The discretionary variable part was never paid. I never received any compensation for the extra hours I worked. My salary has not increased since I was hired.
>
> **Work relations**: my relations with my superiors deteriorated gradually along with the frustrations I accumulated and expressed. Without abandoning elementary courtesy, finding an agreement for my departure now seems desirable for both parties.
>
> **Career development within the firm**: after 2 years of important deficit, I have doubts about the middle-term viability of Mercury Associates. Amongst the 16 persons who used to work for Mercury Associates in June 2003 […] 7 have [already] quit the firm […]' (Paul, *Untitled document January 2004*, my translation, text modified)

Contrary to Marie, Paul felt he could hardly trust his employer who had already made him "false promises" in the past about his status and remuneration in the firm. Moreover, he felt that he could not sue them since he would then be "banned from the financial community". As a result Paul believed that he could rely neither on the law nor on the rules his interlocutors pretended to respect, despite the very favourable "general principles" expressed orally by his interlocutors

and although he had some idea of what he could legitimately reclaim by going to court. Moreover, his interlocutors managed to deflect all his attempts to have them set down their conditions in writing. As he lamented during a recorded conversation

> 'Paul: I can't stand it anymore, these guys… They're parselmouths! You know, the bad guys in Harry Potter.
>
> Interviewer: What about him [the firm owner], what justifications does he give you?
>
> Paul: Kind of like… Yes… "We are sorry. We will fix all this. Don't worry, things will get better next time."
>
> [silence]
>
> Interviewer: Yeah, this doesn't mean anything!
>
> Paul: Yeah exactly, yeah!
>
> Interviewer: Yeah, but I'd tell them "I need the document!"
>
> Paul: Yes, but they toss the ball back to one another! Me, it exhausts me to run after them.
>
> Interviewer: Yes but how is it that he [the firm owner] manages to play the clock this way? Why don't you press him?
>
> Paul: [The owner] is in Canada! No, he's in Japan now! And [the contractor in charge of supervising me day to day] has no power. He's not even part of the firm. [The owner] is the only one who's part of the firm.
>
> Interviewer: (laughs!) He has his firm managed by someone who's not part of it?! Like that the poor [contractor] has to deal with all your grievances?
>
> […]
>
> Paul: No, but, if you like, for the moment, I go to work and I am there from 11am to noon and then again from 3pm to 4pm.
>
> Interviewer: Yeah?
>
> Paul: Two hours a day, that's it! It's not the end of the world.' (Paul, Interview June 2004)

The twin stories of Marie & Paul reveal the effects of both legitimacy and belief-in-legitimacy. Let us first examine the effect of belief-in-legitimacy which is effective in particular social settings in at least two ways. Firstly, it is effective as a reason, that is, as an efficient cause of people's actions (Bhaskar 1998). As I mentioned above, Marie sought to understand her interlocutors' "imperatives", which correspond arguably to what I refer to in this paper as 'legitimating rules'. Although Marie had a rather clear idea of the social rules that were respected by her interlocutors, she was at first

unsure about which rules would be granted priority. For instance, she didn't know if her employer believed that the rule according to which an employer needs to keep good relations with departing employees was more important than the rule according to which the firm should attempt to save the financial equivalent of her "severance package". Understanding the beliefs of the interlocutors was of central importance since, *ceteris paribus*, these beliefs would influence their actions.

Secondly, belief in legitimacy is effective as a material cause in the process of constitution of (ameliorated) legitimacy. Thus, Marie felt it was vital to listen first to the "initial position" of her interlocutors before she could deploy fully her own arguments. I believe this "initial position" corresponds indeed to the initial belief in legitimacy from which her interlocutors departed. Interestingly, the process of negotiation could be analysed as a process of active, and somewhat harrowing, transformation of participants' conception of the il/legitimacy of Marie's request. In this case, participants moved from a state of consciousness in which the conception of legitimacy of Marie's request was obscure and ambiguous to another state of consciousness in which it was clearer and less ambiguous. This points out that the ameliorated conception of legitimacy was not formulated *ex nihilo* but was rather built upon some prior conception held by participants. Cf. figure 1.2.

Figure 1.2: The transformation of conceptions of legitimacy
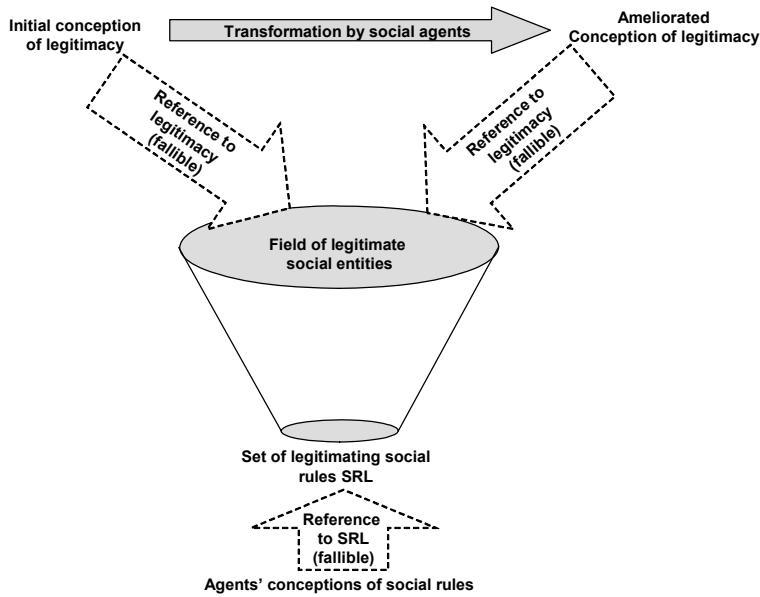
These considerations lead us to ask what is the role of legitimacy (as opposed to conceptions-of-legitimacy) in the constitution of the ameliorated conceptions developed and held by people? Legitimacy is not effective clearly and immediately, which is not to say that legitimacy is not effective at all but, rather, that, it can only be effective through the intentional actions of participants. Similarly to scientific discovery (Bhaskar 1978; 1998) and contrary to some other forms of social action, when people attempt to examine the legitimacy of a social entity, their efforts do not create the legitimacy they seek to reveal.

Back to the contrast study, the distinction between legitimacy and conceptions-of-legitimacy was manifest through the fact that it was not sufficient for Marie and Paul to announce plainly their right for a "severance package" in order to get such a thing. Marie also needed to prove that her getting a severance package would be compatible with the other respected rules at play in the firm. Retroductively, this indicates that the belief of any sub-group of individuals concerning particular social rules is not a sufficient condition for the realisation of these rules. Thus, even if some participants (e.g. Marie or the director of her firm) may succeed at establishing new rules they believe to be legitimate, other participants will consider these new rules as legitimate only if they see them as compatible with the set of

(higher ranked) rules they already respect. Concretely, this meant for Marie that even if her employer could claim that leavers should get no "severance package", this claim alone would have been insufficient to convince other employees that the severance package was not legitimate. Thus, both Marie and her employer had to refer to commonly respected rules in order to justify their point of view. In this light, this process appears to be a process of discovering the legitimacy of the "severance package" since it is about uncovering and clarifying the insufficiently well known nature of entities that are not created ipso facto by the participants' investigations.

Through this process, legitimacy has effects on conceptions of legitimacy through the "good faith" and efforts of participants to figure out "what is legitimate and what is not". In which case, does legitimacy lose its power if people do not care about it or if they try to defend the legitimacy of entities they believe (more or less consciously) to be illegitimate?

Sticking to the example of Marie's departure, her interlocutors could have reacted in various different ways and *could* have elaborated offers that they would have found advantageous for themselves without bothering about the legitimacy (in relation to the rules that are commonly respected in the firm) of these offers. For example, they could have refused to pay her the balance of unused days off, a situation that occurred to Paul. However, if Marie or the workers' representatives of her firm had been able to explain why these proposals were illegitimate, they would then have been able to exercise powers they would not have been able to use otherwise. For example, Marie could have been able to obtain medical certificate attesting psychological harassment and eventually submit her case on the relevant courts hoping to win a trial against her employer (a strategy Paul considered seriously without adopting). Moreover, she might have been able to be more selective on the kind of tasks she would accept to perform and the kind of tasks she would outright refuse without raising a feeling of injustice amongst colleagues who knew about her story (as Paul actually did). Interestingly, when some participants do not attempt to judge in "good faith" the legitimacy of the social entities they use, then legitimacy may be (partly) realized through the very *resistance* of other participants against social entities that presuppose a conception of legitimacy with which they

disagree. Even in cases when attempts at legitimation made in bad faith encounter no resistance, legitimacy still has effects, at least because it pushes some groups to conceal or distort the reasons why they do not believe themselves in the legitimacy of the social entities they promote.

Finally, let us examine the effects of legitimacy when a participant has legitimate arbitrary power. Almost by definition, the respected social rules *under*-determine legitimacy, which results in the liberty of the participant to promote different legitimate social entities. It is crucial to note however that this very liberty (under-determinacy) is itself granted (determined) by social rules that ontologically, and chronologically, precede the actions and judgements of participants enjoying discretionary power. In the case of Marie and Paul, each participant could legitimately undertake various possible actions that were at the same time legitimate and contradictory: that is, their actual realisations were mutually exclusive. For instance, Marie's boss could have tried to offer her a "severance package" of lesser importance and still remain within the limits of what Marie and her colleagues were ready to accept. Thus, even in cases when there is a degree of arbitrariness in the legitimating judgements of participants, this very arbitrariness (and the limits associated to it) is itself a product of other rules that participants assume to be legitimate. Therefore, even though legitimacy may have no visible direct effects on arbitrary judgements, it still has less visible indirect effects on the respected social rules that constitute the conditions of possibility of these judgements.

9. Summary and conclusion

The present paper illustrates the potential contribution of ontology to studies of organizations (Fleetwood 2005; Fleetwood and Ackroyd 2004; Reed 2005b). It has illustrated how ontological questioning can act as an underlabourer for institutional theory in order to clarify ambiguities that stand in the way of its fuller development. It has also shown that ontological theorising can be useful for making sense of specific social situations, such as those faced by Marie and Paul.

Contrary to institutional theory, in this paper I have considered legitimacy as an *explicandum* rather than as an *explicans*. This is explored through a

retroductive approach that attempts to uncover the mechanisms that shape observed events. This approach is fallibilist by its very nature since the scientific knowledge it generates is radically open to debate and contradiction by alternative theories. I have proposed a conception of legitimacy as the congruence of a social entity with respected social rules; this implies that the legitimacy of any social entity cannot be adequately thought through without reference to a set of social rules that legitimate it. Moreover, a set of respected social rules does not define a single possible legitimate social entity but defines rather a field of possible legitimate social entities that, in their actualisation, can be mutually exclusive.

I have also proposed that legitimacy should be thought of in terms of authorisation rather than of obligation. As a result, obligation is a particular case corresponding to the absence of legitimacy of opposite entities. It also follows that obligation implies authorization of some kind. Moreover, agents usually estimate the il/legitimacy of a social entity by comparison with another social entity they believe to be legitimate. This does not contradict the role of legitimating social rules but actually presupposes it. Furthermore, since social rules are more often than not contradictory with each other, it is necessary for agents to rank them through their decisions and meaningful actions. Empirical evidence suggests that participants do so by taking into account the situation with which they are confronted as well as their personal identities.

Respect (for a rule) is a key notion that entails recognising that rule and trying either to preserve it or to establish it by transforming less respected rules. Legitimacy designates a possibility rather than a feeling and is thus synonymous with respectability rather than with respect. Moreover, conceptions-of-legitimacy are *qua* belief relative to the participants who believe in them whereas legitimacy (*qua* congruence) is relative to social rules.

Through a contrastive case-study, I studied the general process through which both legitimacy and conceptions of it are realised. Belief in legitimacy is effective as a cause since it is a reason held by participants and since it is the material and product of the process through which participants constitute ameliorated conceptions of legitimacy. On the other hand,

legitimacy is only indirectly effective through the activity of participants who attempt to uncover it. Even when some participants act in bad faith, legitimacy is still effective, but it is so through the resistance of some (resisting) participants. Finally, discretionary power is not contradictory with the realisation of legitimacy but presupposes it to some extent.

This contribution is not meant as a refutation of institutional theory but rather as an opportunity for future development. Thus, Townley's (1997; 2002) proposal to considering legitimacy in relation to 'institutional logics' is welcome. In this paper I have attempted to move one step further and to open the (Weberian) black box of institutional logics and analyse it in terms of legitimating social rules and of participants' beliefs. I thus articulate a refined conception of legitimacy that takes into account the processes through which social entities are legitimated as well as the social rules that serve (usually implicitly) to constitute the legitimacy of these entities. This analysis is consistent with Lounsbury and Ventresca's (2003) plea to link together organizational phenomena and the actions and beliefs of individual participants without falling back into an individualistic ontology.

Conclusion

1. Summary of contributions

This thesis illustrates and extends the potential contribution of ontology to the study of management and organizations (Fleetwood 2005; Fleetwood and Ackroyd 2004; Reed 2005b). It contributes to the elucidation of four questions: How is legitimacy constituted in organizational settings? What kind of things are social rules? How can realist ontological theorising contribute to such enquiry? To what extent is it possible to articulate post-structuralist concepts such as discourse, hegemony and positivity into a critical realist (CR) account of rules and legitimacy?

A. Paper 1: Revisiting Rules

The third paper reflected on the notion of 'social rule' which is both central and contested in philosophy and sociology. Its purpose was not to refute the ethnomethodological critique of rules but rather to include it into a refined study of rules. Thus, against functionalism, I proposed that rules are immanent to (though distinct from) the very practices of participants. Contrary to ethnomethodologists, however, I did not conclude from the limitations of functionalism that rules are a potentially misleading category. My point was rather to render visible the implicit importance of rules for the very process of analysis of families of cases dear to ethnomethodologists. I defined rules as the implicit, local, ideally and (sometimes) socially real object that makes an action more legitimate than its opposite. I suggested that the post-structuralist notion of discourse, as articulated by others such as Foucault or Laclau and Mouffe, allows us to tackle the problems associated with the notion of 'opposite'. It also appears that rules are both legitimat*ing* (for other subordinate rules) and legitimat*ed* (by super ordinate rules). I proposed that the regression from a rule to other super-ordinate

rules is not never-ending and that rules are ultimately anchored in desires. Moreover, the objects of desire entail imperatives since the proposition 'I want X' implies that 'I ought to do anything that favours X, *ceteris paribus*'. In order to dispense with the *ceteris paribus* clause, I examined the classic Kripke-Wittgenstein argument about the impossibility of extrapolating a unique rule from a given context. Unlike ethnomethodologists, I did not infer from this argument that the category of rules provides misleading accounts of social situations. I inferred from it, instead, that the choice of rules available to us is discursively and hegemonically structured.

The conception of rules I defend is not algorithmic. Rules do not guide agents' behaviour by being followed explicitly but, rather, by il/legitimating certain types of actions. Thus, rules do not define a single acceptable action but rather a whole field of acceptable (legitimate) actions. Moreover rules are often embodied in actions or artefacts that are viewed as exemplary or, on the other hand, objectionable. As a consequence this conception of rules allows us to distinguish them from their formulations and to explain how rules are not an obstacle to but a condition for wayful (Sudnow 2001) improvisations.

I have distinguished between social and personal rules by suggesting that a rule is a social rule if and only if it is *internally* related to one or more social relations. The first consequence is that an essential transformation of the social rule implies *ipso facto* an essential transformation of the social relations to which it is internally related. The second consequence is that social rules are internally related to social positions and identities. In addition, failure to comply with the social rule is immediately threatening for one's social identity and, conversely, once a social identity is abandoned/transformed, the (internally) related rules are not anymore interpellating.

I contrasted this conception of social rules with the one defended by Lawson (1997; 2003). Both notions share a similar rejection of the determinism associated with algorithmic conceptions of rules. I suggested, nonetheless, that Lawson's criterion of the social as anything depending on human intentional agency does not allow him to distinguish between social and personal rules. Such a distinction can be maintained, however, if we

rely on a relational conception of the social (such as the one proposed in Bhaskar 1998). I also suggested amending Lawson's general formulation of rules. Thus I proposed to replace 'whenever x, do y under conditions z' with a formulation that highlights the injunctive aspect of rules such as: 'one should do y1 rather than y2 under conditions z, all things being equal'. I believe the ontological study of social rules has significant import for the empirical study of specific rules in specific organizations. First and foremost, rules should be studied through the injunctive aspect of participants' practices. Moreover, although relative regularities are often a useful starting point for enquiry, their study is neither necessary nor sufficient for studying rules. Another potentially fruitful starting point is to observe local practices considered by participants as exemplary or, on the other hand, objectionable. I have also shown how the main findings of the general ontological study of rules lead to specific research questions that may help unearth specific systems of social rules in specific contexts.

B. Paper 2: Redrawing Foucault's Social Ontology

The second paper examined the social ontology implicit in Foucault's works since *Discipline and Punish*. It argued that, despite differences of emphasis, Foucault's analyses are very much in tune with the core principles of critical realism. By distinguishing between the transitive and the intransitive dimensions of his works, I showed that, contrary to a commonly held view, Foucault is not a relativist. Although he brackets the truth of the statements he studies, he does not impose such bracketing upon his own truth claims. Moreover, Foucault studies the carceral system less because he is interested in prisons for their own sake than because of what they reveal about disciplinary processes that spread well beyond their confined walls. Similarly, Foucault's 'history of the present' was shown to avoid the pitfalls of both 'presentism' and 'totalising history' and thus makes justice to a transformational conception of being and could certainly inspire CR students of organizations[19].

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[19] I proposed that the oft-criticised methods Foucault uses are coherent with a vision of society as an open system.

I also argued that Foucault is able to distinguish between agency and social structure, though he does so in a sophisticated way that (similarly to CR) does not equate agency with freedom nor structure with constraint. Indeed, power relations have both a positive and a negative role: They enable as much as they constrain possible actions and domains of possible knowledge. I thus oppose Archer's claim (Archer 1995) that resistance is absent in Foucault's works by excavating a whole chapter of *Discipline and Punish* dedicated to illustrating instances of resistance and (sometime successful) struggle. Moreover, I have argued that Foucault's key distinction between strategies and tactics of power (Foucault 1978) overlaps with the CR distinction between the domains of the social (relative to relations between people) and the domain of the individual (relative to people). Although Foucault does not conceptualise the problem of the links between strata in the same terms as Bhaskar and does not refer to positions and practices as 'mediating concepts', he relies nonetheless on concepts that mediate between the social and the individual: institutions, apparatuses and subject-positions.

I illustrated the payoff of my study for 'Foucauldians' by revisiting Grey's exemplary paper *Career as a Project of the Self*. A CR reading of Foucault does not contradict the substance of Grey's findings. Rather, it helps us to grasp the (causal) relation between career as a project of the self and 'benevolent power'. I sketched a stratified picture of the social mechanisms that make it possible for career to be a *locus* for benevolent power: auditors get accustomed to mystified forms of power relations in their previous curriculum, which is made possible because of a myth of reciprocity that is fostered in these settings. The continuous existence of this myth of reciprocity is itself explainable because the subordinates are in a social trajectory offering them a fair chance of attaining a social status similar to that of their super-ordinates. This social trajectory is made possible because in addition to the opportunities of internal promotion, people with the experience and credentials of professionals are systematically favoured on the job market over people lacking 'significant' work experience. Another parallel sustaining mechanism of the social trajectory of professionals is that they seek to maintain their social and

economic status which they see as a sign of accomplishment. In addition to descriptive and explanatory depth, a CR perspective also allows us to identify the *loci* of action for the struggles of agents. They may attempt, for example, to demystify apparently benevolent relations of power and to identify the organizations where the career projects and desires of (future) professionals are fostered. For instance, universities can be purposefully invested either by agents wishing to influence these desires. Moreover, the asymmetry of the job market in favour of (ex)professionals could also be the object of tactical struggle by putting forwards the 'failure stories' of professionals who transferred to different sectors. Finally, the very discursive equivalence between self-accomplishment and career success may be the object of tactical undermining.

The consequence for CR students of organisations is obviously not that Foucault should be beyond objection. Such objection, if formulated, should be levelled to his substantive claims rather than his meta-theory. If my CR reading of Foucault is accepted then it becomes possible to articulate post-structuralist concepts within a CR meta-theory.

C. Paper 3: How is Legitimacy Constituted?

The first paper sought to open the black box of legitimacy. In so doing, it identified internal inconsistencies in institutional theory: a) The conflation of the explanation of an institution with the legitimation of that institution; b) the role of people in processes of legitimation; c) the absence of distinction between legitimacy and belief in legitimacy; d) the confusion between uncontested institutions and legitimate ones. I articulated and explored a characterization of legitimacy as the congruence of a social entity (action, rule, resource, institution, command, tool, convention, habit, resource, positioned-practice, power, etc.) with a set of rules. The merit of this characterization of legitimacy is, I argued, that it takes us beyond (Weberian) ideal-typical accounts of legitimation, as it explains legitimacy in terms of real, local, usually tacit rules rather than ideal-types constructed *a priori*. Through studies spanning across several organizations I proposed that rules seldom determine a unique legitimate action but rather under-

determine various legitimate possible actions that may be exclusive of one another. However agents seldom refer *explicitly* to social rules when they are confronted with a specific situation. Rather they apprehend the il/legitimacy of social entities by analogy with other (exemplary) situations in which this il/legitimacy appears unambiguously. Moreover agents are usually faced with contradictory rules which they *implicitly* have to rank by taking into consideration both the situation at hand and their multiple identities. Whereas legitimacy is the congruence of an entity with a set of rules, respect is a feeling that an entity ought to be considered and preserved because of its legitimacy.

I also analysed the process through which legitimacy and belief in legitimacy are constituted. On the one hand belief in legitimacy is effective as a reason used by participants and also as the point of departure and primary material of processes of legitimation. On the other hand, legitimacy *per se* is effective to the extent that it is the intransitive object to which participants refer when they act in good faith. Moreover, legitimacy *per se* is also effective when participants act in bad faith, albeit in different ways. Firstly it pushes them to conceal aspects of the situation otherwise visible to other participants. Secondly legitimacy *per se* encourages other participants to resist social entities that presuppose a conception of legitimacy with which they disagree. Finally I show that discretionary power does not imply a complete absence of legitimacy. Even when there is a degree of arbitrariness in the legitimating judgements of participants, this arbitrariness - and the limits associated with it - is made possible by other rules that participants assume to be legitimate. This paper is not meant to offer a refutation of institutional theory but rather an opportunity for enhanced reflexivity and for a better articulation of organizational phenomena with the actions and beliefs of individual participants.

2. Limitations

The judgemental rational**ity** of the CR approach is distinct from less sophisticated forms of rational**ism** in that it maintains a tension between a

conception of knowledge that may be evaluated, criticised and, ultimately, improved (judgemental rationality) and a conception of knowledge as inherently fallible and socially created (epistemological relativism). I have argued that these antithetical aspects of knowledge can be reconciled, however, if we consider its production as an ongoing process and if we admit that the very criteria according to which specific theories are judged are themselves socially constructed within communities of practitioners. The consequence of this is two-fold. Firstly, the very evaluation of any piece of research depends on specific criteria which must be shared to some extent by the community that undertakes this evaluation. Is the piece of research primarily designed to help predicting events? Is it meant to explain complex states of affairs? Is the aim to transform the world and make it a better place? Accordingly, the criteria by which my papers should be judged deserve to be explained. Secondly, since the conclusion of every scientific theory is itself the point of departure for potential progress that may ultimately refute it, it follows that a scientific piece of work is more valuable if it facilitates such questioning by endeavouring to make visible its own limits. Although each of the papers in this PhD incorporates a reflection on its own limitations, I would like to use these two axes of critique to offer some limitations that are transversal to them.

A. Limitations relative to the use of retroductive arguments

Retroduction is the principal method of enquiry of the first and third papers of this dissertation. Contrary to induction and deduction, retroduction seeks to explain mechanisms rather than predict unobserved events. Thus, my enquiries do not, and cannot, answer questions of the kind: What is the probability that a London-based fixed income trader respects such and such a rule? Rather, I attempt to answer questions of the kind: Considering the behaviours the trader finds legitimate (or not) and the way s/he explains this legitimacy (or its absence), what can I infer about the basic features of legitimacy and social rules? These papers must therefore be judged according to their capacity to account for general processes of

legitimation in ways that are more consistent and more plausible than alternative theories.

Despite their inherent fallibility, it is possible to appreciate the reliability of explanations generated by retroduction since the latter reveals two things. On the one hand it reveals my own assumptions and may help clarifying them subsequently. It can be remarked, for instance, that by enquiring about the "basic features of processes of legitimation", I am already setting the debate in specific (and ultimately narrow) terms: I assume that such notions as "processes", "legitimation" and "basic features" are helpful to account for the social. The point is not, obviously, that one may escape the use of a partial, context-specific and politically-loaded terminology. It is rather that it may be possible to use such notions with some awareness of their own limitations (Pollner 1987). I believe that retroductive arguments are useful for this form of awareness as they push the researcher to lay bare assumptions that would otherwise remain implicit.

On the other hand retroduction may reveal features of the world that are irreducible to the author's conception of them, although it does so with two limitations. Firstly retroduction generates hypotheses rather than irrefutable facts. Thus every claim of my research is open to being contested by alternative hypotheses. For instance it could be argued that, in the case study of Marie's departure (paper 1), I give too much importance to good faith and fail to see multiple processes of power that may also explain how legitimacy was constituted. Secondly retroduction entitles me to believe that the implicit assumptions I make about the world are adequate only to the extent that I also believe that my chosen point of departure refers adequately to the world. This brings me to comment on the adequacy of the empirical material I use in my thesis.

B. Limitations relative to the empirical material I use

The first paper is not based on fieldwork, which does not mean that it is not based on empirical premises. Instead of the more conventional sociological tools, I rely on my readers shared knowledge of the social world. Although this approach is powerful for apprehending general processes with a high

level of abstraction, it is arguably limited for describing specific mechanisms in specific settings. Indeed, I expect my readers to have experienced countless situations in which social rules were involved. I expect them to be less knowledgeable, for example, about situations faced by people trading fixed-income financial products. It follows that although my research strategy may be adapted to its subject matter (the basic features of rules), an analysis of the specific rules at play in specific organizational settings deserves further focussed enquiry.

One of the difficulties in writing paper 2 was to delimit two sets of texts that would be representative of Foucault's thought and of critical realism. Foucault's thought has incurred subtle but significant inflexions, the most notable being his introduction of 'genealogy' after a silence of more than two years following the *Archaeology of Knowledge* (AK). Besides this inflexion which I attempt to accommodate by focusing solely on the texts published after AK, there remains the problem of the implicitness of Foucault's ontology. My argument is not that Foucault was self-consciously a CR. It is rather that his implicit ontology is, arguably, closer to critical realism than to any other alternative anti-realist position. Although I do not attempt to provide any definitive demonstration of my argument, I hope nonetheless that it will be sufficiently convincing to shift the burden of proof back to my adversaries. Since CR is not the product of any single person, the choice of CR texts that qualify for assessing Foucault's ontology is also problematic. At the time of writing this conclusion, critical realism is traversed by numerous and lively debates on such basic categories as 'possibilities', 'rules', 'mechanisms', 'totality'. It was therefore necessary to operate a somewhat arbitrary delimitation of the CR against which Foucault is assessed. I have chosen to focus the discussion on Roy Bhaskar's *Realist Theory of Science* and his *Possibility of Naturalism* for two reasons: the first one is that these texts initiated the movement of CR and would be regarded as "obvious" authorities by most interlocutors; the second one is that I find them remarkably consistent and tend to agree with most of their theses.

The empirical material I use in the third paper is limited by the techniques I employ, the settings in which it is conducted and the themes around which

I focus my observations and conversations (Cf appendices 1&2). Indeed, the hundred of pages of interview notes I gathered may be satisfactory for tackling research questions similar to the one I study (eg: What is the nature of authority? How do participants establish it?), but not necessarily for answering other questions of the kind: What are the specific legitimating processes in the organizations I study? Or: How could the people I interview manage to legitimate such and such operational expenditure in their department? Additional focussed observation and discussion would be necessary before the findings of this paper could be, for example, used for writing a monograph of a firm's specific processes of legitimation or for helping the practice of participants. I now turn to the modalities of such future research.

3. A few areas for future research

In this section, I comment on two potentially fruitful areas for further research. One is how the ontological study of legitimacy and social rules may facilitate further substantial research in organization and management studies. The other is how the main features of my thesis could inspire further ontological analysis of key notions used in management studies.

A. Analysing legitimation processes in specific organizations

My thesis studies legitimacy and social rules at a relatively high level of abstraction. It does not attempt to produce a comprehensive analysis of the organizations I studied and therefore provides limited insight into their specific situation. It does, nonetheless, create tools for engaging such studies across a very varied scope of organizations ranging from the trading floor of a major bank to the living room of a UK middle class family. In the tables below I illustrate how specific research questions can be drawn from the ontological study of social rules (Cf figures C1-3). In each of these tables the main findings of the ontological study are summarized in the left column. For each of these findings, one or several research questions are presented in the middle column. I intend these questions to

be both congruent with the findings of the left column and to be practically useful for researchers involved in substantive studies of specific rules in specific organizations. Finally, I use the right column to illustrate each of these research questions with simple examples drawn from Paper 1.

Figure c.1: Some research questions for studying specific rules in specific organizations (1/3)

Ontological features of rules	Research questions	Illustration
An action is imperative if it is more legitimate than its opposite	What are the basic oppositions within the discourse of participants? Is one term of the opposition valued over the other?	Posting a stamped letter/ posting a letter that is not stamped; posting a letter/ posting a postcard; posting a regular letter/ sending an express mail.
Rules more often tacit than explicit	Look at recognition of « failures » / « successes » to discover tacit rules	Some people may forget to mention that posted letters need to be stamped If forgetting to put a stamp on the letter is a "failure", what can we infer about the rules of posting letters?
Logical stratification of rules	What rationale ties rules together in a specific context? If a specific rule is broken, what other specific rules are threatened?	"One should stamp a letter because else it won't reach its destination" vs. "one should stamp a letter because users should contribute to the costs of the mail system" If the postmen deliver unstamped letters, they may threaten the rule according to which the postal service ought to be financed by its users.

Figure c.2: Some research questions for studying specific rules in specific organizations (2/3)

Ontological features of rules	Research questions	Illustration
Anchorage of rule on a desire created by a *desideratum*	What are the "objectives" of the participants? What desires do they wish to fulfil in acting in congruence with the rule?	When John puts a stamp on the resignation letter: Does he want to finance the postal system? Does he want to stop working? Does he want to work in another organization?
Non algorithmic conception of rules	What kind of actions comply (or fail to) with the rules at play in the practice under scrutiny?	Over-stamping a letter does not break the rule. However, putting foreign stamps on a letter may break it
Distinction and inter-relation of rules and possibilities	What possibilities (or impossibilities) make it possible (or impossible) for the participant to comply with the rules?	If there is a strike of postal services, one may prefer to deliver important letters personally

Figure c.3: Some research questions for studying specific rules in specific organizations (3/3)

Ontological features of rules	Research questions	Illustration
Recognition that 1/ rules are contextual 2/ context is discursively mediated	1/ What discursive oppositions define the limits of the context of applicability of rules? In many cases, such boundaries may be "floating" or under-specified by the discourse on which participants rely 2/ Through what social processes do participants come to identify and recognize the contexts within which rules are held to be applicable?	How do participants recognise when they are meant to chose between a stamped and an unstamped letter; between a letter and a postcard; between a regular letter and express mail?
Social rules are internally related to social relations	1/ What social relations depend on the compliance with the rule to be what they are? 2/ What aspects of these social relations are bound to be transformed if the rule is transformed or broken? 3/ How does a transformation in the social relation affect the rules at play?	By distributing the mail, the postman reproduces the customer/postman relation If postmen are expected to scan the mails, then some users may prefer to communicate some messages through other media.
Social rules are often internally related to social identities	1/ What are the social identities related to a given rule? 2/ Which social identities are bound to be transformed if the rule is transformed or broken?	If refraining from reading the mail is internally related to the social identity of postmen, then a change in this rule is likely to transform and threaten the identity of postmen.

B. Extending the ontological study to other notions

I hope my thesis will inspire researchers interested in unpacking other key notions of organizational and management studies such as authority, financial analysis, hierarchy, hiring, investment, motivation, partnerships, strategy, technology, value-creation and so on. It may be argued that the above notions are both central to management practice and seldom interrogated, as with the notions of 'legitimacy' and 'social rules'. To what kind of things do they refer? What are the conditions of possibility of these things? Through what processes are they continuously produced and reproduced? What emergent processes and entities do they make possible? How can one study their particular instances?

Such ontological studies of management as practice will probably necessitate investigations tailored to their subject-matter, the settings in which they can be conducted, the resources available to the investigator and her personal preferences. Despite these specificities, future studies may benefit from the core aspects of my study of legitimacy and social rules. Firstly they would be based on retroductive arguments that question the conditions of possibility and of meaningfulness of the notions under scrutiny. Secondly they would rely on a transformational conception of the social world, allowing researchers to acknowledge and study the evolution of the entities to which these notions refer. Thirdly these studies may rely on post-structuralist notions of discourse and hegemony to account both for the relative fixity of these notions' meanings and for the *loci* of potential semantic transformation/subversion of the concepts and practices at play. Fourthly, although these studies may fruitfully start from the actual practices and conceptions of agents, they should also purport to develop a perspective that enables an internal critique of these conceptions and practices. Finally, these studies could display a relatively high level of awareness of their own limitations. They would both acknowledge the fallibility of their claims and the partiality of their perspective. Arguably, such self-awareness is a condition for, rather than an obstacle to, progress in our understanding of organizational processes.

Appendix 1: List of participants to interviews and/or ethnographic observation

#	Gender	Organization (modified)	Number interviews	Position	Relationship
1	Female	ICI	1	Sales, financial products	Good friend
2	Male	Clean.fr	Frequent conversations	CEO, owner	Good friend, ESCP alumnus
3	Male	Mercury Associates	Frequent conversations	Financial consultant	Good friend (PAUL), ESCP alumnus
4	Female	Beta Consulting	Frequent conversations	Consultant, workers committees	Good friend (MARIE), ESCP alumna
5	Female	Gillips	1	Sales, consumer goods	Good friend, ESSEC alumna
6	Male	French Bank	2	Sales, financial products	Good friend, ESCP alumnus
7	Male	Construction Materials	2	Engineer	Friend of friend
8	Male	Hurdy	1	Sales, financial products	
9	Male	Hurdy	1	Managing Director	
10	Male	Hurdy	2	CEO, owner	ESCP alumnus
11	Female	Hurdy	1	Structuration	
12	Male	Hurdy	1	Sales, financial products	
13	Male	Hurdy	1	Team leader, Sales, financial products	
14	Female	Hurdy	1	Sales, financial products	
15	Male	Hurdy	1	Sales, financial products (junior)	
16	Male	USB	Observation and discussion	Managing director, point of entry in firm	Shared ethnic background, point of contact in firm
17	Male	USB	Observation and discussion	Sales, fixed income	Shared ethnic background
18	Male	USB	Observation and discussion	Sales, fixed income	Shared ethnic background, Oxford alumnus
19	Female	USB	Observation and discussion	Assistant, fixed income	

#	Gender	Organization (modified)	Number interviews	Position	Relationship
20	Female	USB	Observation and discussion	Sales, fixed income	
21	Male	USB	Observation and discussion	Trader	Shared ethnic background
22	Male	USB	Observation and discussion	Sales (junior)	Shared ethnic background
23	Male	USB	Observation and discussion	Sales	
24	Male	USB	Observation and discussion	Trader?	
25	Male	USB	Observation and discussion	Structuration	
26	Male	USB	Observation and discussion	Trader	
27	Male	USB	Observation and discussion	Structuration	
28	Male	USB	Observation and discussion	Structuration	
29	Male	USB	Observation and discussion	Structuration	
30	Male	USB	Observation and discussion	Trader	
31	Male	USB	Observation and discussion	Trader	
32	Male	USB	Observation and discussion	Structuration	
33	Male	USB	Observation, quick discussion	MD (structuration)	
34	Male	USB	Observation and discussion	Structuration (ex trader)	Studied in a French Grande Ecole (polytechnique)
35	Male	USB	Observation, no discussion	MD (trading room)	

#	Gender	Organization (modified)	Number interviews	Position	Relationship
36	Male	USB	Observation and discussion	Structuration	
37	Male	USB	Observation and discussion	Quant	
38	Male	USB	Observation and discussion	Quant	
39	Male	USB	Observation and discussion	Trader	
40	Female	USB	Observation, no discussion	Trader	
41	Male	USB	Observation and discussion	Structuration	
42	Male	USB	Observation, no discussion	Trader	
43	Male	USB	Observation, no discussion	Trader	
44	Male	USB	Observation and discussion	Trader	
45	Male	USB	Observation, no discussion	Trader	
46	Male	Big Bank	1	Risks	Cambridge: Judge Business School alumnus
47	Male	Posh Bank	1	Private Equity	Cambridge: Judge Business School alumnus
48	Male	Imperial Bank	1	Managing Director	Cambridge: Judge Business School alumnus

Appendix 2: Interview guide

Context

1) Research project born from a reflection about the organisation of work in brokerage firms.

2) Importance of individual agents' perspectives (vs "grand narratives")

Role of the interviewee

1) Help me understanding how work is organised in your department?

2) Help me understanding what is your room for manoeuvre?

Themes/questions

1) Who are the main people with whom you work regularly?

2) For each of these persons
   a. What can you expect from them? Why?
   b. What can they expect from you? Why?

3) In order to perform your job, what do you need to know? What attitudes do you need to privilege?

4) With each of the people with whom you are regularly working
   a. In which cases do you need to ask **explicitly** for contributions?
   b. What are the reasons you can mention?

5) When there is a divergence of points of view
   a. How do you sort this out? (Could you illustrate with a story?)

6) For each person with whom you work on a regular basis
   a. What kind of value do you bring them?
   b. What kind of value do they bring you?

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