
On Mistrust and Legitimacy

The Justification of Reforms in Latvia

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This paper aims to link the terms legitimacy, trust and expectations from an interdisciplinary perspective. It examines the conditions of the cleaved state of Latvia where mistrust in society prevails. Latvia is characterised by its soviet legacy and a fear of identity loss. The two main groups - Russians and Latvians - both justify their political agendas by drawing on ethnic membership. The authors render problematic that, nowadays, Latvia is in need of change and reassurance at the same time.

After briefly defining the key terms, the paper tries to show what impact the defined conditions have on policy-making and whether or not reforms can still be considered legitimate. Applying their theoretical framework to a case, the authors picked the Latvian education reform of 2004.

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1 Introduction

Science and society provide us with countless definitions of *trust*. In order to meet the theoretical difficulties with the manifold nature of this term, the authors aim to approach it from a political, economic and philosophical perspective.

The conceptual idea of this paper is to analyse the phenomenon *trust* from its negation: *mistrust*. To illustrate this, Latvia appears to be an adequate example. The country is split into two groups. Either of them has once claimed to be in the legitimate ruling position. For simplicity reasons we will refer to them as Russians and Latvians.

This paper wants to show that there is *mistrust* among these groups. At first glance politics in Latvia lack integration and productive dialogue between Russians and Latvians. With approximately 30 per cent of the population being ethnic Russians - many of whom do not have the right to vote - a legitimacy problem can be suspected. To lay the foundations for the case analysis of Latvia the authors try to link the key factors *trust*, *expectations*, *ethnic conflict*, *communication* and *legitimacy*. The educational reform in Latvia, which was conducted in 2004, is used as an appropriate example for the complex references of the mentioned concepts.

2 Trust, Expectations, Communication and Legitimacy from Different Perspectives

In this paper the authors consider the link between *trust* and *expectations* as a starting point.

2.1 Trust in Systems Theory

Basically, we define trust as an effort in advance (in German: *Vorleistung*). It is composed upon the expectations that a trustee has on the trusted and his future behaviour (22ff. Luhmann, 2014; Fuchs et al., 2002: 429ff.).¹

Crucial for the formation of expectations is the ability to recall the present past and then match the new pieces of information with it (see Luhmann *consistency check*) (Luhmann, 2011: 99). Therefore, expectations refer to the occurrence of future actions (ib.: 312).²

Consequently, expectations depend on context and situation. Trust respectively depends on the perceived situations as normal and appropriate.

2.2 Shared Mental Models: Trust by Interpretation

Denzau/North define *shared mental models* as the „internal representations that individual cognitive systems create to interpret the environment“ (Denzau and North, 1994: 4). They depend on the local physical and cultural socio-linguistic environment (ib.: 13f.).

Not every individual develops its own cultural categories, but rather imitates and studies them from others (ib.: 4f.). This implies that mental models converge due to a common cultural heritage. Hence, a unity of perception and interpretation of the environment is created.³

As individuals communicate, mental models and thus their interpretations of the world

¹See (24 Misztal, 1996; Offe, 1999: 70).

²Luhmann constitutes his Systems Theory beginning with the term of expectations (Luhmann, 2011: 99). Still, he considers problematic that expectations in this understanding privilege the future which will be a central aspect of trust in the following (ib.: 312).

³In the institutional economic paradigm one calls this path-dependence (Denzau and North, 1994: 15ff.).

are shared (ibid.: 20; Hutchins and Hazlehurst, 1992). How the *shared mental models* impair communication and reinforce the mistrust among the ethnic groups in Latvia will be content of the following part of the paper.

2.3 Communication: Consensus and Action

At this point we comprehend communication according to Jürgen Habermas as the production of “consensus understanding” (in German: *Konsensverstehen*) (Habermas, 1981: 128).

The need for communicative action arises when a conflict or problem appears. Apparently, as soon as a reform is announced, the claim for exchange of information emerges between the subjects. Hereby, it is important that - while communicating - more expectations about further communication are developed (Fuhse, 2005: 70). Thus, communication not only requires expectations, but also obtains them.

2.4 Mistrust: An Equivalent Strategy of Complexity Reduction

Intuitively, one could regard trust and mistrust as opposites. Functionally, generating relative expectation-security, they are nowhere near as opposites, but alternatives. Luhmann refers to them as “functional equivalents” (in German: *funktionale Äquivalente*) (Luhmann, 2014: 92).

Given this concept, history determines the change of trust into mistrust (ib.: 97ff.). If trust is repeatedly violated, negative expectations are only partly formed by individual experiences and partly spread in a community. This leads to a stable equilibrium of mistrust. Mistrust becomes a routine without check (ib.).

In accordance with that, we suggest that in states of mistrust there is the expectation that expectations are and will be hurt (in Luhmann’s terms *Erwartungs-Erwartungen*,

also Expectation-expectations) (Luhmann, 2014: 93).

For the analysis of mistrust phenomena we refer to Nussli's cornerstones (Nussli, 2002: 91).

- How is mistrust generated? (Genesis)
- Why do individuals mistrust? (Basis)
- Where is mistrust expressed? (Manifestation)

Research on the post-soviet era explains that due to the lack of historical experience with democratic institutions, individuals do not trust them. In consequence they have to trust their personal experiences and the patterns of their respective groups (Offe, 2001: 285). In the following the authors will shed a light on the ethnic group affiliation.

2.5 Ethnicity and Ethnic Cleavages in the Context of Mistrust

Brubaker et al. (2004: 52) claim that social structures like ethnicity are the result of cognitive processes during the development of *shared mental models*. Ethnicity is understood more variably, e.g. as

“(...) practical categories, cultural idioms, cognitive schemas, discursive frames (...)“ (Brubaker, 2002: 167).

Drawn from the argumentation above, the term cognitive schemas can be interpreted as expectations. This paper shares Brubaker's opinion that these must always be taken into account, if one wants to analyse ethnicity.

A group overcomes uncertainty by sealing off from people or groups they consider as unfamiliar (Sztompka, 2003: 48). This underpins the assumption that shared experiences shape the collective expectations of a group when they face conflicts and

violence.

The analysis of practical categories or political projects can illustrate when and in which way people ask questions about ethnical aspects (Brubaker, 2002: 186). For this purpose our paper wants to use the Latvian educational reform.

2.6 Legitimacy: A Dynamic Concept

Using the politico-sociological term of legitimacy, this paper refers to the willingness of the people to believe and trust in the legality and rightfulness of the ruling power (Schubert and Klein, 2012; Nohlen and Grotz, 2011: 340f.). Hence trust is an essential component of legitimacy.

On the one hand political institutions can actively improve their legitimacy by continuously meeting the expectations of the people. On the other hand mistrust emerges, if these expectations are repeatedly belied. As a consequence legitimacy is not a normative-static, but a dynamic concept (Nohlen and Grotz, 2011: 341). It needs to be highlighted that unmet expectations lead to the questioning and, ultimately, to the loss of legitimacy.

Similar to Nohlen, David Easton defines legitimacy as the conviction of the people, that the enforcement of the ruling institutions corresponds to their personal opinions and beliefs (Easton, 1979, in Nohlen and Grotz, 2011: 341). It is evident that this pluralistic character of legitimacy includes trust as a core element. Furthermore, drawing on the concept of political support, it can be argued that institutions will be trusted in, when they influence actors in such a way that a certain performance becomes expectable. Thus, the reliability of expectations also roots in the legitimacy of institutions (Fuchs et al., 2002: 446).

2.7 Political Communication

As mentioned in 2.3, the purpose of communication is to mutually coordinate actions, to solve existing conflicts and close gaps between expectations. In the political sphere these aspects of communication are of particular importance because, firstly, they help to achieve consent between people and state organs. Secondly, they generate legitimacy by the communicative validation of expectations. In other words, by justifying political decisions, political communication fosters their legitimacy as it meets and shapes expectations. Apart from elections, political communication is the only method to gain and justify approval (Jarren et al., 1998: 261).

More specifically there are two forms of political communication, which have different effects on the creation of trust and legitimacy.

Representative political communication only aims at the ex post justification of already conducted decisions, by the use of propaganda. The communication is one-sided and only a means to an end. At most, it results in a populist attention, but no thorough understanding of the matter. That is why merely the image of legitimacy can be maintained (Raschke and Tils, 2010: 270). It can be assumed that representative political communication fosters and even enforces trust into a government for a short time. In the long term, however, the superficial display of legitimacy due to the one-sided, representative justification makes mistrust inevitable.

In comparison to representative, deliberative political communication is multilateral. A broad dialogue between representatives from politics, economy and civil society takes places. This aims to coordinate action and answer the different expectations. Jürgen Habermas emphasises its self purpose, in contrast to representative communication: the former endows trust and legitimacy whereas the latter is mere justification and

has no self purpose (Habermas, 1992: 231).

2.8 Reform and Reform Communication

In general reforms can be described as intended change of the political status quo, which is necessary because of a crisis in the political system and /or the society (Sarcinelli et al., 2008: 12). This means that reforms are required, if institutions or certain laws are dysfunctional, obsolete or no longer supported by the majority of the civil society (Glotz and Schultze, 2005: 836). Joachim Raschke and Ralf Tils describe reforms as strategic decisions that go beyond the reactive every-day-politics (Raschke and Tils, 2010: 127). During a reform, deliberative communication is required to commence a collectively mandatory decision, preserve trust and create legitimacy (Jarren et al., 1998: 53ff.). To define and implement reform-goals the political communication as depicted above is all the more important (Marcinkowski, 2002: 246). On the one hand collectively binding decisions include trust, since they are based on the confirmation of expectations. On the other hand a reform process is characterized by massive insecurity and a *status quo bias*. To overcome those two factors, legitimize the reform and to ultimately strengthen the foundation of trust, deliberative political communication is inevitable. Consequently policy-makers find themselves in a dichotomy: They have to handle the path dependent *shared mental models* of the citizens while at the same time they should initiate progress and reform (Zweynert, 2004: 2). The problem lies in the pace at which the factors develop. As the nature of reforms and policy changes is dynamic, that of *shared mental models* is less mutable. Hence the mindset of the public cannot be changed as easily.

At this point it can be assumed that the institutions developed in Latvia are not able to fulfill the various expectations towards them. This leads to the disappointment of both

Russians and Latvians and a lack of trust. Eventually, mistrust results in a severe legitimacy problem of the Latvian government. What can be derived from the foregoing chapter is the following thesis:

The state apparatus in Latvia suffers from a condition of illegitimacy and mistrust which, though originated in historical events, is perpetuated by representative political communication and continuous disappointment of expectations.

3 The Case of Latvia

According to William Mishler and Richard Rose, mistrust in post-communist societies can be seen as a legacy of communism. Latvia had been occupied by both, Nazi Germany and Russia. This led to an ongoing “destruction of all traces of an independent Latvian state.” (Pabriks and Purs, 2013: 28). During the occupation of the Soviet Union, Joseph Stalin tried to *russify* the country. That can be illustrated by the high percentage (45%) of non-Latvian industrial workers which were brought to the country. The quote that

“The nation was a geographic unit, not an ethnic one” (Pabriks and Purs, 2013: 18).

applies to the historic as well as the current Latvian state. By applying this claim to the post-soviet country of Latvia, we analyse the relationship between mistrust, expectations and legitimacy in the following.

3.1 Identity and Mistrust Today: Historical, Cultural, and Legal Aspects

To start with, at the core of Latvian identity is the endeavour to ensure an independent national state. Assuming this, one observes that the Latvian post-soviet identity is determined by a cultural trauma, which developed in the transformative phase. On the one hand the Russian identity was transformed from normality to minority - a process in which they were deprived of many of their privileges. As a consequence the Russian population felt endangered and therefore vigilantly protected their home identity. On the other hand, the Latvian identity converted from minority to normality.⁴ Nonetheless, we can still analyse a minority, if not inferiority complex in the Latvian population. In 2010, a survey found that 51,5 per cent of the Latvians felt a threat related to their language (FSS, 2010).

The societal stability in Latvia is thus shaped by the uneven velocity of the identity and status changes within the ethnic groups. From this the authors suppose that fundamentally different expectations constituted themselves among the Latvian and Russian communities in today's Latvia. This is due to the fact that the historical legacy and the cultural trauma are still very present. Owing to the historically path-dependent violations of trust, a stable equilibrium of mistrust can be identified.

Second, the anxiety that the Latvian language would be replaced by the Russian is a crucial part of the Latvian identity (Rozenvalds et al., 2005: 143). This can be illustrated by the separation of institutions according to ethnicity, as for instance the Russian-speaking versus the Latvian-speaking newspapers, television channels and electronic media. While Latvians inform themselves in the Latvian language, the

⁴Still, this was decelerated by some factors: e.g. the reactions to europeanisation. European pressure was often exploited by political elites who desired to implement unpopular reforms (Rozenvalds, 2012: 62).

Russian-speakers appeal to the Russophone information space.

Third, as for the legal aspects, it should be noticed that the identity of the baltic Russians has undergone a very radical development. While Latvians were occupied with consolidating their own ethnic identity, the baltic Russians had to form a completely new, post-soviet identity. Consequently, the Latvian and the Russian citizens as well as the non-citizens of Latvia are facing an inherent uncertainty and collective ethnic fear for the loss of their ethnolinguistic identity. (ib.: 262).

Beyond that, the expectations of Russians and Latvians collide when it comes to integration and the acquisition of citizenship. When the country gained independence, non-citizens were held in the expectation that they would automatically receive Latvian citizenship. These unanswered expectations, along with the feeling of mistrust, discourage the non-citizens to undergo the process of naturalisation now (Birka, 2013: S. 164).

In summary, it was revealed that the expectations of Latvians and Russians are constituted in a fundamentally different way: Latvians expect that Russians integrate themselves and study the Latvian language, whereas Russians expect Latvians to constitute Russian as the second official language.

3.2 Education Reform 2004 - an Attempt of Bridging Mistrust?

After the collapse of the Soviet Union, politicians in Latvia tried to strengthen the Latvian identity, which was suppressed by the communist regime for decades.⁵ Since the declaration of independence, the Latvian government made a lot of effort to re-

⁵Cf. part 3.1 on Latvian history and Russification.

establish the Latvian language in public institutions (Silova, 2002a: 464f.).⁶

Only a year after independence, Latvian became the official state language again. Also, it was the language spoken at public universities (Auers, 2013: 97).

The education reform of 2004 was a further step to consolidate the Latvian language. Since then the Russophone minority schools have been obliged to provide bilingual secondary education. While 60 per cent of the classes are to be taught in Latvian, only 40 per cent remain in Russian (Schmidt, 1993: S. 22).⁷

The following analyses how the Russian group have dealt with this so-called *Latvianisation*. Elaborating on the question of whether the justification of the education reform in 2004 boosted mistrust among the two main ethnic groups in Latvia, it examines the legitimacy of the reform.

3.2.1 Justification: Start and Reform Implementation

Proponents of the education reform of 2004 regard it as an integral part of the integration of the large Russian minority in Latvia (Hogan-Brun, 2006: 2). Especially the ruling party justified their project by arguing that in the long run, the reform will enable the Russian minority to increase their chances on the job market (Van El-suwege, 2004: 12). One could derive from this that the reform was partly backed up with economic arguments. The reformers appear to have had an *the-end-justifies-the-means*-attitude which significantly hints at representative political communication.

⁶For a detailed overview on single reform-steps or the different proposals which were made until the Latvian government agreed on the educational reform of 2004, we recommend Gabrielle Hogan-Brun's text "At the Interface of Language Ideology and Practice: The Public Discourse Surrounding the 2004 Education Reform in Latvia" (Hogan-Brun, 2006).

⁷The education reform from 29th of October 1999 was very much weakened due to lasting anti-reform protests. For the original version of the bill, confer Schmidt (1993: 21f.).

Beyond the political realm, however, the Russians as well as the Latvians considered the implementation of the educational reform as a 'threat' (Franz, 2003: 7). On the one hand the Russian minority stood in awe that they would lose the "last bastion of an exclusively Russian space within Latvia" (in German: „letzte[n] Bastion eines offiziellen ausschließlich russischen Raumes in Lettland“ (ib.)) - that is the Russophone education. On the other hand, for Latvian citizens, the idea of an ethnic integration of the Russians was hard to imagine due to the memory of *Russification* during the Soviet regime (Silova, 2002b: S. 311). The claim to enforce the Latvian identity shaped the high expectations on the reform.

To illustrate the controversy surrounding the reform implementation, it is interesting to mention that between 1991 and 2009 the Latvian Minister of Education was replaced 14 times (Webster et al., 2011: 349).⁸ In the course of a debate the politicians of Latvia got more and more involved and the government was in need of explaining itself (Hogan-Brun, 2006: 8). The authors assume that this is a sign for the public pressure for deliberative communication which was not answered as developed in the following.

3.2.2 Reactions

First of all, it has to be stated that the positive potential of a common language or a shared cultural heritage in Latvia is not at the core of the questions of integration raised in relation to the education reform. It is rather the preservation of the mother tongue and cultural origin that the Russian side emphasizes.

By stressing the feeling of identity loss and the diverging understandings of integra-

⁸You can find an overview of the Latvian Secretaries of State for Education between 1990 and 2015 here: <http://www.izm.gov.lv/lv/ministrija/vesture/ministri-no-1990-gada> (consulted on the 25th of October 2015, 2:27 p.m.).

tion, the Russian and Latvian publicity fuelled the ethnic differences and tried to reinforce the ethnic cleavage.

This clearly demonstrates that the political communication of neither the Latvian government nor of the Russian opposition was deliberative. Latvian politicians avoided a long-term strategy when questions of Russian-Latvian integration were brought up. On many occasions political communication was about the tactics of procrastination until reform pressure was inevitable.⁹ Delay and the non-existent deliberative communication stabilised negative expectation-expectations due to the fact that the ethnic groups were not informed how the reform should be implemented altogether. Instead of addressing and reducing uncertainty, though, the lack of reform deliberation had the effect that uncertainty was followed by an ethnic fear of both groups and an increase of mistrust.

As a matter of fact, neither reform proponents nor opponents were interested in the reform per se, but abused it for their own political goals. Their agendas - we assume - were to generate votes by arguing in an ethnically biased manner (Auers, 2013: 87ff.).¹⁰

In the light of this, the authors ask whether - from an ex post point of view - the protagonists of the reform presented themselves as reformers, i.e. reform proponents, or as opportunistic *shared mental model*-reinforcers. The former is defined as a political actor who accepts and embraces the pressure of reform legitimation and thus informs about it. By the latter a political actor who takes advantage of the schemas and reality

⁹For more analysis and evidence, cf. Zepa (2003: 95).

¹⁰The Latvian party landscape, which is structured by ethnicity and highly variable, should be analyzed on its own. Therefore, we refer to two substantiated contributions Auers (2013) for an overview and Rozenvalds (2015) for a current compilation.

of a shared mental model and defends it against changes is meant.

The representative reform communication of the proponents when legitimising the reform displayed how one-sided, partial and naive the reform was justified. The politicians could not live up to the expectations and the required sensibility to successfully cope with the ethnic conflict.

We can rather identify the communicative behavior of a *shared-mental-model*-reinforcer. This is accompanied by the growing skepticism and the deep disagreement that the reform caused. It also is an evidence that the education reform was an occurrence for the in fact much deeper issue of ethnic cleavage.

„How can 50% integrate another 50%? Who is integrating whom? If you look at Russian and Latvian language schools, you have more Latvians in Russian schools than Russians in Latvian language schools.“(Nils Muiznieks, 14.05.2001, in Silova, 2002b: 312)

The strong ethnic signals of the reform, the pure fear of identity oppression as well as the preservation of the historically-rooted *ethnic cleavages* is very well-noticeable in this quote by the former Minister of Education.

Therefore, in brief, the authors claim that the goal of integration in a society dominated by mistrust resembles ethnic separation. In addition to that, there is a tension between the low intrinsic motivation to integrate on the Russophone side and the lack of integration offers revealed by the lack of communicative initiative on the ethnic Latvian side. This finds expression in the lack of political communication and the role of the protagonists as well as antagonists of the reform: they function as *shared-mental-model*-reinforcers.

3.2.3 Long-Term Effects

In general, the so-called ethnic kind of reforms to which the Latvian education reform belongs are much harder to conduct than for instance economic reforms as they affect the core identity in a country (Hardin, 1995, in Kelley, 2010: 4f.). Political discussions - if they take place - are dominated by group memberships and battles for identity. In this case the ethnic cleavage.¹¹ So, in linguistic controversies, it is noteworthy that the legitimate language of political communication itself is determined by the interests of the dominant ethnic group (Sally Johnson, 2005, in Hogan-Brun, 2006: 2). In other words, the main discussions which ought to legitimate the plans of reform take place in Latvian and are thus exclusive.

Beyond that, the Latvian society mistrusts the feedback of their political actors. Even though the society has many opportunities for expressing their points of view, the expectations regarding their political representatives' performance and will to communicate are fairly low (Rozenvalds, 2015: 260). On that account, the ethnic conflict continues and is reflected by the societal cleavage in two bodies of electors. By now, according to Daunis Auers, the ethnic cleavage has received the status of normality in the Latvian political discourse (Auers, 2013: 101).

Bearing this in mind, the *ethnic cleavage* was refuelled by the education reform. The soviet oppression appears to have a direct influence up to the present day and continues to live in the memories of the ethnic Latvians. This leads to the paradoxical behavior that although Latvians neither like nor support their politicians, they still go to vote for them in order to secure their ethnic rights (ib.: 105).

For the Russian-speaking group then again, the injustice of legal status and language

¹¹See Birka (2013: 125f.).

policies after the collapse of the UdSSR is very real.

This has a lasting effect on the delay of the integration of the Russian minority in Latvia.¹² There is the ongoing difficulty to find a balance in the expectations between integration and respect for the minority identity (Van Elsuwege, 2004: S. 54). In the course of this, the concrete implementation of the reform appears to be of secondary importance (Silova, 2002a).

To sum up, deliberative communication of the goals and implementation plans of a reform should theoretically bridge uncertainty, shape and confirm expectations and thereby deal with trust and mistrust. However, in Latvia, this mechanism is perverted in such a manner that political opportunists take advantage of the existing mistrust.

4 Conclusion

This paper has examined - through analysis of the Latvian education reform - how the concepts of communication, trust and legitimacy may be linked in a fruitful analysis. Marked by the soviet legacy, historical mistrust and fear of identity loss, the Latvian society is in need of change and reassurance at the same time. Reforms, designed to reduce uncertainty, have not resulted in a better integration of Latvians and Russians. In fact, the effects were quite the contrary. Due to representative, asymmetric communication and ethnic justification of the reform, the already existing mistrust was reinforced. This is why - under the analysed circumstances - the education reform is considered illegitimate. Referring back to Nils Muiznieks, it is depressing to ask which half of the population should integrate the other half.

As legitimacy cannot be reached by partially communicating reforms which are justified by only one share of the population, more people lose trust in the Latvian parlia-

¹²In a similar way, Schmid et al. (2004: 248) puts forward this argument.

ment. This seems a downward spiral of mistrust and illegitimacy repeating itself. It remains open, if the planned reform of the education system in 2018 will be different, for the roots of the symptomatic reactions to ethnic reforms lie in the non-deliberative, illegitimate policy-making, supported by the aggressive media.

There are several extensions called for with our approach. Furthering the analysis of mistrust and legitimacy will benefit from a more explicitly analytical framework that is only hinted at by our conceptual focus. The second challenge is how to empirically measure the variables and correlations and then reapply it to the case of Latvia. However such extensions and conjectures work out, this paper has provided a conceptual basis, with the introduction and elaboration of the concepts of mistrust, communication and legitimacy.

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