

Conclusion

Legitimation durch Verfahren deals a fatal blow to not a single rival theory of political legitimacy or stability. Contrary to what Niklas Luhmann suggests, we still require the idea of justifiability to comprehend the political system. Without it, we would not fully understand why people comply with the law, and we could not measure their legitimacy beliefs against a normative standard of political justification. Therefore, we should treat Luhmann's book as well as his early political sociology in general as a *supplement* to existing theories of compliance or political stability, albeit a necessary one.

Thus, we already knew that people's legitimacy beliefs are not all there is to stability and that the latter is hard to achieve without at least a modicum of force. Thanks to Luhmann, we now have additional leads to follow; he teaches us that there are potentially many more relevant social-psychological mechanisms than legitimacy beliefs and the fear of punishment. I do not know to what extent the phenomena he makes out stand up to closer empirical analysis. In any event, they—as well as their interaction with more well-known mechanisms—deserve further investigation.

Until such time, we can analyze many more government institutions and decisions in the light of *Legitimation durch Verfahren* than Luhmann himself suggested. The variety and sophistication of his observations provide novel and insightful perspectives on long-standing problems of democratic government generally. In this book, I have tried to demonstrate this potential with regard to the US Supreme Court and the German Federal Constitutional Court. To be sure, *Legitimation durch Verfahren* does not allow us to develop a stand-alone theory of these institutions. Again, however, it serves to fill in gaps and suggests alternative readings, thereby helping complete the intricate mosaic that is constitutional adjudication.

