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No. 1

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The Justification of Trust in Conflict

Conceptual and Normative
Groundwork

Rainer Forst

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The Justification of Trust in Conflict. Conceptual and Normative Groundwork

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Abstract. Ist der soziale Zusammenhalt gefährdet? In diesem Papier bieten wir mit dem Konzept der Sozialintegration einen analytischen Zugriff auf Zusammenhaltsprobleme von Gegenwartsgesellschaften an. Wir stellen drei grundlegende Fragen: (1) Wie wird Sozialintegration erzeugt? D. h. welches sind ihre zentralen Mechanismen? (2) Ist Sozialintegration eine funktional notwendige Voraussetzung für Gesellschaften, wie die Sorge um ihre Erosion andeutet? Oder ist sie ein Ziel an sich, das heißt ein normativ erstrebenswerter Zustand? (3) Was sind die Kosten der Sozialintegration für die Gesellschaft insgesamt, ihre einzelnen Mitglieder oder bestimmte soziale Gruppen? Wir fragen hier nach der dunklen Seite der Sozialintegration, d. h. ihren unbeabsichtigten Nebenwirkungen.

Keywords. Trust, Conflict, Justification, Uncertainty, Politics, Normative Orders, Critical Theory

I. ConTrust’s Questions

The days in which researchers in various disciplines began their papers on trust with the complaint that there is insufficient research done on the topic (for example Luhmann 1979; Baier 1986) are gone. Research on trust abounds, and the number of studies and high-quality handbooks on the concept are innumerable (cf. Faulkner & Simpson 2017; Simon 2020; Uslaner 2018; Zmerli & van der Meer 2017; also McLeod 2015 for an overview), the *Journal of Trust Research* constantly publishes new findings. The analyses range from empirical studies (for example Freitag & Traummüller 2009; Allmendinger & Wetzel 2020) and social and political theories (e.g. Uslaner 2002; Lenard 2012) to comprehensive normative philosophical treatises (Hartmann 2020; Hardin 2002; Hawley 2019; Budnik 2021) or substantive historical research (Frevert 2013; Tilly 2005). So why another research program on the topic?

1 Many thanks for insightful discussions about the programmatic ideas developed here (esp. in the first section) go to my ConTrust colleagues, especially Christopher Daase, Nicole Deitelhoff, Klaus Günther, Vinzenz Hediger, Vera King and Tobias Wille. I am indebted to Mahmoud Bassiouni, Chiara Destri, Guido Friebel, Marcus Häggrot and Mark Warren for very helpful written comments and to Felix Kämper, Greta Kolbe and Amadeus Ulrich for their great help in preparing this text. The use of the first person plural in the text should not indicate that anyone of these colleagues is to be held responsible for what I say.

There are three main reasons for this. One is the need for a comprehensive reflection on the dynamics of trust given the particular social and political situation of our time. This not primarily as a reaction to the often bemoaned “loss of trust” in political institutions that coincides with the rise of authoritarian politics in many countries around the world (Edelman 2022). Rather, we may be faced with new situations in which one of the major premises of trust building, namely that of a future with risks and challenges that can to some extent be foreseen and responded to in a trustworthy way, has been questioned. The recent Covid pandemic as well as the Russian war in Ukraine are just two drastic examples of the rise of an awareness of *uncertainty* (epistemic as well as social and political) that may give crises such as these as well as others connected to the stability of the global finance system, global climate change and the grave inequalities in income and standards of living worldwide a new quality (Tooze 2018; Beckert 2016; Beckert & Bronk 2018; Katzenstein 2022). The new forms of digital social order (which people are subject to but find hard to understand) add to this (Zuboff 2018; Burchard 2022; Günther 2020). As a reaction to such uncertainties, we may witness social dynamics of trust and distrust which are highly problematic, such as trust in authoritarian populist movements, leaders and regimes which promise to make countries “great again” up to the point of explicit denials of the existence of climate change or a threatening virus. Not to speak of the ideological justification of an aggressive war as an antifascist “special

operation.” What we aim at is to take stock of a new social and epistemic situation of uncertainty that shakes the foundations of trust building as we have known them – or at least, as they have been analysed thus far.

The second, main reason for our approach and agenda is that we try to reverse a standard assumption in trust research by inquiring into trust *in conflict*. This does not just mean that there are conflicting notions of trust to be found in scientific research. Rather, we believe that this research suffers from a widely shared premise we need to look at critically, namely that the paradigm context of the development and practice of trust is a context of familiarity (*Vertrautheit*), of intimate knowledge of others, shared identity or of close social networks and communities (Endreß 2002). Call this a *communitarian* standard assumption, to be found in many analyses ranging from sociology (Putnam 1993 and 2000) to philosophy (Baier 1986; Hartmann 2020) and political science (Miller 2016), less so in economics, but to be found also there (Collier 2013). This paradigm leads to a primarily *moral* definition of trust, presuming intersubjective relations and motivations of benevolence or identity, accepting one’s own vulnerability, and expecting goodwill from others (Baier 1986; Hartmann 2020; Darwall 2017). From that angle, generalized trust relations are of a different nature that seem to be more “alienated.” But why single out one social context in that way as the “primary” context? It may be that it is primary in terms of socialization (Baier 1986), but that does not seem to be a reason to take it as conceptually and normatively basic, as one might also argue that the phenomenon of abstracting from such close contexts of familiarity and to generalize trust, trusting strangers, is essential to social life. Why would such generalized trust be “less” trust than trust in personal relationships (cf. Uslaner 2002)? As our aim is to uncover trust dynamics in various contexts of modern societies, we work with a less particularized concept (to be explained in the next section). We question whether the paradigm notion of personalized trust does justice to important trust dynamics in modern, highly complex and pluralistic societies, not to speak of the international realm or of economic relations.

What we want to research in particular, therefore, is the *reverse version* of the slogan that where conflict exists, trust is weak or non-existent. Rather, we think that many (though not all) forms of trust characteristic of modern societies are formed *in conflict* – they not just live with and despite conflict, they come about *through* and *because of* the experience of conflict – or, more precisely, of certain productive experiences of conflict the conditions of which we are interested in. In other words, modern societies and structures of cooperation have found ways to produce trust not just among “strangers” (Uslaner 2002 versus Miller 2016) but among persons or parties in conflict. How else could democracy as a normative order of political conflict, a legal system as a system of regulated legal conflicts, a modern economy as a site of conflicting interests, modern systems of generating knowledge through discussion and critique exist and function? Can we explain this on the basis of the communitarian assumption? If not, what *experiences* of conflict, what ways

to *normatively* mediate and to *institutionally* “translate” it are to be found in various social contexts? And in how many ways can conflicts indeed lead to the loss or impossibility of trust or, which is also important, to the rise of *false trust*, i.e., unjustifiable, irrational forms of trust in, for example, ideological movements?

The third reason for our research initiative is that the abundance of trust research in various disciplines is marked by a lack of *interdisciplinary* discourse. We are guided by the idea that the social phenomena just alluded to call for an interdisciplinary analysis of trust given the dynamics that abound in various areas of social life, from the personal to the institutional level. We aim for a comprehensive (though still selective) analysis of various trust dynamics in modern societies as well as in trans- and international arenas. What is more, we think that it is methodologically fruitful to challenge conventional disciplinary perspectives to generate insights that improve these viewpoints, for example, when standard assumptions in economics are confronted with moral philosophical ones or when conceptual or normative analyses have to be transformed into empirical research programs. All too often, disciplinary thinking about trust remains in certain boxes that are worth looking into in a critical way. Approaches based on versions of rational choice (Gambetta 1988; Coleman 1990; Hardin 2002) ought to be confronted with moral perspectives stressing sympathy and benevolence (Baier 1986; Jones 1996; Hartmann 2020) in order to generate new insights about which approach is more congenial to which social contexts. Maybe there is not one single truth about trust to be found in one or the other direction.

These are the questions which motivate ConTrust’s research, and a first step on this way is to lay out some conceptual groundwork for such an interdisciplinary enterprise. This is the task of sections II and III, while sections IV and V develop some ideas about justified trust and trust in conflict using the core idea of social and political relations as relations of justification (Forst 2012 and 2017a).

II. Trust: Concept, Conceptions, and Value

Given our aim to analyse various notions of trust in different social and political contexts of conflict, we rely on the distinction between a *concept* (singular) and different *conceptions* (plural) of trust. This distinction is common in philosophy, where it was introduced by Rawls (1999: 5) with respect to the notion of justice, but it has never been used as the basis of an interdisciplinary project. In order to do this, we suggest a redefinition of the distinction with respect to Rawls’ way of using it (cf. Forst 2013 and 2021: chs 3 and 4). While he distinguishes a *normative* core concept of justice from other, more specific conceptions of it that interpret the core definitional components of the concept, we suggest to regard the concept of trust as *normatively neutral*. That is necessary for a number of reasons.

First, trust itself is *not* a value, unlike many authors think (like Uslaner 2002). The concept of trust is, in our ter-

minology, “normatively dependent” (cf. Forst 2013: § 3), i.e., it requires further normative resources (and attributes) in order to count as a value. Trust is only a good thing if it is well-founded and not blind, that is, only when it is *justified* (O’Neill 2002a; McLeod 2015; Hartmann 2020: 87). All too often, authors generally presuppose that trust is a positive quality of relationships (Lenard 2012), but as the many examples of unfounded or vicious trust – whether it is trust that rests on false assumptions and can thus be exploited or whether it is trust that is guided by hatred or authoritarian motives – show, this is not the case. We should not confuse trust in general with justified trust, as unfounded trust is still trust. The standards of justification seem to be context-specific, if one compares trust in an intimate relationship with economic or political or epistemic trust. And the (re-)construction of such standards requires a particular method. We aim to analyse such standards – but also the ways in which trust based on problematic justifications arises and is being reproduced.

We should note at this point that the term *justified trust* needs to be analysed in two ways. First, as dependent on the reasons and motives of the truster and whether the trusted acts in a way the truster finds trustworthy and confirms the trust – call this *internal justification*. This allows for idiosyncratic or normatively problematic justifications. Second, we can analyse justified trust in a more objective way by asking what, in a given context, is a good general justification for trust – such as the commitment to fairness on the side of all involved, or a particular form of moral commitment of the trusted to act in a trustworthy way. Call this *normative justification*.

A second reason for our use of the concept/conception-distinction is that a normatively neutral core definition of trust enables a better analysis of the various contexts in which we find social dynamics of trust and in which conceptions of justified trust emerge. The distinction thus enables a productive cooperation between empirical and normative research, as the question of justification can be separated from the question of explanation.

A third reason is the benefit for interdisciplinary research. If one is interested in how trust is formed in a democracy, in economic transactions and other contexts, one should not get stuck in disciplinary disputes about what the right approach is. That leads either to speechlessness or the unacceptable generalization of specific assumptions. It is better to free up this space for productive discussion while ensuring that we are still talking about the *same thing* – hence a core concept and the possibility of different conceptions of trust. Interdisciplinary research can easily talk at cross-purposes if such a shared core understanding is missing. We do not find it useful to speak of different disciplines using different “concepts” of trust, for if what they mean by it deserves the use of a common term, what is common must be conceptually explained. At the same time, this does not mean that the conceptions of trust we aim to analyse are defined by one discipline only.

The point of the concept/conception-distinction is to capture the essential defining features of a term in the

(narrow) concept so that we can then distinguish specific conceptions that interpret those features in a concrete, substantive way. Not every conception, however, must be a normative one, it must merely mark the point for a normative specification. In other words and by way of an example: the *concept* defines the phenomenon in general, a *conception* (such as “democratic trust”) interprets it context-specifically. It has to be shown separately when such trust is justified and when it is unfounded, when it tips over into paternalistic, authoritarian forms, etc. (and based on which criteria this is to be determined and empirically measured).

The primary *contexts* we look at, because we think there are particularly interesting dynamics of trust in conflict in times of uncertainty at play, are contexts of democratic relations, of legal relations and relations in the international realm, economic relations, contexts of generating knowledge and the media, including aesthetic communication.

III. The Concept of Trust

As far as the core notion is concerned, we start from a *relational, dynamic-processual* concept of trust: trust denotes an intersubjective *experiential relationship*, located in certain social *contexts*, which we conceive primarily as contexts of conflict and of (if things go well) conflict resolution. Trust presupposes certain *attitudes, beliefs* and *actions* on the side of those who participate either as truster or as trusted.

We consider trust relationships to be *fragile* social connections, insofar as the success of the trusting relationship cannot be controlled by the truster, but trust can only be “given” (like a gift, as the German *schchenken* indicates), “won,” “deserved” or “lost”; it presupposes a *positive assumption* about or a certain faith (confidence) in the behavior of (free) others, which, however, reckons with the fact that the others are unpredictable and could behave otherwise (Simmel 2009: 315, calls it a hypothesis of future behavior; Luhmann 1979: ch. 4, speaks about the reduction of the complexity of an uncertain future). Therefore, trust is always taking the risk of disappointment and is, for its reproduction, dependent on confirmation; the trust situation is reiterative, to be understood as a *circular process* (perhaps as a hermeneutic circle), if it goes well: as a *learning process* (learning when to trust and when not). One often trusts somebody in particular for the first time, but it is rarely the first time that one trusts somebody in general. All trust is based on experience and requires further experiences to be confirmed and sustained.

At the core of the concept of trust, we already find notions of *conflict* and *uncertainty* (analytically) implied. We only speak of trust where those who trust are aware of a possible conflict about how to act and why, i.e., the possibility of the disappointment of trust. Thus, a form of *Urvertrauen* (primal trust) in which the thought of that possibility does not appear is not a form of trust in the way in which we speak about it; trust presupposes that the trusting agents have experienced a relevant kind of difference from others that makes trust risky (to a certain extent). That also implies that the risk taken in trust is due to the uncertainty about the fu-

ture behavior of free others. These conceptual implications do, however, operate with notions of conflict and uncertainty that differ from the ones we use in analyzing various social and political contexts. There, they take on a new quality and constitute the social conditions of trusting.

Unlike suggestions in the literature which regard trust either as a one-place (Uslaner 2002: 21), two-place (Domenicucci & Holton 2017) or a three-place relationship (Baier 1986; Jones 2019), we suggest the following, *four-place* basic definition for the concept of a trust relation:

A trusts B in context C in relation to D.

We need to look more closely at the four positions A-D:

A: An agent (person or collective)² who stands in a certain relation to B and has positive expectations about their *motivations* and *behavior*, but in doing so cannot be sure that these expectations will be fulfilled (and cannot control that this will be the case). To trust is an “advance” that cannot yet be cashed in. In contrast to a particular moral-philosophical conception (Baier 1986; Hartmann 2020; Jones 1996), at the conceptual level trust does not presuppose the expectation of B’s *goodwill* (in reacting to A’s vulnerability) in every context (O’Neill 2002b); other alternatives that have been suggested are that A’s interests need to be “encapsulated” (Hardin 2002: 3-9) in the interests of B, which constitutes trustworthiness. This, however, requires that B knows what A’s interests are, and is willing to incorporate them into his or her own. This focuses on concrete relationships and makes talk of generalized trust difficult to sustain, which is problematic (Vallier 2019: 105f.; Vallier 2021: ch. 1). Bennett (2021; cf. Hawley 2014 and 2019) has suggested the alternative that the truster needs to be confident that the trusted have a *commitment* to act in a particular way, but he does not suggest that this has to be a moral commitment or one that is based on B’s explicit knowledge of A’s interests to be taken into account when being committed to act in a trustworthy way (cf. Destri ConTrust manuscript).

Along this line of opening the spectrum of the trust relationship, we think that, apart from the *competence* of B to act in the desired way, the trust relation presupposes the expectation of A that B is *motivated* to act in a way *beneficial* to A based on appropriate reasons – that is, internally speaking, reasons A finds appropriate to be trusting and, intersubjectively speaking, reasons that A and B *could* mutually accept. A fully justified trust relation, as will be explained below, also implies a third level of justification, namely reasons that could be *generally* shared in a process of critical public scrutiny. At the concept level definition, however, this further level is not required, as trustworthiness of B is already given if B is sufficiently motivated to act in ways conducive to A’s interests (as internally interpreted by A). This general, minimal definition at the basic conceptual level covers cases of trust in personal relationships where the motivation is more

demanding as well as cases of trust in economic exchange, in trusting colleagues, journalists or in trusting political representatives. Motivations of self-interest or an ethos of status can count as appropriate motivations.

The distinction between concept and conceptions helps to understand a plurality of trust motivation situations. Interagential trust is a *twofold relation of practical motivation*: A has certain reasons to trust B (and assumes that B is trustworthy), and B has certain reasons (and motives) to act in a trustworthy way. In some contexts (but only some), such as friendships, the quality of the relation itself is the motivating ground for trust, in both ways (I trust you because you are my friend, I act in a trustworthy way for the same reason), and the situation is reciprocal. More importantly, the fact that A trusts B provides a special and strong reason in a particular instance for B to act accordingly (Jones 1996; McGeer & Pettit 2017; Pettit 1995). Here A’s trust *gives* B a reason for acting in a trustworthy way. In political settings of political representation, this can be the case in a more generalized way (as when a party acts in a particular way because its voters trusted it will), but in other contexts, such “programming” or “empowering” (McGeer & Pettit 2017) of B by A is neither present nor relevant, as in epistemic or economic contexts (Baier 1986). Again, one must not generalize a particular conception turning it into the definition of the characteristics of a general concept of trust.³ Generally speaking, in any social situation, the truster A cannot fully produce, influence or know exactly the motives of the free agent B to act in a trustworthy way. This is part of the risks of trust. But A needs a sufficient indication that B can be trusted – as a friend, a civil servant, a cook or a car dealer.

We use the language of reasons and motives interchangeably here, for two reasons. First, in the practical contexts we analyse, (practical) reasons to trust or act in a trustworthy way become motivations (Hieronymi 2008). And second, at the conceptual level, the question of whether trust is primarily a cognitive or an affective stance need not be answered. Apart from the fact that it is generally difficult to clearly disentangle these perspectives, as affects are based on strong evaluations (Taylor 1985; Jones 1996) and thus have a cognitive component resting on certain beliefs (cf. Faulkner 2014; Keren 2014), usually trust relations are based on evaluative experiences and combine both elements.

A reason to stress the cognitive aspect is that trust is a risk that the truster needs to be aware of, at least to an important extent. Hence mistrust (or doubt) is not completely absent when one trusts. The language of trust singles out instances of trust when something important is at stake and when the question of trustworthiness arises, sometimes in a strong way. Where that question does not arise, we should not speak of trust but of (unquestioned) reliance.

B: Given the above analysis, B can be a *person*, a *collective*, an *organization* and in a sense to be specified a human

2 We think that A has to be an individual or collective agent, so the formulation that “the state trusts” can either refer to persons responsible in government or in a metaphorical way to a general expectation of the behavior of certain agents in a political community.

3 Simpson (2012) argues in a similar way for a more neutral “Urnotation” of trust but does not think it defines a general concept. Rather, he suggests a genealogical way to distinguish various forms of trust he labels as cognitive, affective, conative and predictive.

institution that is sensitive to intersubjective communication and motivational justification. If no such responsiveness to reasons is given and one still “counts” on, say, a machine to function, we speak of *reliance* rather than trust (Baier 1986; Hartmann 2020). Reliance relations also exist between persons who have such great confidence in each other that the question of trustworthiness never comes up. Trust relationships, however, assume that there is a risk of failure or betrayal, and thus trust in an institution presupposes the assumption that the institution is working in a way that justifies the “advance” of a judgment of trustworthiness, knowing that the institution is no perfect machine; it is fragile and dependent upon the persons in charge of it acting responsibly (in the eyes of A). For example, we may generally trust the medical system and therefore a specific hospital (as long as we have not heard bad things about it) and thus also the persons acting in it – up to the point at which we think we have reasons to doubt the qualification and motivation of one of the doctors. This example shows that the question of whether trust in institutions is a separate, independent form of trust or whether it is fully dependent on personal trust and can thus be reduced to it (Offe 1999; Hartmann 2020), provides an either-or that ought not to be accepted. In a certain social setting, where participants have reasons to have confidence in particular institutions, it is such confidence that generates trust in representatives of such institutions; but the trust generation also works the other way, as it is positive experiences with certain representatives that also generates institutional trust. In general, one must avoid the mistake to reify analytical categories into ontological ones, and here in particular, one needs to recognize that to distinguish between levels of trust also includes the task to see their interconnection if we want to understand complex social dynamics of trust.

Hence, we ought to distinguish the levels of *personal* trust (in particular persons), *particularized* trust (in members of a particular group), *generalized* trust (in members of a society or a larger collective), *institutional* trust (in procedures, rules and the functioning of an order of action) and finally *systemic* trust (in a social system). But it would be a mistake to overlook the way in which these levels are connected. Luhmann, for one, reminds us of this when he argues that systemic trust needs to be “grounded” in the real possibility of effective communication about the workings of a system – what I call “reason responsive”; in Luhmann’s words: “The pillars of trust must be built on solid ground.” (Luhmann 1979: 55; see also Herzog 2013) An institution gains trustworthiness through its workings independent from personal or particularized trust; but such trust relies on certain assumptions about the qualities of its workings that are also qualities of the persons involved (and that are stabilized and furthered by the institution), such as freedom from corruption, arbitrariness, etc.

Let us take the example of political trust, or, to be more precise, *democratic trust* – which is a particular *conception* of trust, for two reasons. First, it specifies what trust means in a particular social context, and second, the analysis ought to make clear at which point it suggests a notion of justified

trust that operates with particular normative assumptions. A conception of trust needs to be understood primarily in a *descriptive* and, additionally, if appropriate, a *normative* way (Cozzaglio ConTrust manuscript). It is only a seeming paradox to say that democracy rests on trust as well as distrust and aims to institutionalize both (Warren 2017; Rosanvallon 2008; Norris 2017 and forthcoming), as both is true. Important are the ways in which mistrust and trust are being institutionalized, and also the ways in which personalized trust in representatives, generalized trust in one’s fellow citizens and institutional trust are mediated, such that what Warren (2017: 48) calls “second-order trust in political processes” can arise, i.e., “trust in the institutions that channel conflict into democratic media of talking and voting” (ibid.). First-order trust is trust in politically responsible persons one knows as well as trust in offices such persons (many of whom one does not know) hold, while second-order trust arises out of a combination of trust and distrust based on “warrants” of public discourse and justification. Here, virtues of democratic procedures are crucial, but also trust in outcomes. Note, however, that this discussion has already moved into the realm of *justified* trust (in conflict), which will be discussed in more detail below. What is important at this point is to highlight the ways in which trust in persons, in particular institutions, procedures and outcomes are related – and how they are framed by a generalized trust in fellow citizens that is based on the view that the political community one is part of is *capable* of and *motivated* to establish forms of collective decisions-making that are fair and generally justifiable; call this a republican point of our analysis of a normative *conception* of democratic trust. This is how justified democratic trust emerges – while there are also forms of – say, authoritarian – trust that can arise in democracies that are particularized and endanger democracy (Warren 2017: 35).

C: C designates a particular context of trust relations, and given what has been suggested so far, there are various ways in which one can define such contexts. Here are some:

1. Generally speaking, such contexts are *contexts of action* – the family, the market, democratic cooperation and antagonism, communication through media, etc.
2. At the same time, these are *contexts of experience* – where participants had certain experiences with others and continue to have them (including with oneself).
3. What we primarily focus on is to view them as *contexts of conflict* – depending on the context of action, there are certain conflict constellations, objects of conflict, etc. (i.e., A and B are currently or potentially in a conflictual relationship). The nature of such contexts co-determines the chances that trust gets destroyed or can arise or be reproduced.
4. Such contexts are always *contexts of power* – depending on the resources at the disposal of groups and persons, the asymmetries between them, the positional differences that mark them.
5. They are also *contexts of communication* – in many, a dominant “currency” counts, or more than one, from discursive persuasion to the power of monetary means (Luhmann 2014; Habermas 1987). Trust needs to be communicated in

the right way in specific contexts (example: trust in money and how it gets communicated; cf. Moreno 2020).

6. They are *contexts of mediation* (or framing) – certain practices and procedures frame the relation of A and B, channel conflicts in particular ways; hence they establish higher-order forms of communication which mediate first-order communication that turns conflictual.

7. All of these aspects show that these are *normative contexts* of social norms and expectations about when to trust whom. Vallier (2022), following Lahno (2001) and Mullin (2005), argues that the commitment that makes B trustworthy expresses a shared commitment to certain social norms of A and B that generate beliefs about when persons or agents can be trusted and why. This is indeed relevant for the analysis of context-specific forms of trust, though one ought to keep in mind how complex normative orders of modern societies are and how much variation there is if one thinks, for example, of all the norms that apply to the question of trustworthiness in a modern economy. Still, for a descriptive as well as normative analysis of the social norms that serve as frameworks for trustworthiness assessments, it is necessary to inquire into the normative trust infrastructure of social contexts. They explain, for example, why in some contexts and situations it is required to justify why one trusts, while in others one has to justify why one does not.

Following this line of thought, we can use the theory of normative orders developed in Frankfurt (Forst 2017a; Forst & Günther 2021) to define a normative context of trust as a *context of justification*. This in two ways, namely as a context of norms (moral, legal, political, social, religious etc., or a combination thereof) that are *factually* seen as binding and guiding; and secondly, as a context of norms that *justifiably* claim normative validity fulfilling certain standards of justification that apply to a given context. In both respects, that of empirical as well as critical normativity, trust relations are relations of justification. In a trust situation, A believes there is a justification to trust B, B believes there is a justification to act in a trustworthy way with regard to D and in line with C-relevant social norms. A betrayal of trust will be judged along these lines of justification, as well as a form of misplaced trust will be. But in a critical analysis, we need to transcend these factual relations of justification, for some of the norms that guide trust relations in a given society can be problematic, full of stereotypes, exclusions and discriminations (King 2021; Fricker 2007; Schidel ConTrust manuscript). One cannot simply trust trust as it is practiced in a given society; otherwise, one runs the risk of accepting the unacceptable or of idealizing existing social orders. We need, in other words, a *critical theory of trust*. This has implications for the analysis of justified trust (see next section). But before this can be discussed, let us state that a trust relation is a relation of justification, whether it rests on good or bad justifications. When A trusts B, they are convinced that B is guided by justifiable motives and reasons that also form the basis of negative reactions when trust is betrayed. This shared bond, even if it is of a non-moral nature (such as in cases of a trustworthy car dealer who acts for a plurality of motives), is a bond of *trusting justification*. Where no such bond

exists, the risk is of a different nature, as in the case of betting on a horse.

At this point, a further note about contexts of trust is required. Many of the contexts in which we situate trust relations work, given the social norms relevant there, with the assumption of a certain *primary* or *ideal* motivation to trust and be trustworthy. For example, trust among friends implies the particular friendship and goodwill or empathy as a ground of trust, in politics trust in representatives presupposes that they act responsibly and with respect to the common good (as well as their constituency as part of it), in market relations honesty is a virtue of trust (allowing for a degree of self-interest), in contexts of knowledge comprehensive expertise is required, etc. In all of these respects, the risk of trust implies that such motivations may not suffice and that trust could be betrayed or shows itself to be overoptimistic. That risk is unavoidable, hence societies have developed further mechanisms to *stabilize* trust relations of the primary kind through *secondary* or background motivations which only work in a trust relation if they stay in the background, as Luhmann (1979: 35f.) and Günther (ConTrust manuscript) argue, especially when it comes to the law. These secondary motivations are connected to the agent's aim to avoid *sanctions* when acting in a non-trustworthy way; in a trust relation, fear of sanction should not be the primary motive, but a framework of sanctions, say, a legal framework, can provide "safe spaces" (Günther) for trust. In the foreground, one trusts others for primary reasons (and acts accordingly), but in the background secondary trust in a system of sanctions provides some further security for the primary trust relations (Daase & Deitelhoff 2022). Interagential trust fades away when secondary motives are fully turned into primary ones, since that would transform the trust relation into a relation of control (though not total control). Such power of background trust is not only present by way of law, but sanctions are present in other social contexts as well, such as friendships (which can be dissolved), in politics (where one fears not to be voted for again), on the market (where one fears to lose customers) and so on. In many contexts (such as the economy), however, the law provides a background security mechanism.

D: D is the object of trust, or the *point* of the trust relation – it defines what is important to A and what A expects of B. This is crucial for the understanding and justification of the trust relation. If A trusts that B will act to bring about D, that must at least be part of an implicit justification relation that can become explicit – say, if D comes at a high cost for B or is of an immoral nature, or if B did not do enough to bring about D. Hence the success of the relation and the confirmation of trust as well as the question of whether trust was justified depend on this; if there is success, the risk of A is rewarded by the events. In this sense, D shows the aim of the trust relation.

Conceptions of trust, to indicate that further direction of our research, specify all four places, A - D, i.e., the trust relation A to B, the context C, the object D. They furthermore imply a descriptive analysis of (standard) norms and reasons of trust for each context as well as allow for a normative ana-

lysis of justified trust. Thus, they also invite an analysis of betrayed or misplaced or possibly even dangerous forms of trust. These analyses take place on the level of the conceptions of trust – democratic trust or epistemic trust, for example, and in that sense they go beyond the basic conceptual level.

IV. Justified Trust

The point that one should not confuse the existence of trust with the existence of justified trust is often made (Baier 1986; O'Neill 2002b; McLeod 2015; Warren 2017; Hartmann 2020) – and more often overlooked. As indicated above, the justification question requires a nuanced analysis, for another confusion to be avoided is to take trust that agents see as *internally* as well as intersubjectively justified in a *particularistic* way as a *fully* justified trust. To be sure, such trust may be based on reasons A regards as good and B also, thus they may share these reasons, but these reasons can be of an immoral or discriminatory nature (as in a criminal gang). We cannot fully understand social trust dynamics if we do not regard forms of chauvinistic, racist, nationalistic or other forms of exclusionary and discriminatory trust also as trust and *seen* as (internally) justified by agents who hold such views. Therefore, a high level of trust in government is normatively speaking only a good thing if that government *deserves* that kind of trust in a principled way, not through the partial eyes of possibly a large part of the majority who, for example, regard an aggressive war as an act of antifascist liberation. But conceptually speaking, and this is one of the major advantages of a normatively neutral conceptual core definition, such forms of authoritarian trust are forms of trust, too (Norris forthcoming). We cannot reserve the term trust for the seemingly “good” relations and situations; rather, we need to develop an understanding of the many instances of trust that are seen as justified without being so on a proper normative analysis – for which we need the right methodological apparatus.

Not all cases of fully, normatively justified trust will be cases of morally justified trust; in epistemic contexts, for example, moral criteria play less of a role than in others. Furthermore, what exactly constitutes “truly” justified trust in economic exchanges is not easy to define, as this is a relation between subjective interests that may not be fully determined by moral criteria of honesty, equity, etc.; strategic considerations are quite appropriate here. Epistemic criteria such as transparency also play a role in other than epistemic contexts. And trust in media likewise presupposes an analysis of its own, taking into account the plurality of aspects relevant here (Hediger ConTrust manuscript; Hoof 2020).

Hence, as far as internal-particularistic justification is concerned, the trust relationship as a relation of justification shows why very differently situated persons trust a politician like Donald Trump with regard to particular aims even though they may understand that he is not generally trustworthy in a number of ways. And once he “delivers” on what they hope he will achieve, their trust is *internally* justified as

a form of particularized trust. From a *normative* democratic perspective, it may, however, not be justified because it violates basic democratic standards and is not properly justifiable to all who are concerned as *democratic equals*.

Hence, if we aim to analyse the comprehensive normative justification of trust relations, we need to take recourse to specific standards of justification relevant for the required contexts. Still, is there a ground or gold standard throughout the contexts? We think there is, and it is a basic quality of trust relations as *relations of justification*: the recognition of A as well as B and others affected as (roughly) equal subjects of justification, as agents with a basic *right to justification* (entailing a corresponding duty of justification) as the right to question reasons others have to expect a certain way of acting from us or to act in a particular way. Remember that the trust relation is a relation of agents with reasons to trust (A) and be trustworthy (B), hence a trust relation always presupposes a *relation of reasons*, in the case of justified trust: good reasons. Generally speaking, trust is generally justifiable when the right to justification is mutually and generally accepted, which excludes certain forms of betrayal and instrumentalization as well as discrimination and exclusion. The mutual respect as agents with a right to justification establishes a basic, justified trust platform on which more specific forms of trust can emerge; essentially, it is the basis for *rational* trust, as it implies the reciprocal recognition as reason-using and reason-giving, reasonable beings with equal standing. If that kind of trust and recognition – that the other is capable and willing and to be respected as responding to reasons – was missing, no normatively justifiable form of trust could emerge. Trust relations are situations of justification – for why A trusts B, why B acts in a trustworthy way, and for what follows if the former or the latter do not happen. In short, if we want to understand the very grounds of justified trust, justification and the right to it are key. Trust as a rational phenomenon requires a rational ground, and respecting each other as rational in this way is that ground. Particular trust relations – among friends, citizens, business partners – can go beyond that standard, but they must, normatively speaking, not go below it. In such particular relations, trust requires a “thick” understanding of the situation and of what is expected and why, but the basic – “thin”, if you like – premise of recognizing each other as competent and sufficiently motivated reason-giving and reason-responding beings ought always to be present. Fully justified trust requires a framework of justification to be in place – not just a framework of “functioning” social norms and mutual expectations, but a framework of respect that also holds when trust becomes risky, precarious and maybe fails. This is especially important when it comes to trust in institutions, as their (justified) trust quality depends very much on securing rights to justification (for all, individual, minorities and majority).

In the literature on trust, there have been, as alluded to above, various attempts to define what Onora O'Neill (2002b: chs. 6 and 7; 2002a: 64) calls the “reasonable” placement of trust, linking it to a recognition of principled autonomy (in bioethical contexts). Annette Baier (1986: 255), in her semi-

nal essay on the topic, suggests a test for the moral quality of trust relations she calls the “expressibility test” that applies to the reasons of A as well as B, implying that a trust relationship is morally decent if “its continuation need not rely on successful threats held over the trusted, or on her successful cover-up of breaches of trust”. She rightly argues that across contexts – in relations of love and care as well as professional ones – trust requires the *possibility* (not the actuality) of transparency and the mutual justification of expectations and actions. Nothing will be hidden, no secret motivations on the side of A or of B: Justified trust rests on reasons that can be openly communicated, such that “knowledge of each party’s reasons for confident reliance on the other to continue the relationship could in principle also be entrusted” (Baier 1986: 259).

Baier, however, does not discuss the difference between internal-particularized forms of such (limited) intersubjective justification and a more encompassing, critical one that appeals to a wider public, what we call fully normative justification. The latter is suggested, as mentioned above, for the political context by Mark Warren in his “publicity test”, where he argues that “a trust relationship is legitimate just to the extent that it could be justified to all those affected by its externalities” (Warren 2017: 40), i.e., “the reasons for the relationship should be available and justifiable to those affected” (Warren 2017: 41). We could go further here and add further qualifications of “justifiable to those affected,” specifying them as moral-political justificatory equals, adding criteria of reciprocity and generality for norms that define that basic standing (Forst 2012), but that may be left aside at this point. What is to be recognized here is that (not just in political contexts) *the justified trust quality of a relationship rises or falls with the quality of the justificatory relationship between A and B*, i.e., the secure standing as justificatory partners, the quality of reasons for (and against) trust, the quality of reasons to act in a trustworthy way (or not), and so on. Depending on the context C and conceptions of trust at issue, this needs to be spelled out in detail: how will justificatory standing come about and be preserved, what are the communications and justifications required for (fully) justified trust between A and B with regard to D?

Essentially, the trust relation has turned out to be a relation of justification, and justified trust exists when the quality of that relation is high. We could call this a *reflexive* account of justified trust, though that does not mean that a successful trust relationship is *explicitly* highly reflexive as to the reasons motivating persons; what is essential is that it *could* withstand the test of explicit public justification. This is why the right to justification, as a (moral) basic right, is foundational for justified trust, as it marks the ground on which successful thicker relations of trust stand. They need not thereby be directly morally motivated, they just need to conform to that moral imperative. In political and legal contexts, that right turns into a political-legal right (Forst 2012) that needs to be realized in a number of ways, substantive and procedural. Such rights strengthen the justificatory standing of persons and groups and empower them not to be easy victims of false, discriminatory or ideological social

(trust) relations where they trust the false agents or are unjustifiably seen as not trustworthy (Schidel ConTrust manuscript; Bassiouni & Forst ConTrust manuscript).

V. Trust in Conflict

If this approach to the quality of trust depending on the justificatory framework of trust relations is sound, we have made an important step towards understanding the productive (as well as the negative) relation between trust and conflict. As argued above, trust relations establish cooperation with a risk, not just a risk of insufficient transparency of justifications, but also a risk of failure. As long as trust exists, such risks cannot be avoided; they are, in fact, constitutive of trust relationships. At the same time, trust presupposes sufficient certainty in uncertainty, i.e., sufficient justifications for the justificatory trust situation (A trust B in C with regard to D) to come about and be successful. Hence trust reckons with *conflict* and the possibility of failure or betrayal, and thus requires frameworks of justification that minimize that risk and that work alongside and in conflict – and often arise in conflicts searching for ways to establish *justificatory relations within conflict*, dealing with actual or possible conflicts. Generally speaking, trust arises in conflicts when agents *experience* a reliable, productive justificatory relation with those they disagree with (maybe bitterly), an experience (Wheeler 2018) often made possible by forms of *mediation* and *institutional framing* (Deitelhoff & Schmelzle forthcoming), where trust in such frameworks, as frameworks of justification and understanding, turns conflictual parties at least to some extent into trust partners (while the conflict lasts). This comes about through trust formations of a higher-order nature, what in political contexts Warren (2017: 34) calls “second-order trust” in political institutions “that channel political conflict into the democratic media of public discourse and voting” (cf. Schmalz-Bruns 2002). But what is key here generally, not just in political contexts, is that *a relation of justification arises and persists within conflict* and is often established just *because* and *through* intersubjective and social conflicts, turning conflict into a productive social and political practice. Such relations of justification have a number of trust-conferring qualities: they secure some basic standing of agents (and thus provide *security* and *voice*), in cases of (fully) justified trust, they provide venues of justification which channel conflicts *fairly* and in a *transparent* way, and if all goes well, they even open the door to compromises and new forms of *understanding*. That can also take the form of agreeing to disagree. Such relations of justification help establish trust by minimizing the risks of failures of trust and of escalation.

Normatively justified trust relations in situations of conflict come about and persist when the right to justification (in a broad sense) is in place despite and in light of conflict. Think of all the institutional forms in which this is done – basic legal rights to claim one’s rights in court as well as in political procedures, political mechanisms to institutionalize conflict seeking to establish fair terms of justification – es-

tablishing trust in procedures as well as in the outcomes of institutional mechanisms; call those *procedure-based* and *outcome-based* institutional forms of trust in conflict. For such trust to come about, no “natural” or “identity-based” unity or bond is required (see also Uslaner 2002), but a bond of mutual justification and communication within and about conflicts (though some of these communications may also be about something apart from the conflict, cf. gag rules, [Holmes 1988]). Conflicts show the point of these bonds.

This is not only characteristic of legal and political, institutionally mediated trust. For as argued above, the relation between interagential and institutional trust needs to be seen as closely connected. That already becomes apparent in light of the fact that political trust can fail structurally but also often due to a betrayal on the side of particular persons (Deitelhoff unpublished manuscript). Thus, institutional trust implies trust in agents as well as generalized trust in the relevant social or political community; the terminology of vertical vs. horizontal trust (e.g., Chan et al. 2018; Offe 1999) does not do justice to these connections. In other contexts, such as diplomatic negotiations, legal institutions may play a role, but also conventional forms of justification, essentially testing how durable and robust they are especially in cases of severe conflicts (Wheeler 2018). Such relations of justification fail, and thus trust breaks down, when the justificatory relationship turns into a mere instrumental one. Trust requires some form of justificatory respect, and conflict is no antithesis to that.

In other social contexts, trust relationships also form on the basis of conflict communication, such as in economic negotiations, requiring a durable justificatory relation to be in place. In many social contexts, such relations, whether institutionalized or merely conventional, have the main function of preserving and reproducing trust in conflict. This is also true with respect to epistemological trust, where critique and diverging opinions are crucial for ascertaining truth or at least reliable knowledge. No truth without conflict there. Blind dogmatism is the enemy of justified, rational trust in many of these areas, where trust in reason as a discursive faculty is key to understanding trust generally (Brandom 2019; Hollis 1998).

With regard to the political, democratic context, the approach suggested by Rödel, Frankenberg and Dubiel (1989), building on Arendt and Lefort, developed a theory of political integration through conflict (compare also Simmel [2009], Coser [1956] and Dahrendorf [1972] on the normative productivity of conflict). Their main idea is that in democratic conflicts participants will not just develop a *partisan* consciousness, but a notion of membership of the *whole* political community having to answer questions about how it ought to be governed (an argument recently also developed by White and Ypi [2016] with respect to partisanship). That presupposes, as Rödel et al. (1989: 108) argue, the mutual “recognition of the equality of all and the acceptance of an obligation of public debate”. And furthermore: “This form of socialization can only succeed if the opponents of the conflict are not indifferent to each other, that is, if they do not exclusively behave in a strategic manner toward each other

and treat the opponent as a mere object of disposal, administration or, at best, care.” (Rödel et al. 1989: 108 f.; translation R.F.) Hence the struggle against material and cultural exclusions and for certain rights and standing, seen in a historical perspective, kept creating new forms of inclusion through conflict; in other words, a learning process through conflict (Habermas 1976) took place, leading to more formal and inclusive notions of membership and social identity (Hirschman 1994).

This model of integration through conflict stresses the productive and innovative character of learning through conflict, but it also implies a strong normative assumption of equal recognition. With regard to this, our thesis about trust in conflict adds an important aspect. We do not think that the respect for others as having a right to justification rests on a consensus separate from conflict (which is also not what Rödel et al. explicitly say); rather, we regard it as a basic moral form of recognition the legal, political and social implications of which will be developed further *through* conflict (as a practice of antagonistic justification). Thus, it is at the same time the premise as well as the object of political conflicts. And one essential aim of such conflicts is to establish forms of securing rights to justification that protect against various forms of domination and enable formerly excluded groups to exercise political power. Justified trust in conflict exists where political life opens the doors for such processes of conflictual improvement and progress (Forst 2019) – and at the same time they lead to counterreactions on the side of those who want to close such processes. A positive result of emancipatory conflicts is the establishment of new forms of non-domination (and justificatory equality) that enable further struggles for justice. A negative result is the development of particularized, closed trust communities who try to contain the demands of others. Normatively justified trust can develop where processes of emancipation take place; unjustified – and merely internally justified – forms of trust (and distrust) can develop where they are fought against in defending social privileges, for example (Völz forthcoming; King 2021; Sutterlüty 2021; Hediger ConTrust manuscript).

Normatively justified political trust does not presuppose a just society, but it requires political forms of engaging in conflict that do not block but open up the path for justificatory legal, political and social improvement. Where others are not regarded as (roughly equal) agents of justification but as mere instruments, and where alienation reigns (Forst 2017b), justified trust cannot develop. Justified trust requires practices of justification with some form of reciprocity and symmetry (Hollis 1998). And such justification takes place in public conflicts – for they require practices of public justification about the normative character of a political community. Participants may have very different ideas of that character and how it should develop. Such conflicts *divide* participants, but they also *include* them as justificatory agents who have to answer questions from the other side. In doing so, they (as well as others) speak as partisans and members of the whole, and thus conflicts have an integrative function if politically lived through and if conducted in a manner that does not regard others as enemies – and if

reciprocated.

Politically productive conflicts produce new norms (Coser 1956) which are not beyond conflict but which establish new plateaus of justification, and trust can arise even with those who did not succeed in a conflict, as there is a general understanding that power is not permanently in the hands of one party only (Gauchet 1990; Lefort & Gauchet 1990). Understanding social and political conflict in that way combines conflict and community, partisanship and integration with the help of an understanding of a *common thread of justification* that has not been cut and that forms a bond around a community of conflict. Trust arises where such a bond is in place.

In order to develop a comprehensive understanding of such processes of trust formation, we need to look at the *experiences* participants make in such processes, at the mediating *procedures* relevant there and the expectations of *outcomes* at work. Political experiences are essential to understand what happens in social conflicts, and this may include surprising developments, for example, when religious as well as non-religious groups with very different beliefs find out that they think (to some extent) alike in ways they had not seen before (e.g. Catholics, Muslims and feminists with regard to autonomously affirmed religious duties such as wearing particular symbols to express their faith) and then also realize that the secular state, appropriately redefined, might give them more chances to live according to their beliefs than one which represents a dominant culture (Muslim judges with a headscarf; Bassiouni & Forst ConTrust manuscript). Trust develops where such forms of communication and understanding arise even though major differences (about religious matters) do not disappear. The most important experience is the one leading to the insight that opponents are not enemies but partners in conflict.

We regard trust relationships as situated in time. Experiences develop over time, and the experience of reliable cooperation despite conflict can turn an initial attitude of mistrust into one that is more and more trusting. Trust is an experience-based attitude, and it would be hard to live with the realities of conflict, be it in politics or other contexts of everyday life, if they would not also contain experiences of trusting those with whom we disagree.

The procedural dimension is crucial to understand political trust dynamics. For “second-order trust” (Warren 2017) does not imply that conflicts disappear or get resolved; rather, it implies that they can be lived and dealt with in a justifiable way, by respecting rights and duties of justification. In this way, they filter out what can be generally argued and what cannot, and the room for compromise or acceptable majority decisions opens up. Those who lose out are no losers, though, but still part of the justificatory structure who have certain means at their disposal to change decisions in the future and are still secure in their basic standing. Precarious standings in such processes provide little justification for justified political trust.

Procedures mediate and transform conflicts. At best, they do this by securing a common reality of and belief in

normative structures that secure basic justificatory standing while working out ways to deal with and possibly solve conflicts. Legal mechanisms, and the rule of law in general, are a model for such procedures (Bogdandy 2022). The many ways in which the rule of law institutionalizes forms of respect that remain stable and functioning while conflict is dealt with are exemplary for institutional trust arising in conflict – at the same time, as remarked above, this kind of trust goes along with a generalized trust in fellow citizens to play by these rules and a specialized trust in those who have functions in such a system. In this way, institutions provide conflict parties with *normative roles* in which they remain parties of a conflict and at the same time members of a normative framework they share. This enables a complex synthesis of trust in the other by way of institutional, normative trust.

This points to an important general insight with respect to trust in conflict. As above in the discussion of political partisanship going along with the role of the citizen as member of the whole responding to all, which is also a normative role of commonality in conflict, such roles ask persons to regard themselves and others from different perspectives. The conflict remains but is not the all-consuming and generally defining perspective; rather, one notices and respects what one shares with others, most of all rights and duties of justification. Call this *trust by role-differentiation*.

Not just the justificatory quality of procedures and institutions creates conditions for trust, also the well-founded expectation that they will produce good results does, possibly by safeguards that prevent the worst from happening, possibly by guarantees of certain minimal outcomes. Entrenched basic rights, for example, provide such securities, despite their content being subject to continuous interpretation. At times, politicization increases trust, sometimes depoliticization does (Pettit 2004).

The general perspective on trust in conflict we adopt we can call *pragmatic trust-conflict constructivism*. It stresses the *epistemic* components of conflict such as clarifying where one disagrees and where not, the *experiential* basis of developing trust, such as possibly (at first) surprising and then reiterated experiences of common interests despite conflict, as well as the processual, *progressive* character of developing new forms of legal, political and social life that arise out of conflict and establish new plateaus of democratic justice, for example. The notion of institution we use is one which focuses on its trust building components such as establishing *bonds or threads of justification within conflict* – whether it is in legal procedures, democratic life, economic exchange and negotiation (such as in conflicts over wages, *Tarifverhandlungen*), diplomatic communication, the search for reliable knowledge or the use of media. The threads of justification that create trust are not always clearly defined a priori and fixed; institutional procedures can be redefined and they can be changed to make trust possible.

For critical theorists of trust, it would, however, be a mistake to focus only on the many cases of *fully justified* trust arising in conflict. For there are (at least) two alternatives to this. One is the production of *distrust* arising in various ways

when there is doubt about the trust or trustworthiness of agents, or when trust has been betrayed and abused. Such distrust can be justified or unjustified. The other is the rise of *particularistic trust* that endangers or destroys the possibility of the development of generally justified trust. Some of these forms are authoritarian in nature (King & Sutterlüty 2021; Hediger ConTrust manuscript; Völz forthcoming), or nationalist, sexist, or racist, in any case exclusionary and lacking respect for the right to justification for certain groups. If such internally justified trust communities exist, distrust and opposition of those who are excluded are justified. And the admonition to those who engage in such struggles not to destroy the “trust culture” of a society and to accept its rules and forms of domination, turns oppressive and ideological (Adorno 1996 versus Dahrendorf 1961; Bassiouni & Forst ConTrust manuscript). Integration through conflict, if justifiable, presupposes (or at least aims at) the justificatory equality of those involved. Conflict attacking exclusionary trust relations is what may be required to establish the preconditions for justified trust to emerge (Williams 2000; Mansbridge 1999). Sometimes we have to trust those who fight. ●

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