Most discussions of legitimation focus on factors that are expected to contribute to it, such as tradition, expertise, or prosperity. Less attention has been paid to “the dark side” of legitimation, which depends heavily on evading attention. A potentially informative approach is to learn from professionals with special expertise in evading attention while making things “disappear”—magicians. Rather than seeking overt control over the audience, they perform in plain view, largely by using well-timed distractions, or “misdirection.” Preliminary evidence suggests that similar techniques may be widely used in political contexts, with some of the most effective forms of misdirection involving diversionary reframing—diverting attention away from any questions about existing distributions of privilege, not by brute force, but by changing the subject, especially by raising questions about the legitimacy of critics. These and related techniques clearly deserve to be the focus of additional research.

KEY WORDS: diversionary reframing; “friend vs. foe” legitimation; issue framing; legitimacy; misdirection; power and discourse.

INTRODUCTION

Despite all the important thinking that social scientists have devoted to issues of legitimation, over a period of many decades, we argue in this
paper that something important is still largely missing. To put the matter as simply as possible—although we will spend much of the rest of the paper explaining and illustrating this point—what is missing is a focus on what is missing. The need, we will argue, is for a new field of research, in which legitimacy is studied not just in terms of what might support it, but also in terms of what may help to keep it from being questioned.

As noted by Habermas (1970, 1975), elites in an industrial society face the challenge of legitimating highly unequal distributions of wealth and other resources, based on criteria other than tradition or heredity. As will be spelled out in the pages that follow, sociological efforts to grapple with this issue have varied widely, from a Parsonsian emphasis on an emergent normative consensus, on the one hand, to the emphasis of Foucault and others on more active mechanisms of control. Despite these differences, however, at least since Weber’s work on “legitimate domination” (Weber, [1925] 1978), sociologists have usually emphasized factors that are argued to contribute to legitimacy through their presence.

In the Hobbesian tradition of asking, “How is order possible?” in other words, the central tendency in work to date has been to treat “legitimacy” as something that is presumed to exist—a noun—and then to inquire about the key factors that are thought to contribute to and sustain it.

In the case of an actual physical object or noun, this approach may be the only one that is needed, but in the case of the abstraction we call legitimacy, the same approach is incomplete and potentially misleading. It can imply or suggest that “legitimacy,” like the roof of the Treasury Building, is “supported” by important pillars—whether we call those pillars tradition, consensus, expertise, status, reputation, economic performance, cultural capital, procedural fairness, or even charisma—or else that legitimacy is best understood as having been constructed almost literally, in accordance with some builder’s master plan. To be sure, this approach has led to important insights, but we will argue that it has also created important blind spots, and thus that there is a need for a complementary approach.

In the following pages, to be more specific, we make two arguments. The first is that “legitimation” can also be sustained in important ways by what is missing—particularly if potential challenges to an existing distribution of resources can be kept dormant or made to disappear from view. The second argument is that this outcome may be achieved most efficiently by keeping public attention focused on other topics. If the traditional approach involves an emphasis on the pillars of legitimacy, in short, this paper will emphasize instead the shadows behind them, taking note of the fact that the plundering of the public treasury can take place through “withdrawals” that go out the side doors, or through the shadows, while public attention remains focused on the pillars of the front facade.
For purposes of our argument, the central metaphor may not be so much the roof but the rabbit—or rather, the process through which a magician’s rabbit is seen as being pulled out of a hat, or made to disappear once again. Although such a rabbit may indeed be “real,” just as legitimacy is real at least in its consequences, the challenge is to understand not the anatomy of the rabbit, but the dynamics of the process, or the relevant details of the performance—the ways in which the magician pulls off the trick.

As we will spell out below, professional magicians have long realized that the key to success is not to exert force on the audience, but to entice the audience to focus on something else. For purposes of understanding the processes of legitimation, similarly, we will argue that the politician’s versions of disappearing acts are best understood not by asking about what it is we see—whether the rabbit or hat—but by learning more about what it is we fail to see, and why certain techniques are so effective at keeping problematic questions unasked, forgotten, or hidden in the shadows, away from public view.

We will present our argument in four main sections. In the first, we review the existing social science literature on legitimation, beginning with Weber’s classic assessment ([1925] 1978) of three ideal types of legitimacy. As we will emphasize—whether in what was once considered the “mainstream” thought of Parsons and other consensus-oriented scholars or in the more critical work of scholars such as Gramsci (1971), Foucault (1977a), or the Frankfurt School—perhaps the central commonality in the existing literature is an emphasis on what is “there.” By contrast, as we will note in the second main section, other areas of recent social science work have begun to illustrate the potential importance of focusing on “what is not there.” This insight, we will note, has long been illustrated in a set of textbooks that are rarely considered in social science journals, although they are particularly relevant for understanding the shadows behind the pillars—methodological analyses of the practice of making things disappear, as written for magicians. The third main section of the paper offers an initial examination of the use of comparable distraction and misdirection techniques in politicized contexts, with special emphasis on what may be the best-developed body of work, involving what research on technological controversies is beginning to call “diversionary reframing.” In the fourth and closing section of this paper, for the benefit of readers who are still unsure about the practical significance of the difference between emphasizing what is “there” vs. “not there,” we examine a recent case in which a distinguished group of social constructivists responded to attacks on their own legitimacy, but did so without taking seriously the lessons of work on diversionary reframing. As we will note, their
responses might well have been improved if they had been able to recognize the potential power of diversionary reframing techniques in action.

CLASSIC PERSPECTIVES ON LEGITIMATION

Columns, Consensus, and Cement

Sociological work on legitimacy owes a considerable debt to Weber’s classic analysis of *Economy and Society* (Weber, [1925] 1978). Weber argued that, unless a social order were to be based simply on fear or individual self-interest, it needed to be based on a shared belief in the legitimacy of prevailing relationships. In particular, Weber focused on what he called “legitimate” domination, which he saw as having “three pure types,” being based “on rational grounds, traditional grounds and charismatic grounds” (p. 215). By a “traditional” basis for authority, Weber meant an exercise of power backed by religious beliefs, where the authority of the patriarch is uncontested because it was seen as sacred and unchanging, and as having been so since time immemorial (see also Rappaport, 1999). With the concept of “charismatic” authority, Weber captured specific historical disruptions to such traditionally prescribed and religiously sanctified beliefs. According to Gerth and Mills, Weber used the word charisma (literally, a “gift of grace”) to refer to “self-appointed leaders who are followed by those who are in distress and who need to follow the leader because they believe him extraordinarily qualified” (Gerth and Mills, 1964:53).

As Weber noted, however, extraordinary moments are by their nature unsustainable, giving way not to “permanent revolutions,” but to institutionalized routines. To the degree to which social rationalization leads to structural differentiation and formalization, accordingly, he saw a third or legal-bureaucratic form of authority as becoming the organizational nucleus of legitimacy. Weber’s third form of domination was thus “rational”—administered through legal and bureaucratic procedures, such that legitimacy would become fused into legality, with political legitimacy resting on the rule of law, meaning that what is legal would be legitimate, not the other way around.

In fields such as political science and law, the importance of “the rule of law” remains a major theme, with legitimacy being seen as depending on the extent to which elections are free and open, laws are clear and fair, politicians are accountable for their actions, and so forth (see, e.g., Kraft, 2001). Within sociology, however, particularly during the central third of the twentieth century, a number of important scholars followed up in different ways on Weber’s distinction between power based on sheer force.
vs. power based on cultural consent. Although the best-known lines of sociological argument differed considerably, most have shared an emphasis on the engineering and construction of consent.

Perhaps the most influential of all, at least for mid-century American sociology, was Parsons’s effort to explain how social order might be possible. His answer was “normative” in its emphasis, as elaborated through his “system theory” (see especially Parsons, 1968). Although his argument was quite complex, the key component had to do with citizens’ willingness to adhere to a shared set of rules or norms—a willingness he saw as being acquired through what he called “latent” pattern maintenance, or in essence, the reproduction of a social system’s underlying value system through socialization.

Parsons’s emphasis on a voluntarily shared normative consensus, serving as what Elster (1989) would later call *The Cement of Society*, has by no means disappeared from the social sciences. Even so, during roughly the latter third of the twentieth century, the influence of Parsons and other consensus-oriented theorists came increasingly to be eclipsed by work having roots in Marxist analysis and conflict theory. The work of Habermas (Habermas, [1973] 1975) is particularly notable in this connection; it highlighted a point that had long been important within the Marxian tradition but that received little attention from Parsons. Where Weber saw the capitalist market economy as a potentially rational system for allocating scarce resources, Marx saw a system of unequal distribution and alienation. As has other critical scholars have also noted, capitalist societies *collectively* produce wealth that is concentrated in *private* hands, creating the potential for challenges to the legitimacy of the system, or for what the English translation of Habermas’s title (Habermas, [1973] 1975) called a *Legitimation Crisis*.

Habermas’s work shared Weber’s emphasis on rational competence and performance—pillars—but it added an emphasis on the legitimation provided by another pillar, prosperity, and on tensions rather than harmonies among those pillars. Habermas saw the legitimacy of capitalist systems as depending on the belief that capitalism contributes to prosperity, meaning that economic problems such as inflation or high unemployment might not just undermine popular support for economic policies, but might weaken the legitimacy of the broader political-administrative and socio-cultural system, as well (see also Habermas, 1970). Other important theorists such as Offe (see, e.g., Offe [1972] 1984) have shared Habermas’s focus on three subsystems—social, economic and political—as well as his emphasis on tensions in and among the pillars of legitimation. Particularly in his *Contradictions of the Welfare State*, Offe argued that the state has become responsible for ameliorating negative consequences of capitalist
economies (e.g., through unemployment benefits, health care, etc.), but that the political and administrative functions of the welfare state will often appear contradictory when judged according to capitalist principles (see also Block, 1977, 1987).

*The Frankfurt School: Culture and Control*

Clearly, however, the work of Habermas and Offe, among others, reflected the influence not just of Parsons, but also of the important European theorists who came to be known as the Frankfurt School. During roughly the same era when Parsons was beginning to develop his views that normative consensus could be expected to develop and emerge in a relatively “natural” and unproblematic way, Adorno and others were focusing more critically on what Adorno first termed the “culture industry,” or Kulturindustrie. In contrast to Parsons, scholars in the Frankfurt School saw culture as being distinctly problematic, offering instruments for manipulation and control that could get into an individual’s skin or even personality structure, making possible a “totally administered society” of the sort that became increasingly visible and problematic with twentieth-century mass culture and totalitarian regimes. The Frankfurt School described the Kulturindustrie as playing a key role in enabling capitalism—or more specifically, capitalist elites with a monopoly on ideological power—to destroy the preconditions of critical, revolutionary consciousness (see, e.g., Adorno, 1967, 1991; Horkheimer, 1972; for a useful overview, see Arato and Gebhardt, 1978). Still, despite all the differences between Parsonsian functionalism and the work of the Frankfurt School, what is most notable for purposes of this paper is that—whether by emphasizing voluntary agreement with norms or more ominous forms of control, dominance, and the suppression of dissent—work on both sides of the Atlantic Ocean tended to focus on the construction of consensus through “what was there,” rather than through what may have been absent or unseen.

Particularly notable for its emphasis on the construction of control is the work of Gramsci (see especially Gramsci, 1971), who developed the argument that, for the ruling class to be not just dominant, but hegemonic, it must generate consent—a process that Gramsci saw as requiring not just military might, but active work by institutions of cultural reproduction and representation. Notable examples of later work in this tradition would include work on “agenda setting” by Bachrach and Baratz (1970) and by Lukes (2005)—anticipating to some extent the arguments we will make in later sections of this paper, by emphasizing the ability to
keep some issues from ever reaching the agenda for public debate—and Lukes’s further work on what he has called the “third dimension” of power, or what might be called “preference-shaping,” involving the ways in which public preferences can be shaped by those in power through the use of propaganda or the mass media. The “propaganda” role of the mass media is also a major emphasis of authors such as Herman and Chomsky, (1988) and of Thompson (1990), whose definition of ideology involves the ways in which meaning serves to establish and sustain systematically asymmetrical relations of power, such that, in his concise summary, “ideology is meaning in the service of power” (Thompson, 1990:7).

In some ways, however, the ultimate expression of this perspective would come in the work of Michel Foucault (1977a) on “the Panopticon,” used as a metaphor for modern “disciplinary” societies and for what he depicted as their pervasive capacity to monitor and control. Foucault drew his metaphor from the work of Jeremy Bentham, who, in addition to laying the foundations for utilitarianism, had nearly two centuries earlier attempted to lay a more concrete set of foundations, designing and promoting the original Panopticon as a more efficient prison (see Bentham, [1791] 1995). As envisioned by Bentham, and as suggested by the name, the original Panopticon was intended to have a central tower, surrounded by a circle of prison cells, in which the prisoners could be watched by an all-seeing observer in the tower who would remain unseen. In Foucault’s hands, the original Panopticon became a metaphor for the pervasive tendency of hierarchical organizations such as the corporation or the army, or of society as a whole, to observe, normalize, and otherwise control the broader public.

This emphasis on a relatively active imposition of control remains an important theme in more recent work in the tradition of cultural sociology. For example, even though Scott characterizes the Panopticon as being a “totalitarian fantasy”—save perhaps for “a few penal institutions, thought-reform camps, and psychiatric wards” (Scott, 1990:83)—he nevertheless depicts power relationships as being sufficiently threatening that the less powerful have “a self-interest in conspiring to reinforce hegemonic appearances” (1990:xii). His analysis of Arts of Resistance focuses on contrasts between “public transcripts” (essentially, public forms of deference) vs. “backstage” or “hidden transcripts” (which provide evidence of ideological insubordination when dominant groups are not able to monitor behaviors so directly). In another example, Zerubavel’s Elephant in the Room (Zerubavel, 2006) depicts a pervasive pattern of “open secrets,” maintained through “conspiracies of silence”—specifically including social pressures that are sufficiently intense to cause people to deny the evidence that is right in front of their eyes.
Particularly in some of the other work of Gramsci and Foucault, however, can also be seen some of the elements of a very different approach—one that requires far less power and exertion of influence than would a more active set of conspiracies. As we note in the next section of this article, such alternative approaches have received growing attention in other traditions of scholarship, notably including postmodern and/or feminist analyses, and in work on technological controversies. There—in a pattern that appears to us to be worthy of emulation elsewhere—more of the attention is devoted instead to the question of what is missing.

TOWARD SEEING THE UNSEEN

As noted earlier, Weber argued that a social order needed to be based on a shared belief in the legitimacy of prevailing relationships, and similar assumptions are evident in the work of many important theorists who have followed. Another possibility, however, is that Weber’s standard may be too high—that there may be no need for “shared beliefs,” so long as potentially problematic inequalities are the focus of “shared inattention.” This and related possibilities have been examined in other work, such as Gaventa’s analysis of “quiescence” (Gaventa, 1980), as well as Gramsci’s discussion (1971) of taken-for-granted views, and in what other work by Foucault (1977b) has called “embedded” power. In terms of underlying arguments, the newer lines of work reflect a different set of emphases—often based in part on the argument that “tradition” or “culture” should not be treated as being somehow “inherently” influential, but that instead, more attention should be devoted to the techniques that allow important forms of inequality to go largely unquestioned (see, e.g., Haraway, 1988; Horrigan, 1989; Nesiah, 2003; Freudenburg et al., 1998; see also Crenson, 1971; Molotch, 1970; McCright and Dunlap, 2000).

These works build on a point that has long been noted by sociologists who have dealt with some of the less obvious manifestations of power, such as Schattschneider (1960) or Lukes, the latter of whom has noted that “power is at its most effective when least observable” (2005:1; see also Turk, 1982). In contrast to the overt control of the Panopticon or to Zerubavel’s increasingly intense “conspiracies of silence,” this literature has more in common with Perrow’s observation (1984:9) that “Seeing is not necessarily believing. Sometimes we must believe before we can see.” In our view, however, the key concept that has received too little attention, to date, involves not so much the active imposition of control, but the fact that even the best eyes in the world are capable of “seeing” only in the direction in which they are pointed.
Long ago, Harold Lasswell (1930:184) wrote that “Politics is the process by which the irrational bases of society are brought out into the open,” but our argument here is very nearly the opposite. Drawing from Edelman (1964), among others, we are suggesting here that one main effect of the political system may instead be to provide a public face to a process in which “the irrational bases of society”—specifically including the kinds of unequal or even privileged distributions of societal resources that were of concern to Habermas (1975)—are made to disappear from view. One key step in understanding this emphasis, however, may be the development of a somewhat better understanding of how “the irrational bases of society” might be caused to disappear in the shadows.

Our line of argument builds on Scott’s concept of “thin naturalization”—which, as opposed to “fat” hegemony, “claims nothing beyond the acceptance of inevitability” (Scott, 1990:80)—but we take the discussion in a different direction than does Scott. One reason may be that many of Scott’s examples involve less-powerful groups in less-developed societies, such as peasants, serfs and slaves, while we are focusing largely on the kinds of “advanced” industrial societies that are characterized by more highly developed divisions of labor. Our perspective draws more extensively from the work of Stone (1980) on “indirect” power. Rather than discussing “power over”—as in the power of Group A over Group B—Stone emphasizes “power to,” or the power of Group A simply “to” get what it wants, even if the group enjoys that outcome simply because other actors in society fail to notice or object. As Stone notes, it will often be the case that Group A is able to derive benefits at the expense of Group B, but that—far from reflecting the direct exercise of dominance of A over B—the two groups may well have no direct contact with one another. Instead, a “Group C,” such as the political system, will distribute the benefits—and it will be the political system, rather than the relatively privileged Group A, that will need to absorb or otherwise deal with whatever expressions of disapproval may arise from less-powerful Group B.

What we seek to add to this perspective—drawing on the arguments of Elster (1998) and the example of authors such as Riker (1986)—involves increased attention to “mechanisms.” What is needed, we believe, is to take seriously the just-noted argument by Lukes that “power is at its most effective when least observable” (Lukes, 2005:1). For authors who believe this point to be true—as we do—the obvious next challenge is to identify and analyze the mechanisms that can cause power and differential distributions of privilege to become “less observable.” For that purpose, perhaps the obvious starting point involves the fact that the
“least observable” phenomena of all are those that literally disappear from view—particularly given that it is possible to learn more about the specific techniques used by those who know how to make things disappear, namely professional magicians.

**These Pros Are Cons**

Fortunately for our purposes, although actual magicianship may require high levels of skill, the underlying principles are quite simple, and they are spelled out in a considerable body of work on what might be called the methodology of magic. At least the general principles, moreover, have remained reasonably consistent since one of the first books on magic in the English language—a volume called *Hocus Pocus Junior*, first published in 1634.

Already at that time, the anonymous author was able to identify four key requirements for successfully performing magic tricks. Two had to do largely with showmanship—the ability to present “a good face,” and “strange terms ... the more to astonish the beholders.” The other two, however, were more central, involving the dexterity and skill to perform the tricks themselves, and last but by no means least, “such gestures of body as may lead away the spectators’ eyes from a strict diligent beholding” of what the magician was actually doing (Anonymous, [1634] 1658, as quoted in Mulholland, 1932:72). Of the two central requirements, in other words, one involves what is not seen by the audience—the hidden ball, or ring, or rabbit, which the magician carefully conceals from view. The other and more important requirement involves what is seen instead, or the *distraction*—the flourish, the smoke, the noise, the flash, or the other forms of drama and showmanship, any or all of which can draw attention away from the parts of the trick where the action is taking place (see also Scot, [1564] 1665; Christopher and Christopher, 1973; Booth, 1988).

Some three centuries later, in one of the most insightful of the available texts on the methodology of magic, *Quicker than the Eye*, the author ultimately chose to debunk his own title: “Probably the most common belief of those who know nothing about magic is that the hand is quicker than the eye... No, a magician’s hands are not more rapid than a spectator’s eyes. A magician moves slowly and depends on distracting the attention of an audience from his secret motions” (Mulholland, 1932:88). As Mulholland noted, magicians of a more modern time would continue to emphasize the requirements spelled out in *Hocus Pocus Junior*, although “they might want to change the order,” promoting the significance of
“leading away the spectators’ eyes,” through the use of what magicians by the early twentieth century would call “misdirection.” In a discussion that could scarcely be more relevant to social scientific analysts of power, Mulholland added,

Magic is designed to fool the brains, not the eyes. This means that the best audience for magicians are persons of intelligence. A bright and agile mind will furnish the details of a mystery which the magician has only suggested.... A magician’s trick is a little play, very carefully built, detail by detail. It is devised so that everything is so obviously fair that the small points on which the success of the deception depend may be slid over without attracting attention. A magician often adds unnecessary details to the performance of the trick solely to confuse the audience....

Magic depends for the most part on the magician’s behaving so that certain of the things he does pass unnoticed. Those unheeded things make the mystery. What the audience thinks it sees it has been merely spoken of, or suggested by pantomime, and has not been done. What has been slightly done is not noticed because everyone has been made to look in just the wrong spot at just the right time.... The magicians’ own term, misdirection, was used long before they had heard the word psychology (Mulholland, 1932:79–80).

To be sure, the issue of misdirection has begun to receive at least some attention from social scientists, particularly in work on “framing” in studies of social movements, political discourse and the mass media (see, e.g., Snow et al., 1986; Snow and Benford, 1988; Gamson and Modigliani, 1989; Pan and Kosicki, 1993; Krogman, 1996; Nelson et al., 1997; Freudenburg et al., 1998; Lakoff, 2002, 2004). To date, however, even the “persons of intelligence” who have discussed power and framing have shown a tendency to emphasize “what is there.” In the work of Gamson and Modigliani, for example, the emphasis is on “interpretive packages,” and on the tendency for specific terms to activate an entire package of interpretations. Similar perspectives are evident in Lukes’s discussion (2005:144) of “the capacity to secure compliance to domination through shaping of beliefs and desires,” in Thompson’s (1990) analysis of five ways in which he sees ideology as operating, and in the “propaganda model” developed by Herman and Chomsky (1988). In a discussion of abortion politics, for example, Lakoff (2002:264–5) has noted that “the issue of the morality of abortion is settled once the words are chosen.... The answer one gives depends on how one frames the situation and, correspondingly, on what word he chooses—‘embryo’ or ‘baby.’”

These insights are valuable, to be sure, but in continuing to focus on what is included in and/or implied by specific interpretive packages, the main body of the work on framing still fails to recognize the full significance of magicians’ insights. To begin the process of illustrating why this distinction is important, it is helpful to consider the findings that have begun to emerge from other fields of work, starting with psychological
studies of perception. Particularly notable in this regard is a phenomenon that Simons and Chabris (1999) (see also Mack and Rock, 1998) have called “sustained inattentional blindness”—although the Simons and Chabris article is perhaps better-known by its main title, “Gorillas in Our Midst.”

The Simons and Chabris article reports on a modification of an earlier experiment on “selective looking” by Neisser (1979), in which subjects were asked to watch a videotape of college students who were bouncing and passing a basketball—in the middle of which a woman walked directly through the action, carrying an umbrella. When student subjects were merely watching the video, all of them saw and reported on the umbrella woman, but under the experimental condition—in which the subjects were working to “keep score” in the basketball-passing game—only six of twenty-eight subjects even noticed her. The more recent Simons and Chabris article replicated the earlier experiment but added a person in a gorilla suit, strolling nonchalantly across a similar basketball-passing game. In this more recent experiment, the gorilla was noticed significantly less often than the woman with an umbrella—by 44% vs. 65% of the study subjects—when those subjects were engaged in the “primary monitoring task” of counting basketball bounces and passes. Even under conditions in which the basketball disappeared briefly behind the gorilla, or in which the gorilla “stopped in the middle of the players as the action continued all around it, turned to face the camera, [and] thumped its chest,” remaining visible for nine of the sixty-two seconds in the videotaped game, only half of the observers noticed (Simons and Chabris, 1999:1069–70).

A related body of psychological research, analyzing human memory as being “reconstructive” as opposed to “reproductive,” suggests that people can also be induced to “see” something that was never there, or to “remember” something that never actually happened (see in particular the work of Loftus and colleagues, especially Braun-LaTour et al., 2004; Loftus, 2002, 2004, 2005; see also Bartlett, 1932; Bramley et al., 2001). To some extent, this work supports the thinking of Lakoff or of Gamson and Modigliani, showing the potential power of specific choices of words and frames—for example, in the finding that experimental witnesses of car crashes will report higher speeds if they are asked how fast cars were going when they “smashed into” rather than simply “hit” each other (Loftus, 2002:43). Again in the case of this work, however, there appears to be even greater importance in misdirection—in this case including the potential power of suggestion, particularly during those specific times when a person is consciously focusing on something else. Work on what is sometimes called “the misinformation paradigm” has documented any number of “false memories” created through such techniques, ranging
from legally serious cases where eyewitnesses were induced to remember something that never happened, to other examples that are more light-hearted, such as a purported ad for Disneyland in which subjects were exhorted to “remember the magic” they experienced during their younger years, when they had a chance to shake hands with well-known cartoon characters such Mickey Mouse or Bugs Bunny. After focusing intently on “remembering the magic,” roughly a quarter of the subjects were able to “remember” the way they felt when they shook hands with Bugs Bunny during their first visits to Disneyland. As the authors note, however, this “memory” is highly improbable, since Bugs Bunny was created by Disney’s competitor, Warner Brothers, and has never officially shaken hands with visitors at Disneyland (Braun-LaTour et al., 2004).

**DIVERSIONARY REFRAMING: THE IMPORTANCE OF BLAMING?**

It is one thing, of course, to illustrate that experimental subjects can be induced to “remember” a cartoon character they never met, or for that matter to fail to see a disappearing rabbit or a chest-thumping gorilla, but it is another matter to demonstrate that similar patterns can prevail in real-world political systems. While this paper is intended to encourage more research on precisely this point, the limited evidence available from existing work does suggest that further research could well prove fruitful. In particular, initial findings suggest that a focus on attacks on the legitimacy of others might be especially effective in diverting attention away from questions about one’s own legitimacy. In this section of the paper, we seek to encourage further research on this topic by providing a brief summary of the evidence available at present, drawn largely from studies of practicing politicians and the mass media in contexts of technological controversy and other arenas of political discourse.

As noted earlier, perhaps the obvious starting point for analyzing political misdirection is Edelman’s classic analysis of “symbolic politics” (Edelman, 1964). In brief, Edelman argued that, although those who are powerful and the politically organized can often expect tangible rewards from the political system, the vast majority of the population will rarely derive such benefits. One reason, he notes, is that the majority can be distracted by “symbols that oversimplify and distort” (Edelman, 1964:31). The rich may get tax breaks, in other words, but the poor are more likely to get entertaining side shows. Especially in his later work on *Constructing the Political Spectacle*, Edelman (1988:68) expanded on his earlier points, drawing attention to the “linking of disparate interests” through “the attribution of feared traits to problematic enemies.” Building on this later emphasis, we suggest
in this section of the paper that some of the most effective forms of distraction may be those that involve not entertainment, but “problematic enemies” and fear.

In this connection, Edelman’s work shows strong parallels to the work of the German theorist, Carl Schmitt, which has received growing attention in recent years. Like Edelman, Schmitt offered a starkly different approach to questions of legitimacy than does work in the Weberian tradition, emphasizing “friend vs. foe” legitimation (see, e.g., Schmitt’s Concept of the Political, [1927] 1976; see also Müller, 2003; Kelly, 2003; de Benoist, 2003). Just as Durkheim’s classic analysis of Suicide (Durkheim, 1951) emphasized the societal cohesion associated with times of warfare, in other words, Schmitt emphasized the practical usefulness of developing political “friends” through a focus on “foes”—especially those who could be identified as “others” or “aliens”—and who could be depicted as threatening the stability, security, or political unity of a sovereign nation state (see also Schmitt’s Legality and Legitimacy [1932] 2004).

These Cons Are Pros?

Within a few years of the time when Schmitt’s analyses were first published, their practical implications would be underscored by the ruthless political effectiveness of Adolf Hitler’s focus on purported threats to the German fatherland from Jews and other “aliens.” Even in less extreme contexts, however, the conjurers who work in politics seem to have shown considerable acumen about the importance of “foes,” particularly in the process of what is sometimes called “controlling the issues of the debate.”

To note an obvious point that nevertheless bears repeating, the basic dictionary definition holds that an issue is a topic in dispute, or “in question.” Contrary to the norms of most scientific or scholarly disciplines, which are generally seen as involving a good-faith search for answers and explanations, what we are suggesting here is that the arena of politics may generally have become one where it is far more important to activate the salient questions than to offer answers—partly because, as Karl Rove is often reported as observing (e.g., Deggans, 2004), “If you’re explaining, you’re losing.” In the comparably concise words of novelist Thomas Pynchon (2000:251), the key point may be that, “If they can get you asking the wrong questions, they don’t have to worry about the answers.”

Despite Elster’s “plea” for a focus on mechanisms (Elster, 1998), however, the academic implications of this point have been slow to be appreciated to date (see, e.g., Bramley, 2001). Still, empirical findings on
technological risks and the mass media suggest that, in general, fears may provide a more effective focus of political discourse than hopes. In particular, two initial bodies of evidence suggest that raising questions about one’s opponents may be one of the most effective ways of reducing the attention being paid to one’s own legitimacy, or to the legitimacy of an unequal distribution of benefits that works mainly to the advantage of a privileged few.

First, in the literature on risk perception, one of the longest known and best-established of all empirical patterns involves a consistent asymmetry—the finding that fear of a loss tends to be much more effective as a motivator than is a desire for gain. A gambler who has lost $50, for example, is usually willing to “invest” considerably more to win back that loss than s/he would “invest” in hopes of winning a $50 gain (for the classic initial statement on this pattern, one of the earliest to be known under the heading of “framing,” see Tversky and Kahneman, 1981; for broader reviews, see Fischhoff et al., 1981; Freudenburg, 1988). Far from being limited to gamblers, this pattern proves to be pervasive; medical doctors, for example, are willing to prescribe more “risky” or experimental drugs when they are asked about “preventing deaths” than when they are asked about “saving lives,” even if the underlying statistical distributions are identical (see also Christenson-Szalanski and Bushyhead, 1982; Dubé-Rioux and Russo, 1988).

Second, in the literature on the mass media, despite widespread assumptions to the contrary, empirical studies generally find that the mass media have surprisingly little effect on what people think. Instead, research in this area has long shown that the media are more powerful in shaping what people think about—that is, in setting the agenda for public debate (see, e.g., Cobb and Elder, 1972; Jones, 1978; Kingdon, 1984; Iyengar and Kinder, 1987). Still, from the perspective of the present paper, this point needs to be understood as applying not just to the topics that are most salient in public discourse—not just to whether people are talking about Monica Lewinsky’s dress, for example, instead of the legitimacy of unequal distributions of societal resources—but also to the ways in which the salient topics are being discussed. Even within the context of a seemingly specific political issue, in other words, the findings from the risk literature suggest that the “questions” can actually be more important than the “answers.”

Perhaps the clearest evidence on this point comes from studies of controversial and/or risky technologies. As noted long ago by Mazur (1981), the norm of so-called “even-handed” media reporting means that when one expert is quoted as extolling the benefits of a technology, another is usually quoted as saying the opposite—and a common reader reaction is
likely to be that, if even the experts disagree, then it is “better to be safe than sorry” (Mazur, 1981; cf., Sapolsky, 1968). As an ironic result, Mazur argues, it may well be unwise for proponents to “change the subject” from the risks of a controversial technology simply by emphasizing its fine safety features. A well-funded public relations effort to emphasize the “positive frame” of safety, in other words, may still keep the focus on questions about safety—and hence about risk. If so, even an extensive public relations effort might simply reinforce the “better safe than sorry” reaction, leading to an increase in opposition—a pattern that has in fact often been seen both before and since Mazur’s argument was first published (see, e.g., Flynn et al., 1993).

Instead, studies of technological controversy have begun to note the use of “diversionary reframing,” which essentially involves the process of diverting attention away from such uncomfortable questions altogether, by reframing the debate as being “about” something else—preferably about the legitimacy of one’s critics (see especially Freudenburg and Gramling, 1994; see also Beamish et al., 1995; Krogman, 1996; Freudenburg et al., 1998; Freudenburg et al., 2007). The key point is that, so long as the salient question is one where the “better safe than sorry” reaction is likely to work against a given company or industry—as in, “will your industry threaten the health of local children?”—then the politically skillful response may well be not to answer the question. Instead, the key is to use a rhetorical analogue to the magician’s misdirection—shifting attention to a different question, preferably in ways that will cause the “better safe than sorry” reaction to be focused instead on the legitimacy of the industry’s critics.

In cases where citizens raise questions about the safety of a proposed facility, for example, skilled spokespersons will often respond by just such a changing of the question—asking whether those citizens are against the workers who want jobs at the facility, or if they are the kinds of extremists who are opposed to science and rationality, or for that matter, opposed to The American Way of Life (see Freudenburg, 2005). So long as the key question in people’s minds, in the end, can be one along the lines of “Are the opponents simply being unreasonable?”—rather than some alternative question, such as “Will the facility really be safe for local children?”—the “better safe than sorry” reaction works in favor of the facility. A commonly overlooked result can be that questions about the legitimacy of allowing the construction of such a controversial facility may simply fade from view—helped, ironically, by the opponents of the facility who fervently insist that they are, in fact, “in favor of jobs.” Such a response may well be intended to provide a “more positive frame,” but a more positive frame on the same salient question still means that the real
focus of the debate will be on questions about opponents’ legitimacy—rather than on questions about the legitimacy or safety of the controversial facility.

Perhaps inspired in part by widespread popular cynicism about the extent to which politicians engage in what Harris (1991) calls “evasive action,” work in the field of conversation analysis has begun to study politicians’ tendencies to change the subject. Clayman (1993), for example, concludes that such tendencies appear to be more pronounced in the contexts of press conferences and formal debates—where journalists have little ability to ask follow-up questions—than in extended, one-on-one interviews (for other examples of promising work, see also Greatbach, 1986; Bilmes, 1999; Clayman and Heritage, 2002). If the overall argument of this paper is correct, however, attention to framing needs to include an even greater emphasis on the ways in which skilled political spokespersons can shift the questions being discussed.

A telling example is provided by Beamish et al. (1995), who analyzed the ways in which politicians discussed peace marches during the era when thousands of activists were marching in the streets to protest U.S. military involvement in Vietnam. As those authors note, the size of the marches would appear to have made it virtually impossible for politicians to avoid the overall issue of the war, but that fact proved to be little more than an inconvenience for the more skillful politicians of the day. The main reason was those politicians were able to change the question that was most salient “about” the war, even while apparently continuing to discuss “the” war issue, thanks to the skillful use of a single sentence—one that was suitable for use on evening news broadcasts. “We,” the politicians proclaimed, “support our troops”—implying, of course, that the protesters did not. In a strikingly high proportion of the media coverage that followed, the focus and framing of the discussion had to do not with the protesters’ substantive concerns, involving death, war and destruction, but with the successfully reframed question of whether the protesters were being unpatriotic or were undermining the troops in the field (Beamish et al., 1995).

More broadly, the potential effectiveness of such tactics has been indicated in contexts that include fictional politicians as well as those who practice their craft in real-world settings. Orwell’s, 1984 (1949); for example, included not just the surveillance of “Big Brother is watching you,” but also the fact that most citizens had little real ability to watch “Big Brother.” Instead, citizens were expected to defer to “Big Brother” and the totalitarian government because of the threat posed by a vague “enemy” (see also Huxley, 1946). The limits of citizen attention were also illustrated by a telling scene from the 1939 film, “The Wizard of Oz,” when the previously awe-inspiring “Wizard” was exposed, literally as well
as figuratively, by the small dog that pulled back a curtain, revealing that the levers of power for the Wizard’s machinery were being pulled by a mere mortal. Thanks in part to skilful screenwriting, the salience of the point is underscored when the man—and through microphones and amplification, the machine—issues the stern but hollow-sounding command, “Pay no attention to the man behind the curtain!” Even moderately young children who watch this program for the first time tend to “get” the point that “the man behind the curtain” is precisely where they should be paying attention. Perhaps social theorists should do so as well.

To be fair, one of the difficulties of doing so is that, unlike the fictional Wizard of Oz, practicing politicians will rarely name the issue to which they hope the public will “pay no attention”—and the few exceptions are memorable partly because they are so rare. When Richard Nixon, for example, said, “I am not a crook,” he made the mistake of activating questions about just that point—inspiring an almost equally memorable response from one of the leading columnists of the time, Mary McCrory of the Washington Post: “When our former first citizen said, ‘I am not a crook,’ what he meant was, ‘You can’t prove it’” (as quoted in Rourke, 2004; B10; see also Broder, 1988). By allowing the focus to remain on the question about whether or not he was “a crook,” in other words, former President Nixon drew further attention to questions about his own political legitimacy.

In most of his other public statements, by contrast, that same ex-President came closer to the kinds of misdirection being stressed in this paper, raising questions instead about whether a reporter’s question showed that the mass media were guilty of a “liberal bias,” or reflected insufficient concern about the presumed “Communist menace” of the time. As many readers may recall, the concerns about communism quickly spread to questions about whether U.S. citizens were “Communist sympathizers” (see, e.g., Barson, 1992; Boyer, 1998)—questions that remained worrisome and politically potent all the way up to the fall of the Berlin wall in 1989.

In more recent years, the stated motivation for sending U.S. armed forces into Iraq involved what the second President Bush described as similarly dire threats—with Iraq purportedly having developed an extensive network of “weapons of mass destruction,” ready to be unleashed on the innocent and peace-loving United States at virtually a moment’s notice. In another similarity to the Cold War concerns about Communism, however, the politically relevant concerns of the “war on terror” have gone well beyond the actual risks of attack; instead, any number of politically potent questions have been raised about whether those who opposed the war in Iraq were “soft on terrorism” (see also the broader
When news leaked out in fall 2006 that a classified “National Intelligence Estimate,” representing the consensus of all 16 U.S. intelligence agencies, saw the invasion of Iraq as lessening rather than improving the safety of U.S. citizens, the Bush administration responded not by defending the wisdom of the invasion but by raising different questions, asking why the information would have been leaked just a few weeks before the U.S. Congressional elections, and accusing the opposing Democratic party of advocating “cut and run” policies (see, e.g., Walsten, 2006). Studies have also shown that the focus on “terrorism” exerted a powerful influence on the issues being covered by the mass media during the earlier U.S. elections of 2002: Although key Bush advisors were worried that public concerns about environmental enforcement might undercut the legitimacy of the President’s Republican allies, Bosso and Guber (2003) found that the environmental record of the Bush administration received only negligible coverage in most national news outlets during the months before the election, with attention being largely focused instead on the Presidentially proclaimed “war on terror.”

**DISCUSSION: TOWARD A MORE CAREFUL EXAMINATION OF THE SHADOWS?**

One of the points that is emphasized in a number of books on magicianship is that, as noted in a book that was published roughly a century and a half ago, a person who becomes “familiar with the general principles ... will find little difficulty in comprehending at a glance...the *modus operandi* of every one of them he may witness in public” (Dick and Fitzgerald, 1857:iv; see also Christopher and Christopher, 1973). One reason for drawing attention to diversionary reframing, similarly, is the hope that analysts who become “familiar with the general principles” of misdirection might become better-equipped to comprehend and analyze the *modus operandi* of the serious disappearing acts that appear to be carried out by practicing politicians, in open view, every day.

The key reasons why inequalities are accepted as legitimate, we have suggested, may have to do not just with efforts to construct affirmative beliefs in the legitimacy of a given set of inequalities, but also with an emphasis on nearly anything else—and perhaps most importantly, by raising questions about the legitimacy of others, in particular. When this technique is successful, we have suggested, questions about legitimacy are less likely to be answered than to disappear from view, doing so for much the same reason that so few subjects notice the chest-pounding gorilla in the Simons and Chabris study and that so few people in a magician’s audience
can “see” the trick that makes the rabbit disappear. They, and we, tend to miss the key part of the action because all of us are paying attention to something else.

If this article’s arguments have been spelled out sufficiently clearly, it may appear by now that we are discussing something “obvious,” but evidence to date suggests that the effectiveness of diversionary reframing is in fact anything but obvious—even to social scientists who in other respects have shown great sophistication in analyzing social construction processes. As a way to illustrate this point, we plan to close this paper by considering the pattern of responses to the influential Gross and Levitt book (Gross and Levitt, 1994), *Higher Superstition*, which attacked some of the most sophisticated of all recent analysts of social construction processes.

In essence, the Gross and Levitt book argued that the public support for science was showing a dangerous pattern of decline, and that the decline could be traced to what the book’s subtitle called *The Academic Left and Its Quarrels with Science*. In particular, Gross and Levitt expressed concern about a body of work that is held in relatively high regard within the social sciences, namely the work on “social constructivism” in Science and Technology Studies (STS). Gross and Levitt (1994:1) argued that constructivists’ work was devoid of substantive merit, representing ideological “muddleheadedness” that was instead designed to provide political ammunition for embattled Leftists.

It is of course possible that at least some readers of this paper will have had such charges aimed at their own work, but if so, the same basic point should apply to those cases, as well: If our paper’s points about the importance of fears, misdirection and controlling of questions are merely “obvious” or a matter of common sense, anyone reading this paper should be able to recognize and spell out the kinds of responses that would be most and least effective in responding to such charges. Another possibility, however, is that Mulholland was right in noting that even intelligent audiences can easily be distracted by misdirection: “The wider the knowledge of a person the more easily he may be fooled, for his mind may be distracted in so many more ways” (Mulholland, 1932:80).

In practice, although the constructivist work in Science and Technology Studies is usually seen as offering sophisticated analyses of discourse, an examination of the actual responses to the Gross and Levitt book indicates that even these otherwise skillful analysts of social construction processes demonstrated little awareness of diversionary reframing techniques in their actual responses. Far from changing the question, even these leading analysts of “social construction” tended to repeat President Nixon’s mistake, essentially reinforcing the Gross–Levitt charges in the process of denying them. In a direct exchange with Norman Levitt, for example,
David Guston (1996:19) stressed his unwillingness to “concede” that constructivist critiques should be taken to “constitute an attack on science.” More broadly, a content analysis of over 100 responses to Gross and Levitt that were posted on the “science-technology-society listserve” from May–October 1994 (Frickel and Buttel, 1995), found that the most common pattern involved references to “boundary work”—the construction of social boundaries to separate science from “non-science” (Gieryn, 1983)—with most of those responses repeating the Gross–Levitt charges in the process of arguing against them, stressing repeatedly that constructivist work “was not” as clearly or completely “non-science” or “anti-science” as Gross and Levitt had claimed (Frickel and Buttel, 1995).

If the arguments presented in this paper are correct, unfortunately, such responses could be expected to keep the focus on the Gross–Levitt question—the question of whether the STS constructivists were “anti-science.” A further implication is that many outside observers would effectively respond to that question with the predictable reaction of “maybe, maybe not—better safe than sorry.” From the perspective of this paper, by contrast, what should have seemed “obvious” was that any such repetition of the Gross–Levitt question would be among the least useful of all possible responses, in political terms, even if it might otherwise be in the best traditions of academic debates in less politicized settings. This is not to say, however, that the only possible alternatives might have been either to ignore the Gross–Levitt critique (in hopes that it would somehow “go away”) or to respond with the kinds of ad hominem attacks that too often characterize present-day political advertising. An alternative response, instead, would have been to recognize not just the politicized nature of the attacks, but the power of changing the question, doing so by focusing on other questions that had been missing from the conversation up to that point—in this case specifically including other questions that are arguably more legitimate than the ones raised by Gross and Levitt.

Based on other work in the broader field of Science and Technology Studies, more specifically, one such possibility would have been to raise questions about other reasons for any decline in public support for science—asking, for example, whether any such decline might have reflected not the actions of supposed enemies of science, but of its self-proclaimed “friends” (Freudenburg et al., 1998). After all, it has been known at least since the time of the classic article by LaPorte and Metlay (1975) that public support of science has actually remained quite high; instead, the public has tended to become most “wary” about cases where potentially risky technologies have been put to work in efforts to gain private profits. As noted in the studies of technological controversies summarized above, however, the proponents of such technologies often have high levels of
skill in diversionary reframing, notably including the technique of claiming that the opponents of specific facilities or technologies are instead “opposed to science” in general. What was largely ignored not just by Gross and Levitt, but also by most of those who debated against them, was the potential for such tactics to lead to a self-fulfilling prophecy. Each time the self-described “friends” of science use such diversionary reframing tactics in the defense of controversial facilities, in other words, those “friends” might well be the ones who encourage the opponents of specific, risky facilities to start thinking of themselves as being opposed to science in general (for an example of such an analysis, written for scientists and engineers, see Freudenburg, 2001).

Looking to the Future: Our best judgment at present is that STS analysts would have been better served, at least in terms of the politicized public debate, but perhaps also in terms of substantive conclusions, if the responses to the Gross and Levitt attacks had devoted more attention to the principles of diversionary reframing. Still, the ultimate verdict on that point must wait for further research to be done. The same appears to be true of this paper’s larger argument.

To put the point another way, there are good reasons to believe that it was at least a tactical mistake for STS scholars to repeat and continue to focus on the Gross–Levitt question of whether they deserved to be seen as enemies of science. Instead, the STS scholars would have found it far more helpful to shift to a focus on a different question, namely, whether the loss of public faith in science and/or technology might have been due largely to self-proclaimed “friends” of science—a category that included many of the most outspoken fans of the Gross–Levitt argument. Available evidence does provide a noteworthy degree of support for the alternative possibility that was largely overlooked by STS constructivists (for a summary, see Freudenburg et al., 1998), but changing the focus to that alternative question would not have been the same thing as answering that question definitively. Fully answering that question would require additional research—and much the same should be said about sociological work on the dynamics of legitimation more broadly.

Even if the patterns of political misdirection through fear are as potent and as pervasive as has been suggested in these pages, in other words, there is a need for a good deal more work to be carried out, particularly in identifying the mechanisms through which such techniques work, as well as in exploring the factors that might increase or limit their effectiveness. Clearly, it does remain possible that inequalities might often be accepted as “legitimate” as a result of the active imposition of control or social construction of consensus, as so many sociological analysts have argued in the past. Even based strictly on the limited and preliminary
kinds of evidence considered in this paper, however, it appears that a
more passive or tacit pattern of acceptance through misdirection may be
relatively common—and that it may be especially potent politically.
Still, if we are at least partially correct in arguing that legitimacy may be
sustained at least as much by what is not seen as by the more visible pil-
lars that have received the lion’s share of attention to date, then—to
repeat the theme one last time—it is clear that there is a need for more
research.

The research is most likely to prove fruitful if our colleagues are will-
ing to join in the effort, documenting in more detail the actual nature as
well as the extent of the processes involved, and continuing the process of
shining light into the shadows that lurk behind the presumed pillars of
legitimation. More specifically, what is needed for the future is not just a
larger body of research, but also an added emphasis in that research.
Future research needs to ask whether the construction of consensus may
have to do not just with the issue of whether Big Brother is watching you,
but also of whether Big Brother can induce you to watch something else.
The words of skillful politicians may deserve to be analyzed not just in
terms of what they emphasize, but in terms of what they distract the pub-
lic from seeing. The most important spin doctors may not be those few
who occasionally slip by saying, “I am not a crook” or “pay no attention
to the man behind the curtain”—instead, the more effective spokespersons
may be those who exhort us to “keep our eyes on the (bouncing) ball,”
doing so with sufficient skill that we fail to see even a chest-thumping gor-
illa, or for that matter, fail to see what might otherwise prove to be heart-
stopping inequalities in the distribution of resources.

For now, however, these and the other possibilities spelled out in this
paper need to be seen only as initial hypotheses. Only by doing the kinds
of research that have received so little emphasis to date will it be possible
to find out what can be learned by looking more deeply into the shadows
and paying more attention to what might be going on behind the pil-
lars—hidden from view at present, but ready to be revealed by a more
careful analysis of the ways in which the discursive disappearing acts are
actually carried out.

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