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Hallonsten, Olof

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The Long March Through the Institutions and the Fifth Wave of Juridification

Olof Hallonsten

Lund University School of Economics and Management, Lund, Sweden

Correspondence: Olof Hallonsten (Olof.Hallonsten@fek.lu.se)

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Sometime in 1967 or 1968, German student protest leader Rudi Dutschke coined a phrase that has become historical: In order for the youth movement to truly accomplish social change, it should undertake a "long march through the institutions"—a generational shift in the core constituencies of society, including its elites, thus reforming them from the inside.

The youth movements of the 1960s were decisive in the profound transformation of Western society from the mid-1960s and on, which included broad shifts in norms and values, the end of the 30-year post–World War II economic miracle, and the birth of new political programs. Several renowned sociological works have contributed to the analysis and characterization of these changes, their deeper meaning, and their consequences. They include, most famously, conceptualizations of the *post-industrial society* (Bell 1973; Kumar 1995/2005), *reflexive modernity* (Giddens 1990; Beck 1992), and *postmodernity* (Bauman 1992, 1993). The period that preceded the transformation has not been as amply characterized and branded, but has been used as an important reference point to deepen the understanding of the current era, and what caused the transition between the two (Wagner 1994, 2008; Reckwitz 2020, 2021).

In this article, we build on these theoretical works and use a periodization of modernity that distinguishes between *early*, *high*, and *late modernity* and two transition periods in between, identified as the *first* and *second crises of modernity* (Wagner 1994). The first crisis, in the late-19th century and early 20th century, culminated in popular struggles for civil rights and equity and was resolved by the buildup of near-universal welfare states in tandem with an expansion of industrial capitalism, the two cornerstones of high modernity, through what Habermas (1987: 358ff) has called the "fourth wave of juridification." The second crisis, in the 1960s and 1970s, came about largely as a reaction to overregulation and the social conformism and normative control of the "mass society" (Giner 1976) and the several "social pathologies" that the institutions of high modernity had produced: imperialist warfare, structural racial injustice, and capitalist exploitation of nature and humanity (Habermas 1987: 285).

We reinterpret the "long march through the institutions" as a key process in the transition that took society out of the second crisis, and thus from high modernity to late modernity. The transition itself brought about broad and deep changes in norms and values, but it also produced some of the most distinguishing features of contemporary society, including new forms of bureaucratization, a veritable explosion of audit and evaluation, and a "hyper-defensive" (Power 2004) pursuit of social legitimacy in organizations. We consequently argue that this can be viewed as the results of a *fifth wave of juridification*. Analogous to Habermas's fourth wave, the fifth wave was the result of changing demands and expectations in no small part caused by the generational shift that occurred as the youth of the 1960s entered the middle class and gradually became the majorities of labor markets, consumer markets, and in the electorate. The core of the argument is that this generation, born after World War II and thus growing up in an era of unprecedented material and social security, but also united by their collective challenging of prevalent social norms and protests against the injustices and social pathologies of modern society, did not leave their individualist values and sense of social justice at the door, but took these with them on their "long march through the institutions" and turned them into demands and expectations on society to not only allow, but indeed support and provide the means for, their self-actualization and pursuit of *quality of life* in all of life's parts. A major eventual result of their "long march" was the fifth wave of juridification—a major growth

of regulation, administration, audit, and evaluation in most parts of society.

The article weaves together three major strands of modernity theory, contemporary history, and diagnoses of current society and its discontents. First, the role of a generational shift in the replacement of the *social logic of the general* by the *social logic of the particular* as part of the transition from high modernity to late modernity (Wagner 1994, 2008; Reckwitz 2020, 2021), and the several related value shifts that contributed to this change (Inglehart 1977), and their consequences (e.g. Sennett 1998; Rodgers 2011). Second, renowned theories of *risk society* and *reflexive modernization* (Giddens 1990; Beck 1992), and of the renewed meaning of the "uncontrollability of the world" under late modernity (Rosa 2020), which contributes strongly to the growing role of risk awareness and risk management in contemporary society (Power 2004). Third, the conceptualization of *juridification* as a key process in the *system's colonization of the life world* (Habermas 1984, 1987), which forms a foundation for the identification of several features of contemporary society, that all are results of the fifth wave of juridification: Intensified bureaucratization (Jordana and Levi-Faur 2004; McSweeney 2006), the veritable explosion of audit and evaluation (Power 1997), and the seeming priority given to *making things look good* rather actual quality and goal attainment (Alvesson 2022). By conceptualizing the "long march through the institutions" as the generational shift that was pivotal in bringing about the fifth wave of juridification, the article offers a partly new explanation for the rise of these pervasive features of late modernity.

The article starts with a theoretical description of early modernity, the first crisis of modernity, and high modernity, and a theoretically informed understanding of what these entailed. Thereafter, we discuss the concept of juridification and the four waves detailed by Habermas (1987: 356ff), followed by a description of the key features of late modernity and the social logic of the particular that characterizes it. In the latter part of the article, we lay out the theoretical argument about the generational shift, the fifth wave of juridification and their consequences.

1 | Early Modernity and High Modernity

Sociologically defined, modernity is the historical period inaugurated by the practical implementation of Enlightenment ideas in politics, science, and economy from the late 18th century and on, and lasting to this day. An implicit weakness of the sociological understanding of modernity is that it gives the impression of this period as unitary and stable. It certainly was not, and therefore any implicit claims thereto need to be refuted, preferably with some kind of periodization based on more nuanced analyses of societal development in the past two centuries, which has quite evidently been profound.

To begin with, in the initial modern era, individuals and societies were quite clearly "not as free and knowledgeable" as Enlightenment philosophy predicted that they would or should be (Wagner 1994: 9). During the 19th century, political and economic liberalism surely elevated the bourgeoise to a position of the primary constituent group in society (Habermas 1962/1989), but still effectively denied workers and peasants access to the emancipatory promise of Enlightenment, which therefore remained little more than a bourgeois utopia (Wagner 2012: 163; 1994: 16, 37ff). During the 19th century, industrial capitalism brought an excess expansion of modernity's disciplining forces over people's lives, not sufficiently matched by the liberation that it also implicitly promised. This process led to the first crisis of modernity, as these destructive consequences of rationalization made the prevalent social order unsustainable and provoked a broad challenge to society's institutions by various shades of socialist workers' movements. The longer-term result of this crisis was, consequently, a gradual universalization of civil rights and democratic participation, the standardization of work and consumption, and eventually the buildup of welfare states to cope with social issues and thus expand freedom from poverty, exploitation, and class subordination to larger shares of the population (Wagner 1994: 16–17). Put differently, the civil rights of early modernity in principle embraced every citizen but did not suffice to fulfill the emancipatory ideals of modernity for the masses, which meant that *social rights*, secured and implemented through the welfare state, were needed to give the broader population practical access to the individual and collective liberties promised by Enlightenment (Marshall 1950: 10ff).

The resolving of the first crisis of modernity produced *high modernity*, characterized by a strong *social logic of the general* and far-reaching standardization, planning, mechanization, rationalization, and equality (at least relatively and as an ideal, see Rosanvallon 2013)—a *mass society* by all measurable accounts (Giner 1976; Biddiss 1977), populated by the *one-dimensional man* (Marcuse 1964). The social logic of the general manifested itself in a number of distinct features of Western society shared by the vast majority of its inhabitants, including universal and equal suffrage, equality before the law, mass media and mass culture, standardized industrial production, trade unions and collective bargaining, supermarket and department store chains, standardized housing and suburbanization, almost complete conformism of gender and family norms, clear ideological divisions (left–right, East–West), and in many countries also compulsory military service, unitary schooling, and a continuous expansion of higher education, free of charge. Society shared a set of pervasive, coherent, and overlapping norms and ideals of social cohesion and adaptation, self-discipline, sense of duty and loyalty, delayed gratification and pursuit of long-term goals, sobriety in the face of life's various challenges, and a general skepticism toward emotionality and excess manifestations of pleasure or joy (Reckwitz 2021: 113–114; Stearns 1994; Sennett 1998: 10). The orientation to community norms shared by groups of equals—neighbors, coworkers, fellow churchgoers—bred a constant desire to fit in, demonstrate normality, and abide by conformist norms (Inglehart 1977), reflected also in family and parenting ideals, as well as in preschools and elementary education where nurturing and socialization was largely about making the young fit with their respective social groups (Riesman 1950). Life continued to be rationalized and routinized, but people apparently found meaning and identities in the collective pursuit of higher material standards and social progress, both of which were constantly delivered by an amalgamation of individual performance and the collective developmental force of society and thus bred both individual self-esteem and sense of community and solidarity, in combination with reinforced beliefs in continued rationalization (Reckwitz 2020: 26).

Industrial capitalism expanded with the aid of *Taylorism* and *Fordism*, which not only structured work life but also consumption and further bred standardization and subordination of the individual under collective goals and far-reaching planning (Braverman 1974; Doray 1981/1988). Politics embodied the collectivist values of a *social–corporatist paradigm*, solidified especially after World War II and centered on *regulation* and *formalization* in the service of order and stability, mainly expressed in social and economic policy within the specific perimeter of the nation-state, and counterbalancing the temporary perturbations of the economy, social movements, and international geopolitics. The paradigm was broadly shared by left (social democracy) and right (conservatism and social liberalism), by the Scandinavian welfare state, German and French social conservatism, and US–American liberalism in the tradition of Franklin Roosevelt (Reckwitz 2020: 272ff, 2021: 133ff).

High modernity thus entailed its own sort of *social contract* through which individuals and communities were provided with unprecedented opportunities, material and social security, and bright prospects for the future, and in return, from society, were demanded loyalty, fulfillment of citizen duties (work, vote, pay taxes, behave lawfully) and to participate in the mass organizations and movements that made up civil society and channeled popular interests (political parties, trade unions, religious communities, associations, and so on) (Wagner 1994: 66ff; Reckwitz 2021: 141–142). The metaphorical contract was corroborated by the unprecedentedly successful joining of forces of the institutions of high modernity under the social–corporatist political paradigm, especially the Keynesian welfare state and industrial capitalism, which together continuously raised standards of living for almost everyone in the West for 30 years after World War II and upheld the "leveled middle-class society" (Reckwitz 2021: 33ff). Considering what had preceded this period, in terms of war, destruction, and suffering, the contract as such must have been seen as a real bargain for most people. For those who had also participated actively in the struggles for universal suffrage and trade union rights, and for that matter in defeating Nazi Germany, the postwar *trentes glorieuses* could hardly have been more fortunate to come of age in.

High modernity thus bred a strong sense of belonging—to nation, family, class, occupation, and ideology—but also a sense of limited opportunity to change this belonging (Bell 1960: 21–38). Support for the prevalent social order was evidently strong, which in itself can be seen as an indicator of how deeply penetrating the social structure of the mass society was (Wagner 1994: 159), in a sense mirroring the *normative control* exercised in workplaces. Normative control means managerial control through the shaping of norms to steer behaviors, often in subtle ways, with the aim to make people internalize the norms so they become taken for granted. Ideally, normative control leads people to self-discipline and to act in accordance with norms unknowingly, under the impression that it is by their own choosing (see, e.g., Ray 1986; Willmott 1993). As a model of thought for the deep penetration of the social logic of the general during high modernity, normative control thus works to explain how and why, the citizen of highly modern societies was "[d]etermined to be as normal as anyone else, or a little more so" (Whyte 1956: 363; cf. Etzioni 1964), in all spheres of life: work, consumption, leisure, and family life.

2 | Juridification

The creation of the Keynesian welfare state and the leveled middle-class society under high modernity was certainly a kind of fulfillment of the Weberian rationalization thesis, namely, that the progression of modernity would mean a constant expansion of instrumental rationality in society. As already noted, rationalization is in part emancipatory: The practical implementation of Enlightenment ideals in politics meant republicanism and civil rights and liberties, and in the economic sphere they secured a space for individuals to act out their self-interests to the benefit of themselves and others, free to do so as long as not interfering with similar pursuits by others. On a general level, these institutionalizations of reason and rationalization brought continuous material and social development and a gradual increase in equality. But they also brought what Habermas famously theorized as the uncoupling of *system* from *life world*, as the political/bureaucratic and economic spheres continued their distinct processes of rationalization and thus developed *instrumental rationality* that partly conflicts with the *value rationality* of e.g. civil society and community life (Habermas 1987: 153ff). In parallel with the uncoupling of the system from the life world, parts of the life world also became part of the system and infused with instrumental rationality: A prime example is the legal system that developed to rationalize the morality that had long existed in the life world (and continues to thrive there) but which needed instrumentally rational institutions and procedures in order for modern society to function. Similarly, general rules and regulations, expressed in instrumentally rational terms, became necessary for public and private organizations to function and fulfill their goals in a society built on universal and mutual rights and obligations between states, individuals, and organizational actors. The system thus continually *colonizes* the life world by absorbing more and more of its parts, and individuals are forced to enter into new kinds of relationships with institutions, becoming wage earners, consumers, customers, and clients of the welfare state. The life world thereby shrinks, and human life becomes subject to the instrumental rationality of the system (Habermas 1987: 325). In a self-reinforcing process, individuals and groups are socialized into these roles as subjects to instrumentally rational institutions, and eventually become unable to distinguish the system from the life world, which leads to "cultural impoverishment and fragmentation of everyday consciousness" (Habermas 1987: 355).

The most concrete form of colonization of the life world by the system happens through *juridification*, which means that the law and other regulative powers of the bureaucratic state take over spheres of society and spheres of life (Habermas 1987: 356–357). The term is somewhat misleading, in light of the ample works in legal studies and the sociology of law in recent decades that have theorized juridification along slightly different lines, specifically as the growing influence of *the law* and its institutions on society (e.g. Teubner 1987; Blichner and Molander 2008; Croce 2018). There are not only some overlaps between these two uses of juridification but also a clear conceptual difference: Habermas describes juridification as a broad process of social change, but the concept also functions as a distinct analytical tool to describe, in greater detail, processes that are involved in the system's colonization of the life world. This is how we use the concept of juridification in this article.

In Habermas' analysis, four "epochal" waves of juridification have succeeded each other since the premodern creation of rudimentary legal and administrative frameworks for states and governments: First, the emergence of the "bourgeoise state" as part of the state system of absolute monarchies in 16th- and 17th-century Europe. Second, the 19th-century creation of the "constitutional state," with the German Empire and its Prussian state apparatus as a key example. Third, the emergence of the "democratic constitutional state," born by the French and North American revolutions but only implemented at a broader scale in Europe in the 19th and 20th centuries. The fourth and "last stage (to date)" wave of juridification was the introduction of the "democratic welfare state," mostly achieved by reform in the wake of the political pressure exercised by the European workers' movements of the 20th century (Habermas 1987: 357–364). Importantly, the first wave allocated all political powers to the state, and thus created history's very first opportunity to regulate (parts of) society by law. But the second, third, and fourth waves were produced by popular struggles for civil rights and equality and meant the gradual transfer of power from the state to its constituents: First, constitutional rights that limited the powers of the state over the individual, then the right to democratic participation, and finally the material preconditions for true participation in democratic processes. Note the similarities with the conceptualization of the first crisis of modernity in the previous section, which eventually led to the near-universal welfare state and social rights to complement civil rights (Wagner 1994: 16–17; Marshall 1950: 10ff).

Since the fourth wave of juridification occurred mainly through bureaucratic expansion, in tandem with continued industrialization, it constituted the most manifest colonization of the life world by the system *thus far*. On the one hand, the welfare state provides socioeconomically weaker members of society with stable and predictable social security and thus liberates them from the more volatile dependence on philanthropy of previous times, in addition to securing the material and social preconditions for them to participate in democratic institutions and civil society. On the other hand, juridification brings monetarization and bureaucratization of compassion and care, and conceivably of several other values residing in the life world, which both threatens to erode social cohesion by individualization, anonymization, and fragmentation and forces individuals and communities to reinterpret and rearrange parts of life in accordance with the logics of transactions of money, power, and regulation instead of mutual understanding and empathy (Habermas 1987: 361–364). It is perhaps no surprise that the negative effects of the fourth wave of juridification—which are not side effects but "result from the juridification itself" (Habermas 1987: 362; cf. Horkheimer 1942/1973; Berman 1982: 74–75)—would produce a reaction and a second crisis of modernity (Wagner 1994: 123ff; Reckwitz 2021: 80ff, 142ff) and thus be crucial in the transition to late modernity.

3 | Late Modernity

In contrast to high modernity, contemporary society is characterized by a *social logic of the particular*. Replacing the conformist and collectivist ideals embodied in high modernity, the social logic of the particular entails the search for authenticity and uniqueness in consumption, to enable self-actualization and the pursuit of quality of life everywhere (Reckwitz 2020, 2021).

This broad and deep change in values and norms has been amply mapped and analyzed: The strive for self-actualization, as a widespread ideal, was profound among the youth generation that took the center stage of the social movements of the mid- to late-1960s. Clearly, although the foci for these movements were often altruist causes such as social justice, pacifism, environmentalism, and gender equality, the alternative lifestyles explored and championed by the numerous youth most of all entailed a rejection of the norms and structures of majority society, including especially all those that made up the social logic of the general. The ideals of conformism, duty, and willingness to make sacrifices for the common good of social stability and cohesion were challenged by severely more diffuse "post-materialist" values such as happiness, well-being, and meaning (Inglehart 1977: 262ff). The continuous improvements in standards of living, enabled by the postwar economic boom, played an important role by freeing the new generation from the struggles for material and social security that had previously dominated life and also gave larger shares of the youth access to higher education, thus enabling them to freely explore their talents and ambitions and the routes these could take them in terms of a future work life and private life (Inglehart 1977: 72ff).

Various analyses have connected these developments to the structural transformations of the economy and the fragmentation of work life and community life in the last decades of the 20th century and claimed that there has been a "corrosion of character" (Sennett 1998), a "collapse of community" (Putnam 2000), a spreading "culture of narcissism" (Lasch 1979), and a "fracture" of the core ideas that built social cohesion (Rodgers 2011). The rejection of the social logic of the general is said to have given way to a "society of singularities," where individuals not only are seen as unique, and entitled to express their uniqueness, but also expect their physical and social environments to brandish a certain level of exclusivity and authenticity. The society of singularities is not merely an individualistic society, although the individualist pursuit of self-actualization and quality of life in all parts of life is a key feature. Life, and all its facets, has ceased to be something that is only lived, and become something that is "curated" and actively managed (Reckwitz 2020: 3). People and their accomplishments—not only artists and athletes but also entrepreneurs, activists, and everyone else who manages to stand out—are celebrated for their demonstrated abilities to transcend the ordinary. But also objects and experiences are singularized: Consumer goods and services with an appearance of authenticity, places and locations with special status, and events that are considered unique or especially memorable. Collectives are singularized through identity politics and exotification, often under the pretext of tolerance and openness, so that urban environments and communities with specific cultural expressions are elevated to special attractiveness and noteworthiness. Meanwhile, all that can be considered ordinary, regular, and average is devalued: standardized goods and services, places without a "soul," everyday behaviors, and other expressions of an ordinary life.

The "society of singularities" developed as a result of value changes that replaced the social logic of the general with the

social logic of the particular, but this transformation occurred in reciprocity with the crisis of high modernity that had to do with overregulation (Reckwitz 2021: 140) and a failure on behalf of the dominant institutions of society to deliver positive social change. Put differently, the social–corporatist political paradigm was exhausted, as its successes began to be overshadowed by overregulation and signs of oppression by faceless and heartless bureaucratic institutions, including both industrial capitalism and the welfare state. In tandem with the economic crises of the 1970s, the social–corporatist political paradigm was to be gradually replaced by not only competing political and ideological movements, including (in)famously neoliberalism, but also a globalist version of social liberalism, and eventually the "third way" proclaimed by social democrats in the 1990s (Rodgers 2011: 77ff; Mair 2013: 48–49). The Keynesian national welfare state was replaced by the "Schumpeterian competition state" where not only firms but also countries, regions, cities, and individuals are supposed to compete on free markets (or quasi-markets) and the role of the state is generally seen as first and foremost maintenance of the infrastructure for efficient markets and fair competition (Jessop 2002; Rodgers 2011: 41ff; Berman 2022: 15). The central areas of responsibility of the state at once shrunk from ensuring stability under economic development and democratic participation to the mere upholding of competition, and expanded from safeguarding the material well-being of the population to the expansion of minority rights and gender equality, enabling migration, and securing competence supply (Münch 2012: 246).

But the "overregulation crisis" of the 1970s (Reckwitz 2021: 142ff) was also part of a wider reevaluation effort, pertaining to the inadvertent consequences of modernity that seem inseparable from its capacity of liberating and enriching individuals and societies. As especially shown by the horrendous demonstrations of uninhibited political, economic, and technological power during the 20th century, modernity certainly produces its own "social pathologies" (Habermas 1987: 285). The same youth generation that rejected mass society and sought to replace conformist and collectivist values with self-actualization and an individualist search for quality of life were, of course, also on the frontline of the broad questioning of the prevalent narrative of progress and the seemingly wide acceptance for oppression, exploitation and violence in the name of such (material) progress.

The broader analysis of the consequences of this reevaluation has been described in terms of the strongly *reflexive* character of late modernity: Individuals, communities, and societies have, as part of the developments of politics, economy, and culture in the second half of the 20th century, come to recognize that modernity has not accomplished the control, security, and order it perhaps promised, but rather produced a number of broad and deep threats to life, social order, and, indeed, the very existence of humanity (Giddens 1990; Beck 1992). Much of what was once regarded rational and reasonable was now, on second thought and based on new knowledge and complementary experiences, revealed as foolish, naïve, and even destructive (Giddens 1990: 38–40). Modernity did not abandon its orientation to progress but went from largely optimistic to largely pessimistic: Whereas during high modernity the strong consensus around stability and harmony based on continuous progress enabled a certain acceptance of negative side effects, in late modernity, by contrast, inadvertent consequences took precedence, progress itself was redefined in terms of risk, and past achievements were overshadowed by their destructive side effects (Beck 1992: 13ff).

Critiques toward the theory of the risk society and reflexive modernization have highlighted that premodern and early modern societies contained far more risk both for individuals and for society as a whole (see, e.g., Rasborg 2001: 20–21). But the point here is not the contrast between not modernity and premodernity, but between late modernity and high modernity. Risks are of a new kind, and a new magnitude, in late modernity: Whereas in premodern and early modern times risks were largely local and individual, under late modernity they are increasingly global, due to the dynamic interconnections of societies through the global reach of market economy, geopolitics, and technology (Beck 1992: 19ff; Giddens 1990: 127). Moreover, the institutions of modern society are at once the main causes of risks and expected to be able to handle them (Giddens 1990: 110). The complexity of the technical and organizational systems of contemporary society seems also to be growing relentlessly and therefore constantly give rise to "normal accidents" that cannot be avoided but are treated as if they could (Perrow 1984).

4 | Generational Shift

The strong conformist and collectivist ideals that made up the backbone of the social order of high modernity, and the social cohesion it bred, were tied to a specific generation. The majority of the workforce and electorate of the postwar decades were not only the "silent generation" (Fineman 2011: 45) but also viewed the prevalent order as their achievement, made with great sacrifice, and something that "should not be endangered without good reason" (Wagner 2008: 65). The next generation, which stood at the center of the social movements of the 1960s, quite clearly had a different view: In their hearts and minds, the social logic of the general was a straightjacket of convention and conformism, and thus a hindrance to both their own self-actualization and the moral vision they expressed in their protests against war, oppression, exploitation, and social injustices of all kinds.

This change in outlook was, of course, partly a matter of both new material conditions and changed preconceptions (Inglehart 1977: 21–22): Those born during or after World War II, who had grown up during the postwar economic miracle—the "baby boom generation" (Jones 1980)—entered into young adulthood at a higher stage in Maslow's (1943) famous "hierarchy of needs," and were therefore also able to look upward in anticipation, rather than downward in relief over what had been left behind. Upward in Maslow's hierarchy, from the stage of economic and physical security, is *self-actualization*, a need all humans share the desire for fulfilling as soon as more basic needs are satisfied. Once there, they will, however, develop "a new discontent and restlessness" that can only be remedied by self-actualization (Maslow 1943: 382).

Viewed as attempted political revolutions, the social movements of the 1960s were, of course, failures. But in a wider and deeper meaning, understood as *cultural revolutions*, their success was formidable: The cultural, ideological, and social changes these movements fought for—racial justice, care for the environment,

gender equality, peace and disarmament, and so on—have, by most accounts, been accomplished, at least in the West (Wagner 2008: 68; Amin 1998: 108–109). For the most stiff-necked revolutionaries of 1968, the failed political upheaval probably caused major disillusionment, but beyond them, we would expect to find a great mass of individuals who participated in the broader questioning of society's dominating norms and ideals in comparatively more passive roles. As the 1970s proceeded, they entered into the middle class: They graduated from university studies, entered labor markets, started families, bought houses, cars, and washing machines, became beneficiaries of public welfare services, and eventually began to occupy positions of influence in their local communities and in the central institutions of society, as teachers, politicians, journalists, and, most importantly, as the most numerous and vocal group of consumers and clients of the welfare state. They undertook "the long march through the institutions."

It was a generation large in numbers that had gotten unprecedented access to higher education and the alternative political and philosophical ideas that had begun to flourish there. Youth popular culture had taken a norm-breaking turn in the 1960s, and the burgeoning information society had established direct contact with imperialist war, capitalist exploitation of nature, and several other destructive facets of the prevalent order of society, and the world order. At the center of it all was Vietnam—the first "television war" (Mandelbaum 1982)—that provoked adequately strong reactions and became a powerful symbol of all that was (believed to be) wrong with the established order. Where the "silent generation" saw stability, harmony, and continued economic and social progress, the baby boom generation saw injustice and oppression, and a society built on corrupt institutions in dire need of radical change: industrial capitalism, imperialism, the military–industrial complex, the bureaucratic state, consumer society, family norms, class structure, and all other facets of the *mass society*.

Another way of describing this is to assert that all these institutions that formed the backbone or lifeblood of high modernity had failed to deliver what the new generation expected and demanded from them, and continued to fail to do so also in the face of widespread and intense protest (Power 2004: 17). Meanwhile, as we already concluded, the rejection of the social logic of the general, and the value shift away from conformism and sense of duty toward self-actualization and quality of life, was accomplished in part because the stability of institutions could be taken for granted. Without industrial capitalism and an extensive bureaucratic welfare state, the preconditions for youth exploration of alternative political ideas and broad organization of student protest would have been meager, at best. By extension, in order for all areas of life to be "singularized" (Reckwitz 2020), life must be very firmly anchored in stable and predictable institutions.

As it happened, the stability and predictability were seriously challenged by a series of events in the 1970s, which ended the three-decade postwar economic miracle and set off a global recession that reciprocated with geopolitical conflict to create a sudden sense of uncertainty and threat. As summarized by Marshall Berman (1982: 332), "as the gigantic motors of economic growth and expansion stalled, and the traffic came close to a stop," the capacity for radical renewal was effectively exhausted and Western societies "had to learn to come to terms with the world they had, and work from there." The continuation of the generational shift in the core constituency of society—the middle class—occurred under these new conditions of uncertainty and a comparably volatile world order. The new "post-materialist" and alternative norms of the new generation had to be leveled with a realist and pragmatic recognition of the need to preserve and protect those institutions that enabled a continuation of the established way of life. In essence, the student protesters entered into the middle-class life that they, in accordance with the social contract of high modernity, had earned. This middle-class life was, however, being challenged by the first major economic downturn of the postwar era, and a series of threatening geopolitical crises.

Meanwhile, the baby boom generation were not prepared to be passivized and turned into one-dimensional members of mass society, and they were certainly not prepared to fall silent, like the generation before them had done after winning the major battles of the two world wars and the struggles for social rights. Somewhat older, and somewhat more culturally, socially, and economically established, but with a retained social consciousness and a deeply rooted habit of protesting against injustice wherever it appeared, the baby boom generation now needed to deal with continued threats to their social and material well-being. The individualist and alternative ideals of the social movements of the 1960s were "brought home" (Berman 1982: 329–332). The result was a late modern subject that surely demands of society's institutions that they correct and make up for its "social pathologies," but that also seeks the singular and particular that can satisfy her desire for self-fulfillment and "quality of life." All within the comfort of middle-class life.

5 | The Fifth Wave of Juridification

As the 1970s and 1980s proceeded, and the baby boom generation undertook their "long march through the institutions," they substituted their revolutionary habits for essentially bourgeois expectations and demanded that their lifestyles and their moral sentiments be supported and upheld by society. Complaints over faceless and heartless bureaucracy became demands for deregulation and freedom of choice. Protests against industrial exploitation of nature turned into fears of pollution and calls for tighter regulation. The search for ecologically sustainable food and clothing was channeled into consumer demands for fair trade and environmentally friendly production. But it did not stop there: Whatever the late modern subject perceives as a threat or a risk—disease, death, natural disasters, unemployment, housing crises, excess inflation, and so-called *cost of living crises*—she expects society's organizations and institutions to control and correct to her benefit. The "uncontrollable," always the key enemy of modernity (Rosa 2020) but a feature that prior generations had to learn to live with, is therefore unacceptable under late modernity, because the social logic of the particular lacks collective and individual meaning-making around it, which makes it pathological. It is not: All disease can likely not be cured, nature cannot fully be tamed, and market fluctuations cannot be avoided (Reckwitz 2021: 126–127). Nonetheless, the late modern subject will expect efforts—a *War on Cancer*, a tax

break for homeowners, an equal treatment plan, a *Vision Zero* for road traffic safety, a national healthcare initiative, and so on—to demonstrate that the organizations and institutions of society are on top of things, in tune with the times, and acting responsibly in the face of global and local challenges.

This is the fifth wave of juridification: Organizations and institutions are compelled to seek out new ways of extending their control or enhance the impression of control, to cater to an anxious and demanding electorate and consumer base. One unmistakable result is increased regulation and growing bureaucracy: New units and administrative functions, new policies and plans, and new systems of audit and evaluation. Risks and hazards created by, or originating in, complex social and technical systems are handled by new control systems, audits, policies and plans, and extended regulation. Further layers of complexity are added to already elaborate technical and bureaucratic systems, and new risks and hazards ensue in the shape of the "normal accidents" that nowadays can never be avoided (Perrow 1984). Politics and the exercise of public authority become a matter of administering a growing flood of expectations and demands from voters, clients, and customers by making it look like attention is paid to what they, for the moment and according to media logic, are concerned with.

Society becomes "hyper-defensive" (Power 2004: 47) and "structurally compelled" to constantly ask "Who is responsible for this?" (Rosa 2020: 93). But the "audit society" (Power 1997) has a likewise structural deficiency that works to deepen distrust rather than curing it: Most efforts of audit and evaluation are designed to detect error and mismanagement, and they will therefore systematically expose these to customers and clients. Distrust is thereby corroborated rather than alleviated (Power 1997; Strathern 2000), and a vicious circle of distrust, audit, and evaluation, tightened and expanded regulation, and growing bureaucratic oversight, ensues.

In every single instance, when a new regulation is put in place, a new evaluation procured, or another administrative position added to an already swelling bureaucracy, intentions may be sincere and the particular effort also viewed as legitimate and reasonable. But on an overall level, the consequences are a vast expansion of bureaucracy and regulation (Jordana and Levi-Faur 2004; McSweeney 2006). The process is self-reinforcing, since more regulation, evaluation, and documentation means new administrative functions, new routines for handling the growing amount of data and documentation, and further efforts to establish transparent procedures, define areas of responsibility, and clarify lines of command. To relieve core operative functions of organizations of the pressure from media and the public, new communication departments, coordinative functions, and standardized administrative systems are created. Organizations mimic each other out of a search for legitimacy and embody *rationality myths* rather than that which is genuinely rational (Meyer and Rowan 1977; DiMaggio and Powell 1983). Efforts therefore tend to be increasingly directed at making things look good, rather than accomplishing anything real (Alvesson 2022; Hallonsten 2022). Generic management tools, inspired by the private sector and believed to be appropriate regardless of organizational purposes and goals, are implemented to improve efficiency and goal attainment (Pollitt 1990/1993; Edwards 1998), but with inadvertent consequences of displacing professional competence and judgment with a growing administrative burden. A particular example is the very varied collection of reforms usually referred to as the *New Public Management (NPM)*, devised to streamline and introduce market mechanisms in public sectors, and replace regulatory control with performance management (Hood 1991; 1995). Studies have suggested that NPM results in heavier rather than lighter administrative burden (Meier and Hill 2005; Gregory 2007) and has brought about a "neo-bureaucratic state" (Farrell and Morris 2003) or even a "nightmare fusion of the worst elements of bureaucracy and the worst elements of capitalism" (Graeber 2015: 6).

Social engineering, a hallmark of high modernity and of what Habermas conceptualized as the fourth wave of juridification (Habermas 1987: 361–364), does not cease its grip on society under late modernity but is provided with new tools in the shape of the ample quantification of the social (Mau 2019). As more and more metrics and methods of appraisal are made available to bureaucrats and decision-makers, more and more phenomena and processes are possible to express in numbers. Bureaucracy willingly participates in reproducing the clear but greatly simplified and thus deceptive descriptions of reality that metrics convey. Knowledge and competencies that do not rely on the quantifiable, generalizable, and comparable are silently and gradually displaced by the intuitive attractiveness of numbers, and their apparent capability to explain anything in easily graspable terms (Porter 1995: 5–7). But numbers speak the language of formal and instrumental rationality and contribute to the strengthening of the regulative and bureaucratic grip on organizations and processes of all kinds.

6 | Concluding Remarks

In this article, we have reinterpreted "the long march through the institutions" as the natural and inevitable generational shift that brought the radical youth of the 1960s into the position of a core constituent group of society, or, simply put, the middle class. This generation—the baby boom generation—was born and raised under unprecedented material and social stability and affluence, and entered into adolescence in times of vast expansion of higher education and the early apparitions of risk society, especially the Vietnam War, and therefore provided both with the means of critical reassessment of the established social order and a strong impetus to do so. Their extraordinary showings of moral creativity and ambition (Douglass 2018: 92) certainly produced change—a cultural revolution in lieu of the failed political revolution many of them had hoped for—but they were also hampered in their pursuit by the breakdown of the "expressway world" of unceasing economic development and material progress whose children they evidently were (Berman 1982: 330). The result was a new middle class, preoccupied less with collective protests against injustices in the shape of mass movements and rallies, and more with individual search for meaning and self-expression through new forms of "singularized" consumption (Reckwitz 2020), and a constant stream of expectations and demands that the institutions of society give them the means for this pursuit and insulates them from the ever-growing flood of social pathologies and the "uncontrollability" (Rosa 2020) of the natural and social worlds. The institutions of modernity, most notably the capitalist economy

and the bureaucratic state, respond to these new expectations and demands by the only means available to them: instrumentally rational rules, regulations, plans, procedures, and systems of case handling, risk management, documentation, and auditing. The development becomes self-reinforcing, through the mechanisms whereby more regulation, administration, and evaluation breed distrust and spur calls for even more regulation, administration, and evaluation. This is the fifth wave of juridification. It is, in no small part, caused by the expectations and demands of late modernity's core constituency, the baby boomer generation turned into a middle class.

That was likely not what Rudi Dutschke, the student protest leader, envisioned when he made the direct appeal to his peers in 1967 or 1968 to undertake such a "long march" (Cornils 1998: 101–105). But a "long march" it was: The values and ideals of the youth generation of the 1960s had a tremendous impact in shaping society and its institutions under late modernity. In this article, we have made an attempt to reinterpret the significance of this impact, and thus of the "long march" as such, within the framework of theories of late modernity and the reflexivity of contemporary society, together with well-documented bureaucratic expansion in the shape of regulation, audit and evaluation, and documentation.

The result, we argue, is a fifth wave of juridification, analogous especially to the fourth, as described and analyzed by Habermas (1987). The mechanisms at play are similar: It was the expansion of the general welfare state during the 20th century, although it was driven by ideals of liberty and equality, that made up the thitherto most forceful push in the system's colonization of the life world and the fourth wave of juridification. As the social order it established became unsustainable, or at least portrayed as unsustainable by a sizable and vocal youth generation who took it upon itself to change society for the better, the second crisis of modernity ensued. The questioning of the motives for the expansion of the bureaucratic welfare state, and its symbiosis with industrial capitalism, was the lifeblood of the social movements of the 1960s. At the center of the alternatives that these movements articulated was a wish or urge to not conform to the prevalent social order, upheld by the social–corporatist political paradigm and the social logic of the general, but to search for other, "post-materialist" expressions and identities. It was, in other words, an attempted escape from the colonization of the life world by the system, and a reclaim of human control over society's institutions by pushing back their oppressive and violent tendencies, although (for the most part) the movement's ambitions were not framed in such advanced theoretical terms.

But when the radical youth undertook the "long march through the institutions" that Dutschke envisaged, they had to level with both changing circumstances—economic recession, energy crisis, new geopolitical threats—and their own sense of entitlement to material and social security. Their radicalism metamorphosed into a hunt for self-actualization and a demand that the institutions themselves would give them the means for fulfilling their desires, as well as handling the social pathologies of high modernity. Just like the labor movement demanded the rights to vote and a minimum level of social security in the late 18th and early 19th centuries, so did the youth movement of the 1960s demanded that modernity's "social pathologies" be corrected *and* that society would provide them with the institutional means for self-actualization. Just like the struggles of the socialist workers' movements in the late 19th and early 20th centuries provoked the first crisis of modernity, resulting eventually in the fourth wave of juridification, the youth movements of the 1960s and the end of the postwar economic boom provoked the second crisis of modernity, and eventually the fifth wave of juridification. In this article, we have outlined a partly new theoretical understanding of the mechanisms at play.

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