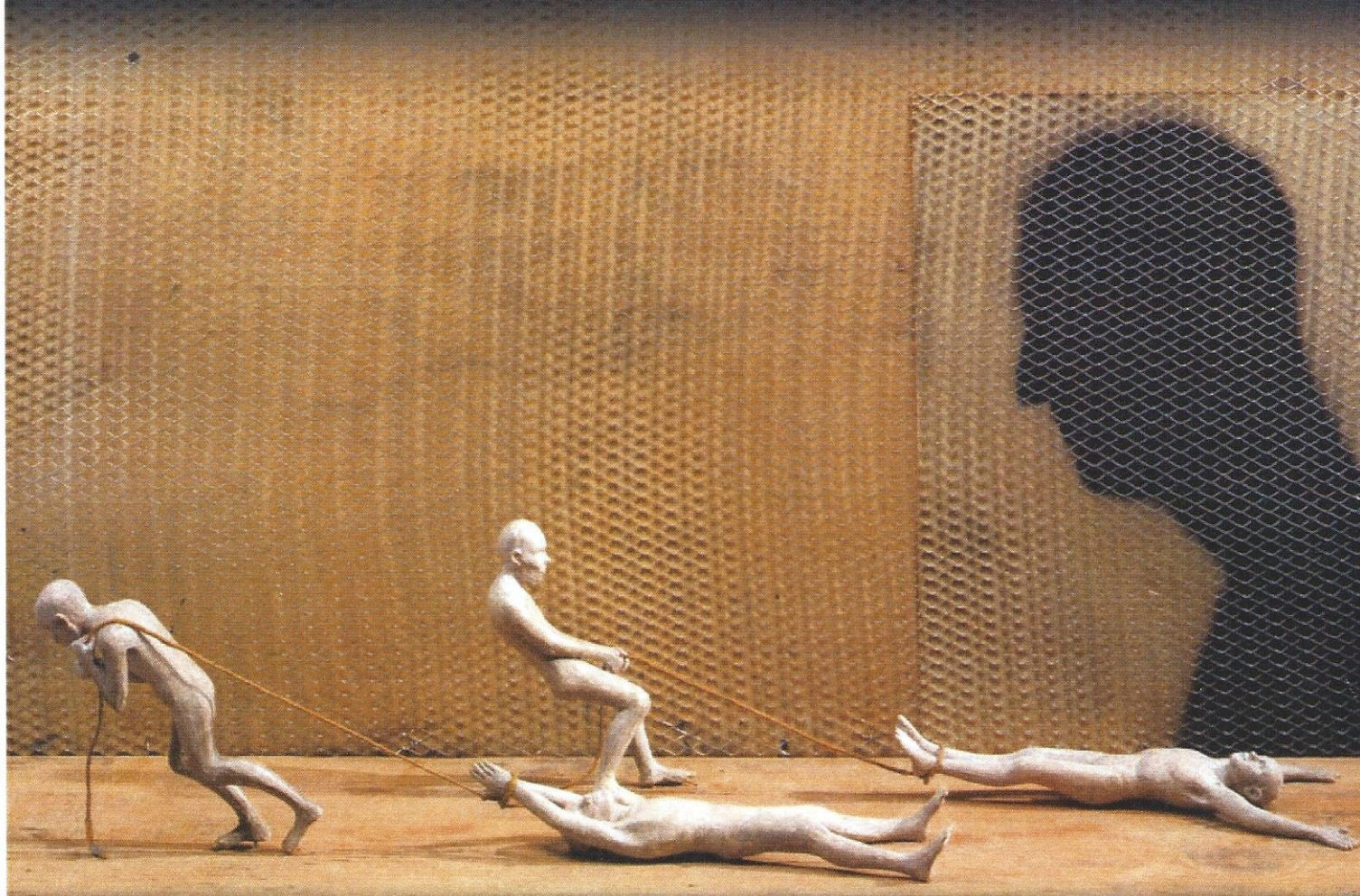


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11

Political Legitimacy

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Claims to political legitimacy try to ground the occupation of positions of political power, to show why they are rightful and why those subject to them should obey. Political sociology is concerned with their effectiveness; the conditions under which legitimacy is realized or eroded and what happens when it fails. The most important writer for the study of political legitimacy is Weber, who set the basic questions that must be addressed. Who is the audience for legitimacy claims: the general public or the administration? What is the relation between principles of legitimacy and the organization of systems of power? Weber's own typology of power systems is, however, inadequate to the variety of types that have existed in the twentieth century. Beetham refines it to account for differences between liberal democracy, Marxist-Leninism, theocracy, and fascism. He then discusses why it is that the liberal-democratic mode of legitimacy has become globally prevalent at the start of the twenty-first century.

Since the dawn of human history, those occupying positions of power, and especially political power, have sought to ground their authority in a principle of legitimacy, which shows why their access to, and exercise of, power is rightful, and why those subject to it have a corresponding duty to obey. Mostly such claims to legitimacy have been taken for granted by those involved in power relations. However, where the possession or exercise of power has been substantially contested, whether because it breaches some important interest or established principle of legitimacy, or the principles themselves have proved inadequate to new social circumstances and political forces, then serious reflection and argument about what makes power rightful has taken place. It has usually been the task of philosophers to elaborate such reflection into a considered theory or theories, and to test legitimacy claims against accepted standards of normative validity and discursive argument. From at least the time of the

ancient Greeks onwards, the study of legitimacy has been central to the practice of political philosophy, through its analysis of normative principles of the right and the good.

The study of legitimacy as a subject for political sociology, by contrast, is comparatively recent, beginning only with the twentieth century. As befits a social science, political sociology's focus is much more empirical than the normative tradition of philosophy. Its concern is less with the abstract validity of legitimacy claims than with their acknowledgement by the relevant social agents, and with the consequences that follow from that acknowledgement for the stability of a system of rule and for the manner in which it is organized. Political sociology is concerned with questions such as: What difference does legitimacy make to the exercise of power? Who constitutes the audience for legitimacy claims? What happens when legitimacy is eroded, or is lacking altogether? What difference do the historically and socially varying bases or principles of legitimacy make to the manner in which political power is organized? Underlying all these questions is a more basic one: What exactly is 'legitimacy' as a subject for political sociology?

It was Max Weber in his *Economy and Society* (1978 [1922]) who made legitimacy a key subject in the systematic study of power relations and typologies of power, and hence a central concern for political sociology. Anyone who studies the subject has therefore to come to terms with what Weber wrote about it. In my view, two features of Weber's analysis are important and valuable, while others have proved misleading. The best way of introducing the subject, and debates about it, is to consider these features in turn.

First is what Weber had to say about the significance of legitimacy for power relations, and the instability of systems of authority where legitimacy is lacking. 'Custom, personal advantage, purely affectual or ideal motives of solidarity,' he wrote, 'do not form a sufficiently reliable basis for a given domination. In addition, there is normally a further element, the belief in *legitimacy*' (Weber 1978: 213). In other words, where there is general recognition of the legitimacy of authority, its commands will be followed without the widespread use of coercion, or the constant fear of disobedience or subversion. In this Weber was echoing an earlier observation by the political theorist Rousseau, who wrote that 'the strongest is never strong enough to be master, unless he transforms strength into right and obedience into duty' (Rousseau 1963 [1762]: 6).

However, a number of other social theorists have since challenged the assumption that a general recognition of the legitimacy of authority is necessary either to its reliability or to its durability. For most of human history, they would argue, systems of power have been maintained by the effective organization of the means of coercion. What has kept those subordinate in line has been their lack of any means of resistance, and, above all, their belief in their own impotence. This position has been put most forcefully by James C. Scott (1990: ch. 4). The point of the symbolic and ideological elaborations of authority, he argues, is not so much to convince the subordinate of the rightfulness of their subordination – claims which they are perfectly capable of seeing through – as to create an impression of impregnable power, which it is pointless to resist. It is this aura of impregnability, he argues, rather than of moral superiority, that is essential to the stability and durability of power. In so far as legitimacy claims matter, it is to the powerful themselves. It is they who need to be convinced of the

rightfulness of their rule if they are to have the self-confidence to maintain it; they constitute the chief audience for their own legitimacy claims (see also Abercrombie and Turner 1978 and Barker 2001).

Now it should be said that Weber himself was aware of different levels of audience for legitimacy claims. In particular, he was insistent that it was primarily those who were involved in the administration and enforcement of a system of power who had to be convinced of its legitimacy, if the supreme power-holders were not to be vulnerable to a 'palace coup', or, as in the late Roman Empire, to any usurper who could offer the imperial guards more pay and booty. Moreover, he acknowledged that broader strata of subordinates might submit simply out of helplessness, because there was no alternative. 'A system of domination may be so completely protected,' he wrote, 'on the one hand by the obvious community of interests between the chief and his administrative staff as opposed to the subjects, on the other hand by the helplessness of the latter, that it can afford to drop even the pretence of legitimacy' (Weber 1978: 214).

Yet Weber regarded such a condition as the exception rather than the norm. The norm is for a system of power 'to establish and cultivate the belief in its legitimacy'. The reason is not far to seek. The more that a power structure is dependent on those subordinate to it for the achievement of its purposes, and especially where the quality of their performance matters, the more essential is it that the relationship is constructed according to an acknowledgement of reciprocal rights and duties such as only a principle of legitimacy can provide. This is particularly true of the modern state, which requires those subject to its authority not only to obey its laws, but to pay their taxes, cooperate with its policies and even to fight in its defence.

Take, for example, the payment of taxes. By definition, no-one likes paying taxes. But it makes an enormous difference to a system of tax collection if people acknowledge the right of the state to tax them and accept the system as broadly fair. Then the vast majority will pay up without demur. Naturally, the administrative arrangements will have to be efficient, and there will have to be compulsion at the margin to deal with backsliders, and to convince the rest that there are no 'free-riders'. But a state where people acknowledge no duty to pay taxes will have to engage in enormously expensive systems of enforcement, which will substantially reduce the overall take, and may even, as in contemporary Russia, compromise its capacity to raise taxes altogether. This means that the effectiveness and the legitimacy of a system of power are not distinct and separable elements, as many sociologists have assumed (see Lipset 1983: ch. 3). This is because the capacity of political authorities is also dependent upon their moral authority or standing among those whose cooperation is required for them to achieve their purposes. So the first main significance of legitimacy lies in the contribution it makes, alongside the organization of the means of administration and coercion, to the reliability, effectiveness and durability of a system of power.

The second important point Weber had to make about the significance of legitimacy concerned the relationship between the different ideas or principles of legitimacy and the way systems of power were organized in practice. 'According to the kind of legitimacy which is claimed,' he wrote, 'the type of obedience, the kind of administrative staff developed to guarantee it, and the mode of exercising authority, will all differ fundamentally . . . Hence it is useful to classify the types of domination according to the kind of claim to legitimacy typically made by each' (Weber 1978: 213). Weber is highlighting two things here. All institutional arrangements for the organization of

power embody legitimating ideas or principles, which determine how power is attained and by whom, how it is exercised and within what limits. Understanding institutions is therefore not just a question of giving an empirical description of how they operate, but of exploring the regulative ideas that help explain why they are organized as they are. And it follows, secondly, that we can most usefully construct a typology of different historical and contemporary power systems according to their different legitimating principles or ideas. It was on just such a basis that Weber organized his own political sociology in *Economy and Society*.

This is an important insight, which has significant implications for sociological practice, and relates to the broader Weberian method of 'interpretative sociology' (Weber 1978: 4–22). The limitation of it lies not in the method itself, but in the particular typology of power systems that Weber constructed from his threefold legitimating principles: traditional, rational-legal and charismatic, respectively (Weber 1978: 215–216). There is not space to explain fully here what is inadequate with this typology, but it can be summarized as follows: although the three legitimating ideas may help to define what is distinctive about modern, in contrast to pre-modern systems of law and administration, they provide a wholly inadequate basis for characterizing the different political regime types that have existed in the course of the twentieth century. Comparative political scientists who have tried to use the Weberian typology for this purpose have usually produced more obfuscation than light. It is not particularly helpful to be told that both liberal democracy and fascism are different variants of charismatic authority, one more rule governed than the other; or that communist systems comprised a unique combination of the traditional, rational-legal and charismatic types (Heller 1982).

To construct a more adequate typology we need to address a basic question: What exactly is it that makes political authorities legitimate, and acknowledged as such by those subordinate to them? The answer lies in an interpretative analysis of the grounds for that acknowledgement, which reveals that legitimacy is multidimensional, not mono-dimensional: it is constructed from rules, justifications grounded in societal beliefs and actions expressive of recognition or consent (Beetham 1991a: ch. 1). Political authority is legitimate, we can say, to the extent that:

1. it is acquired and exercised according to established rules (legality);
2. the rules are justifiable according to socially accepted beliefs about (i) the rightful source of authority and (ii) the proper ends and standards of government (normative justifiability);
3. positions of authority are confirmed by express consent or affirmation of appropriate subordinates, and by recognition from other legitimate authorities (legitimation).

The three levels are not alternatives, since all contribute to legitimacy; together they provide the subordinate with moral grounds for compliance or cooperation with authority. The fact that all are required is shown by the different negative words used to express the different ways in which power may lack legitimacy. If there is a breach of the rules, we use the term 'illegitimacy'; if the rules are only weakly supported by societal beliefs, or are deeply contested, we can talk of a 'legitimacy deficit'; if consent or recognition is publicly withdrawn or withheld, we speak of 'delegitimation'.

The most extreme example of *illegitimacy* is usurpation or *coup d'état* – power attained in violation of the rules. Examples of *legitimacy deficit* are enormously varied: from situations where changing societal beliefs leave existing institutional arrangements unsupported, or those where people have widely diverging beliefs, say, about which state they should belong to; to situations where government is chronically unable to meet the basic purposes, such as welfare or security, which people believe it should. Legitimacy deficits usually only become critical when some performance failure of government exposes a fundamental doubt about its rightful source of authority (see Coicaud 2002 and Gilley 2009). Examples of *delegitimation* include acts of widespread public opposition to a regime, of which revolutionary mobilization is the most extreme example. Revolutions follow a typical course, from chronic legitimacy deficit of the regime (doubtful or disputed source of authority compounded by performance failure), through its delegitimation by mass oppositional mobilization which splits the governing apparatus, to an illegitimate seizure of power which heralds its reconstruction under a new set of legitimating principles.

The different dimensions of legitimacy outlined above constitute only the most general or abstract framework, the specific content of which has to be 'filled in' for each historical society or political system. They provide a heuristic tool to guide analysis. Is political authority valid according to the rules? The relevant rules have to be specified, their conventional or legal form established, the mode of adjudication appropriate to them determined for the given context and so on. Are the rules justifiable in terms of the beliefs and norms of the particular society, and are these norms relatively uncontested? We need to examine the specific beliefs current in the society about the rightful source of authority, on the one hand, and the proper ends and standards of government, on the other. Are there, finally, actions expressive of consent to authority on the part of those qualified to give it, as well as recognition by other authorities? Who counts as qualified, and what actions count as appropriate, will be determined by the conventions of the given society or system of power, as also what other kinds of authority there are whose recognition has legitimating force.

This overall framework can be used to construct a typology of twentieth-century political systems or regime types according to the different dimensions of legitimacy outlined: their characteristic form of law or legality; their distinctive source of authority; their publicly defined ends or purposes of government; and their typical mode of consent. The results of this typology are to be found in the Table 11.1, in which the different systems are portrayed in their most typical form ('ideal-typical' to use the Weberian term).

Military dictatorship has been included here as a limiting case of a non-legitimate political order, born of illegitimacy, and lacking both a rightful source of authority and any mode of expressed consent. Such legitimacy as military regimes have is based entirely on their purpose or mission – to save society from chaos – and is typically defined as transitional, to promote the restoration of a normal legitimate order. Like all regimes whose legitimacy is limited to the dimension of performance, they are vulnerable once performance falters and their failure exposes their lack of any valid source of authority. Legitimate political orders, in contrast, which are secure in their source of authority, are able to withstand shocks and performance failures, and to effect routine changes of administration which do not threaten the legitimacy of the system itself.

Table 11.1 Typology of twentieth-century regimes

<i>Regime type</i>	<i>Form of law</i>	<i>Source of authority</i>	<i>Ends of government</i>	<i>Mode of consent</i>
Traditional	Custom/ precedent	Hereditary/the past	Well-being within traditional order	Assembly of social elite
Fascist	Sovereign will	Leadership principle	National purity/ expansion	Mass mobilization
Communist	Sovereign will	Party monopoly of Marxist–Leninist truth	Building communist future	Mass mobilization
Theocratic	Sacred texts	Divine will interpreted by the hierarchy	Purifying moral order	Various
Liberal democratic	Constitutional rule of law	The people through competitive election	Individual rights and protection	Competitive election
Military dictatorship	Decree	None	Restore order and national unity	None

Use of the regime typology can help us to identify what is distinctive about the liberal-democratic mode of legitimacy, in comparison with others, and also help explain why it has come to prevail over the course of the twentieth century. It will be useful to start with its source of authority and mode of consent, since these are the most characteristic democratic features, and bring us to the heart of the difference with the other political systems. First, in liberal democracy the source of political authority lies with the people, and the right to rule derives from electoral choice, rather than from heredity and the past (traditional system), from the party's monopoly of the truth (Marxist–Leninism), from religious authorization (theocracy) or from the exceptional qualities of the leader (fascism). Ever since the principle of popular sovereignty was announced in the eighteenth century, who has counted as 'the people' has been a matter of contestation, as progressively those who have been excluded from the political nation – the propertyless, women, racial and other minorities – have demanded inclusion. At the same time, where the boundaries of the nation-state should be drawn has become problematized in a way it never was when the state was regarded simply as the property of the ruling family, and its borders could be altered at will, according to dynastic convenience or military conquest.

Many have argued that nationalism is the major legitimating idea of modern politics, and certainly it has been central in determining the spatial dimensions of the state, and which state people should belong to. It has also been widely used to bolster the legitimacy of rulers, especially non-democratic ones, and to delegitimize those who could be accused of selling out to foreign powers. Yet nationalism does not of itself provide any legitimating basis for appointment to political office, or for a particular kind of political system, and in this key respect it does not constitute an alternative, say, to communism. Moreover, since its legitimating force derives from the same principle as that of democracy – that political authority stems from the people – its articulation always invites the challenge that the people should express the 'nation's will' for themselves, through an electoral process, rather than have it merely proclaimed by higher authorities on their behalf.

This brings us to the second key feature of liberal-democratic legitimacy, which is the distinctive method through which consent is expressed to political authority. It is often argued that 'consent' as such is distinctive of liberal democracy, but this is mistaken. All political authorities throughout history have sought to bind in key subordinates through actions which express consent to, and confer public recognition on, their authority, and in so doing contribute to its legitimacy. Where systems differ is in who among their subordinates is qualified to give consent or confer recognition, and through what kinds of action. In a traditional system it is key notables who do so through swearing an oath of allegiance, kissing hands, or some other public symbolic act. In post-traditional systems those who are qualified include the population at large. In fascist and communist regimes, however, consent is expressed through acts of mass acclamation and mass mobilization in the regime's cause, which have their counterpart in the secret suppression of all dissent. What is distinctive about liberal democracy is that the process through which consent is conferred – popular election – is the same as that through which political authority is appointed in the first place, whereas in all other systems the expression of consent *follows* the process of appointment to office, which is determined by other means (heredity, priestly selection, inner-party choice, self-appointment etc.). So it would be more accurate to say that it is the popular *authorization* of government, rather than popular *consent* to it, that is the distinctive feature of liberal-democratic legitimation.

The two other dimensions of liberal-democratic legitimacy exemplify more the characteristically liberal than the democratic components of the portmanteau construct 'liberal democracy'. Its distinctive purpose of government lies in the protection of individual rights, initially the liberty rights of the eighteenth-century bourgeois revolutions, then increasingly also during the twentieth century the welfare rights of the social democratic tradition. This emphasis on individual rights contrasts with a variety of collective purposes characteristic of other regime types. And its distinctive mode of legality lies in the constitutional rule of law, in contrast to the customary law of traditional systems, the sacred law of theocratic ones, or law as the expression of sovereign will, whether of the leader or the revolutionary party, as in fascist or communist ones.

Why is it that the liberal-democratic mode of legitimacy, and form of political system, has become globally prevalent by the start of the twenty-first century? This is partly for negative reasons, that other forms of legitimate political order have proved ill-adapted to some key aspect of contemporary economic and social conditions, and have lost their internal legitimacy. The hereditary monopoly of political authority characteristic of traditional systems has proved vulnerable to the modern requirement of a career open to talent, and to popular demands for inclusion in the political process. The Marxist–Leninist goal of a communist society came up against the inherent limits of its system of economic planning, and the party's claim to exclusive knowledge of the workers' interests proved increasingly out of step with their own perceptions of them. The fascist pursuit of radical national goals has typically led to self-destructive wars; or, where these have been avoided, an authority vested in the person of an individual leader has proved unable to survive his death. Theocracies have proved vulnerable to fundamentalisms that have quickly forfeited popularity, or else they have provoked adherents of other faiths to open disaffection or civil war. Each system has had its own internal crisis tendencies, inherent in its legitimating principles or procedures, which have eventually proved terminal (Beetham 1991a: ch. 6).

Liberal democracy has become prevalent, in contrast, because it has proved the only sustainable legitimate order compatible with the conditions of market capitalism, on the one side, especially in its most advanced form, and with the requirements of multicultural societies on the other. Market capitalism's anti-paternalist principles – individuals are the best judge of their own interests, are responsible for their own fate and are sovereign in the consumer market – have over time led to the demand for people to be sovereign in the political sphere also, and have undermined all paternalist forms of legitimacy, especially as education has become widespread. At the same time, the increasingly global dimensions of communication have made closed political systems, claiming a monopoly of information and ideology, unsustainable. Finally, the potential antagonisms between different communities cohabiting the same state, which are normal for most contemporary states, can only be peacefully resolved through the methods of dialogue and respect for equal rights, such as are intrinsic to liberal-democratic procedures.

The long-term superiority and survivability of liberal democracy's legitimating principles and procedures do not mean that they are themselves unproblematic. Indeed, they contain their own inherent crisis tendencies. One stems from the inescapable tension between the economic and social inequalities that are as intrinsic to capitalism as to pre-capitalist economic systems, and the equality of citizenship and political voice that democracy promises. This tension requires carefully crafted institutional compromises within the party and political system if it is not to prove unmanageable. The main alternatives are either a pseudo-democracy in which the mass of the people is effectively excluded from power and influence despite the formal exercise of the vote; or else a reversion to dictatorship, when the demands of the masses prove too threatening to the interests of economic and social elites. The second recurrent problem lies in the majoritarian procedure of democracy, which encourages political mobilization along ethnic lines in divided societies, and threatens the permanent exclusion of minorities from power and influence, with the prospect of consequent degeneration into civil war. Again, this requires carefully crafted institutional procedures, such as a form of consociational democracy, to resolve (Lijphart 1977).

It is important to stress, however, that liberal democracy's crisis tendencies, where they have not been institutionally resolved, have never proved terminal, in the sense that they have marked a transition to a different legitimate political order. At most they have led to the suspension of legitimacy, in military dictatorship or other forms of exceptional regime, whose rationale is precisely that they are temporary. These have usually ended in turn with attempts to restore the liberal-democratic form of legitimacy once more. In this sense the twentieth century, though not history itself, has ended with liberal democracy triumphant.

This dominant position has been reinforced at the international level also. For most of the past few centuries, recognition by the international state system has been an important contributor to the domestic legitimacy of states, particularly for newly established regimes. However, this recognition has simply required that regimes demonstrate a *de facto* capacity to exercise power within their territory, and especially within the capital city, and has been quite neutral as to the form of regime, which has been regarded as entirely a domestic matter. Increasingly, however, states are now being required to meet externally monitored legitimacy requirements if they are to achieve full international recognition. At first this has been a human rights

requirement, according to the standards of the International Covenant on Civil and Political Rights, as it has increasingly become accepted that how a state treats its own citizens is no longer just an internal matter for the state concerned (Rosas 1995). Since 1989, however, the requirement that a state also meet liberal-democratic principles and procedures in its mode of political organization has started to become generalized as an internationally accepted norm. This norm provides strong external legitimation to domestic political forces engaged in democratization, and is also given practical effect through positive measures of democracy support and through negative pressure where aid, trade and debt interdependencies are involved (see Clark 2005).

The liberal-democratic principle of legitimacy has become most fully developed as an international norm within the European political space, as applications from the former communist countries to join the economic club of the European Union (EU) have been made dependent on prior membership of the Council of Europe, with its democracy and human rights conditions (Storey 1995). These norms have also been used to legitimate external military intervention in a sovereign European state, as in the NATO war against Yugoslavia over its treatment of the Albanian population in Kosovo. This war serves to mark the decisive shift in international norms away from the principle of unconstrained sovereignty on the part of states over their own internal affairs, regardless of how they treat their populations. It also underlines the deeply problematic character of external intervention, while states still retain a monopoly of physical force over their own territories. There is a serious disjunction, in other words, between the developing normative framework at the international level, and the means available to enforce it.

The development of a democracy and human rights 'mission' on the part of the EU has served to focus attention on the legitimacy of its own political arrangements, which is both contested politically and a source of disagreement among analysts. On the one hand are those who model the EU's authority on that of international institutions, whose legitimacy is derived from recognition by member states, and whose audience for legitimacy claims are the states' own bureaucracies. On the other hand are those who argue that the supranational dimension of the EU's institutions, and the impact its policy and legislation have on the lives of citizens, require a direct rather than merely indirect form of legitimation; and that this can only be constructed on liberal-democratic principles (see Beetham and Lord 1998: ch.1). At all events, it is clear that political legitimacy in the European political space now involves an interactive, two-level relationship, between the European levels and that of individual states. In this, the EU is simply the most developed example of what can be seen as a more general feature of political legitimacy in the contemporary world: it is no longer determined simply at the domestic level of the individual state, as it has been for the past few centuries, but is increasingly dependent also on the state's conformity to norms defined at the international level.

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