

FOR A SOCIOLOGY OF LEGITIMISATION

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Abstract

This paper explores legitimisation as a core element of social life and political order. Beginning with its origins in the recognition of leaders in early communities, legitimisation is examined as both an ascending process of gaining authority and a descending process of preserving it across generations. The discussion emphasizes its close ties to power, authority, and consensus, while also noting the role of delegitimation when credibility is lost. Classical perspectives, particularly Weber's distinction between *Macht* and *Herrschaft*, are considered alongside Habermas's concept of legitimization crisis and Luhmann's systemic approach. Through these analyses, legitimisation emerges not only as a mechanism that sustains continuity and legality but also as a process that can enable transformation and democratic renewal in times of social and political change.

Keywords: *Authority; Legitimacy; Legitimation; Power; Consensus; Delegitimation; Weber; Habermas; Luhmann; Social change.*

The history of the concept: origin and basic characteristics

The sociology of legitimisation has experienced some development (Cipriani, 1987). And yet, processes of legitimation have been present since the beginnings of human society. It should be enough to recall the dynamics of recognition and acceptance of a chief in more or less large groups. From the legitimation of the leader, a whole series of behavioural norms concerning the entire group follows. Indeed, the power of the leader gives force to the laws enforced, which in turn define what is right, acceptable, correct, and thus legitimate.

The chief's loss of credibility and strength gives rise to a process of delegitimation, which tends to go beyond the *status quo* to create new solutions, typically through the recognition of a new leader.

The pervasive capacity of legitimation functions primarily operates in moments of crisis, either when a reinforcement of existing power becomes possible or when it is overthrown with the advent of new norms and new lawmakers. Groups and institutions have a constant need for legitimation to guarantee their continuity through time, and their potentiality for assertion as regards other groups and institutions. However, a crucial problem is that of generational change. To have legitimation pass from one age cohort to that immediately following, or still younger, is always a turning point on which the success of an organisation, a structure, as well as the relative ideological perspectives referred to, hangs.

If the first legitimation, the one which creates the premises for legitimacy, has an ascendant characteristic (aiming at the attainment of power), the second legitimation can be defined as descending, secondary, in that the holders of power propose perpetuating it even after the arrival of the new generations.

The latter, not having taken part directly in the preceding phase of primary legitimation, know very little about its principles of inspiration, and do not share them immediately, for the simple reason that they have contributed nothing to create them.

On the other hand, every legitimation, as a transformation of the pre-existing, is a change of an ideological kind. It is the basic ideas which sustain and make credible this innovation, by justifying it with arguments of various kinds. Furthermore, there is a close connection between legitimation and authority. One of the characteristics of authority is the success in influencing and directing attitudes and choices on the basis of coercion, derived in differing degrees from the trustworthiness, credibility, dignity or preferability of a particular schema, decision, or model of a normative type and with effects at the behavioural level.

Then, the concept of authority recalls that of the State and organisation. Thus, the link with legitimating action is clear enough. Indeed, every expression of authority is preceded and followed by modes of justification, first for the acquisition and then for the exercise and maintenance of power. The system of more or less formalised sanctions which can be threatened by authority also allows the attainment of legitimacy, which is moreover already situated in the

very management of the allocation of punishment (or, vice versa, of reward). Another referent of the concept of authority is thus clear – it relates to the concept of power. One must, however, emphasise that legitimation works through structures that are real and pre-established, permitting the exercise of power in real terms. They furnish the typical product of legitimating action, which is consensus, an essential phase that represents a recognition and acceptance of the superiority asserted.

However, legitimation is usually accepted for itself alone, without precise critical analyses or doubts in its. If these existed, it would mean that another form of legitimation (insofar as it is of a different kind, conflicting, and therefore delegitimizing) is at work, with methods quite close to those that may be observed in every ascending legitimatory process, aiming at the gaining of power and change of the *status quo*. This is usually accompanied by inveterate habits, traditions virtually unchanging through generations and uses and customs as lasting as they are restricting. Every innovation takes routes that are already well-known, even though it pursues apparently different objectives. Independent of prior and deeper considerations, it should be said that every process of legitimation is, however, set in motion to justify what is not in itself legitimate, or else to counterpose to the existing situation a delegitimizing action: in turn, legitimating the alternative suggested. In this sense, too, legitimation always means an additional, extended support for the existent. Much more rarely does it present itself as something completely heterogeneous, heterodox, original, and innovatory. It is generally the grafting onto an existing branch that favours the positive result of a legitimating action. One may imagine that any legitimation serves to repair a lack of legality, a failure of validity, or a nullity. In this way, what is informal becomes official, what is not in conformity is changed into conformity, the unjust becomes just. However, the criterion of conformity to the laws, or legality, is not sufficient in itself to confirm an initiative of legitimation as legitimate. The question regarding real intentions always remains, from a standpoint supposedly congruent with the interests of various kinds – of class, professional, skill, political economy, family and friendship understandings, and of interpersonal convenience. However, often in formally developed societies, one may meet with the inability to come to terms with concrete facts, whereby legitimation manages belatedly to repair structural and organisational gaps. Then, the salvaging of a situation not in conformity with the existing laws must be considered less a legitimation

than a potentially delegitimizing intervention regarding current legislation, whose deficiencies are recognised in practice here.

Specific approaches: the Weberian approach and legitimation in crisis

The most significant contribution in this area from classical authors on sociology applied to the phenomenon of legitimation is undoubtedly Max Weber's in *Economy and Society* (Weber, 1922). The starting-point of this analysis is the well-known distinction between *Macht* and *Herrschaft*. If we accept the best attested version, which attributes connotations of power to *Macht* and of authority and dominion to *Herrschaft*, it is easy to extricate oneself from the tangle of terms linked to the theme of legitimation in the perspective of Weber's work.

In the exercise of power, there enters into play a coercion that makes legitimate and practicable what would otherwise not be so.

However, it is not in this that the most general aspect of the legitimating process consists, even if one should not neglect the frequency and level of the relationship of dominance which constrains to action as the result of another's will.

On the other hand, the phenomenon of legitimation which accompanies *Herrschaft* is more explicit and obvious. Here, the subject of legitimacy is taken for granted, just as authority, insofar as it is legitimate, also appears to be. One must, above all, however, bring out the presence of three distinctive variables: first, the possibility of obedience does not depend only, or almost only, on the will of the person who assumes the function of *Herr*, lord, "overlord." Rather, it is essentially tied to the attitude of those who receive the order. Secondly, it is emphasised that only some persons and not others can obey more easily. And finally, the specific content of the command given is fundamental. Ultimately, it seems that the predisposition of certain individuals to obey a particular order is an essential condition for the exercise of *Herrschaft*.

The institutionalisation of power as *Herrschaft* is then frequently added to the exercise of an already established and functioning authority. The latter is generally tied to a social group, indicated by Weber as the power group, accompanied by an administrative apparatus. And it is here the question of legitimacy arises.

Legitimacy, not legitimation, has been mentioned, since in fact the author of *Economy and Society* was much more sensitive to the goal of legitimacy than to the processes of legitimation, which are seen as premises and thus not subjected to further analysis.

In fact, Weber's references to real legitimation are few. First of all, a link between society and community was identified, in that membership itself of a specific form of community guaranteed the individual in his social context. Thus, whoever is admitted to a community is legitimated not only in that communitarian environment itself, but also as regards the outside. Thus, membership in a social aggregate allows one to be recognised elsewhere and by others too. Again, what would otherwise have limited chances of success – for example, enlarging the circle of personal acquaintances and especially the recognition from others, social legitimation – has a favourable development in any group (at work, sporting, or religious), independently of real individual interests (in work, sport or religion). In practice, legitimation is obtained through typically instrumental procedures.

Equally instrumental is the use of charisma, which Weber examined as regards other processes of legitimation related to the origin and transformation of authority. Charisma has a revolutionary charge, a personal basis, and an emotional character in terms of trustworthiness. When these aspects are lost, charisma is routinised, is no longer revolutionary, but rather, helps to preserve the existing, and maintain established rights.

In addition, the legitimation of the leader also covers his closest followers, legitimated not for their own qualities, but by stressing the charisma of their leader (and his guarantee). Not by chance the elimination of a sovereign, a chief, by suppressing the very source of legitimation, involves the end of all “conformity to law,” and the delegitimation of the whole legal and behavioural system linked to the figure of the leader.

At all events, one should not underestimate the role of the supporters, those who obtain power from the charismatic authority of a leader, a founder, a monarch, a party-leader, a chief of section or a shift boss. Often, it is the counsellors closest to the prince who hold the real power: priests or ministers, chamberlains or secretaries, administrators or managers. It is rare for Weber to face or cite the subject of class struggle, but precisely by having to analyze the processes of legitimation he cannot avoid doing so, to indicate that the privilege of some individuals inflames “the negatively privileged social strata,”

giving rise to class struggle as an attack mounted against “the prestige of legitimacy” based on personal destiny. Then there emerges the concept of “democratic legitimacy” as a new source of authority. In this perspective, one may find the foundations of participation and co-management.

Somewhat different is Habermas’s (1973) approach, which distinguishes between legitimation crisis and crisis of motivation. For this Frankfurt sociologist, there are three processes of reproduction: cultural, that of social integration, and that of socialisation. There are also three structural components of the life world: culture, society, and personality. Legitimations are said to take place in the cultural reproduction of society. Moreover, in modern societies, two subsystems are organised thanks to money and power: the capitalist economy and rationalised state administration.

When crises in the various forms of reproduction are experienced, significant effects are also noted on the structural components. Thus, disturbance in cultural reproduction leads society to a withdrawal of legitimation: to crisis. The same may be said of a disturbance in socialisation leading to withdrawal of motivation at the societal level: crisis again. We thus see that the difference between crisis of legitimation and crisis of motivation simply involves the specific environments of reproduction – cultural in the first instance, socialisation in the latter. Furthermore, withdrawal of legitimation concerns the system of dominion, whereas that of motivation involves the system of employment. However, Habermas sees greater convergence between the two phenomena.

Critical evaluation

The *querelle* (Harste, 2021) between Habermas on one side and Luhmann (1969) on the other, regarding the issue of legitimation, has been a lively one. The former has criticised the latter for lingering only over the procedural and systemic aspects of the problem, and not distinguishing between social integration based on orientations towards action, and systemic integration based on results of action. In other words, whilst trying to diminish the distance between (political) system and society, Luhmann does not realise he is denying the individual character of social action. His is a reduction thus borne to the extreme consequence of dissolving any personal quality. His “programme values” have no other source of legitimation but themselves.

If Weber's standpoint is incomplete and too oriented towards legitimacy, Habermas's suggestion for communicative action (Habermas, 1981) to legitimate socially significant decisions is rather utopian and impractical. Perhaps what is lacking in these approaches is the identification of an important line of demarcation regarding processes of legitimation. There is unconditional consensus and provisional assent. On provisional assent rest many systems regarded as legitimate. However, from assent there also arises delegitimation (Bexell, Jönsson, Uhlin, 2022).

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