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Articles

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Weber's Concept of Legitimacy: Limitations and Continuations *

Weber's theoretical ideas are characterized by the unquestionable ingenuity and considerable indefiniteness. That is why they are a source of unending inspiration and continuous reinterpretations. My paper refers to the perceived ambiguity of some of Weber's statements. Its goal is to present, against that background, how modern sociology tries to pose questions, to suggest supplementations and corrections, in brief, to develop further the inspiring thought of Max Weber. My own attitude, which will probably be made clear in the course of this paper, can be best defined as "critical continuation" of Weber.

The subject of this paper, more precisely, is the legitimate state authority.[1] This subject, the legitimacy of state authority, is the focus of Weber's interests in political phenomena and belongs to the main trend of continuation and reinterpretation of his heritage in political sociology. Although focused on one area of study, this paper will show, I believe, the wide range of problems encompassed in the Weberian tradition.

* The paper was presented at the conference "Problems of Legitimacy in Contemporary Poland" organized by the Warsaw Branch of the Polish Sociological Association, Warsaw, April 18-19, 1986. The final section of the paper has been excluded from this publication.

[1] Weber treated *legitime Herrschaft* i.e. legitimate domination or legitimate authority as a phenomenon which ought to be considered not only in reference to the state but also to all associations and organizations which have developed a stable internal structure of power, to any *Herrschaftsverband*, e.g., to a political party, to a church organization, to a trade union. See M. Weber, *Economy and Society, An Outline of Interpretive Sociology*, vol. 1-3, Bedminster Press, New York, 1968, chaps 1, 3, 9. Henceforth references to Economy and Society will be indicated: M. Weber, ES.

1. Two challenges posed to Weber's concept of legitimate domination

Today Weber's idea of legitimate state authority inspires critism of its elements as well as general challenges. There are two such challenges which can be formulated in the following question: must political orders always be expressed in a legitimate form (one that is considered "valid," i.e. subjectively and normatively binding on certain indicated grounds)? [2] This question is founded on the conviction that some bases of a political order can be indicated which are not legitimate. The second challenge can be formulated as follows: are not the concepts of legitimacy of state authority as developed by Weber outdated in the contemporary world? Have new mechanisms of maintaining and validating a political order, other than the ones perceived by Weber, been formed?

Both these challenges are serious and justified. My answer to them is positive, though varies, depending on the question. I would answer the first question in the following way: domination or state authority based on the belief of the "subjects" in its legitimacy was not common in history and is not so today. The alternative to "legitimation" methods of maintaining power are well known; they are directly experienced by modern people or have been described by historians.

To give an answer in the same way, one should mention at least three methods of maintaining state authority, i.e. of its permanent reproduction: (1) coercion, (2) fatalistic beliefs by the population, (3) intentional adaptation of the citizens to the system of domination. To make this clear, let me add that by legitimating authority we understand accepting as "valid" both the human groups which wield power (the ruling classes, power élites, respective sovereigns) and the system of institutions on the basis of which the above-mentioned groups wield their power. This question was perceived by Weber from those two angles, so we must adopt his reasoning when speaking about his ideas, even if only to retain the coherence of our argument. [3]

[2] Weber's universalizing suggestion can be found in the following words: "Indeed, the *continued exercise of every domination*... (emphasis — W.W.) always has the strongest need of self-justification through appealing to the principles of its legitimation. Of such ultimate principles, there are only three... (rational rules, personal authority, tradition — W.W.)..." M. Weber, ES, p. 954, see also p. 953.

Other formulations also indicate that, at least for the stable political order, legitimacy is a characteristic feature. "An order which is adhered to from motives of pure expediency is generally much less stable than one upheld on a purely customary basis... But even this type of order is in turn much less stable than an order which enjoys the prestige of being considered binding, or, as it may be expressed, of legitimacy." (M. Weber, ES, p. 31).

[3] I shall not deal in this paper with these theories which, in the study of the phenomena of state authority and policy, are based on assumptions different from those introduced by Weber. Such theories stand in opposition, implicitly or explicitly, to Weber's assumptions and proposals. Thus, the well-known philo-

The ruling of a state by means of brute force is probably as old as the very institution of the state. This method was known in the great Oriental empires and is known today in various dictatorships, as well as in the developed systems of authoritarian regimes. If the problem of legitimacy occurs in such systems as a real problem, it is reduced to "ideological" phraseology and to internalizing the belief in legitimacy of the authority by those whom Weber most generally called "sovereign's aides" (individual or collective). This means people who are involved in the everyday management of the state, mainly officials, local representatives, high-ranking military officers, the ruler's "court." [4] It is indicative, that S. Eisenstadt in his study on "historical political empires," in which he follows many Weberian suggestions, puts much greater emphasis on other problems than legitimacy. One can infer that for him the belief in the legitimacy of a ruler is a secondary problem for the maintenance and development of an empire. Much more important is the formation of (a) political élite closely integrated with the ruler and his imperial goals (b) an efficient bureaucratic apparatus. [5]

It may be rightly argued that, in the past, subjects of some states, especially of multinational empires with many peoples included in them by force, did not share the belief in legitimacy of the ruler. They merely obeyed a superior force.

A particular mechanism of reproducing the state power (the ruling team and the administration) occurs when the subjects hold the fatalistic belief that they have no power to resist the external world, either natur-

sopher and sociologist, Michel Foucault, probably found Weber's approach to the problems of legitimacy wrongly posed. For he puts forward the concepts of "oppressive normalcy". Cf. e.g., M. Foucault, *Power—Knowledge*, ed. by C. Gordon, Hassocks, Sussex, 1980. Michael Mann, a renowned student of politics, does not mention legitimation in his outline of a three-volume study on the social history of power. Cf. M. Mann, "The Autonomous Power of the State: Its Origin, Mechanisms and Results," in *European Journal of Sociology*, vol. 25, no. 2, 1984.

[4] In one section of his writings Weber himself concentrated on the belief in legitimacy among the "staff" of a "ruler" (*Economy and Society*, p. 213) in other places, however, he made clear that his theory embraces "ordinary subjects," "ruled" as well. He wrote: "The sociological character of the *structure* of any particular case of domination is determined by the kind of relationship between the master or masters and the apparatus, the kind of relationship of both to the ruled. ... For our limited purposes, we shall emphasize those basic types of domination which result when we search for the ultimate grounds of the *validity* of domination, in other words, when we inquire into those grounds upon which there are based the claims of obedience made by the master against the officials and both against the ruled." (M. Weber, ES, p. 953)

In the secondary Weberian literature it is commonly accepted, and there is much evidence for this in Weber's writings, that the problem of legitimacy refers to and its importance consists in, the relationship between the "ruler" and his "officials" on the one hand and "subjects" on the other.

[5] S. N. Eisenstadt, *The Political Systems of Empires*, The Free Press, New York, 1963.

al or social. Such a conviction may arise from spontaneous social sources, i.e., may be the outcome of everyday experience and of its generalization in "folk wisdom," e.g., in tales passed down from generation to generation. D. Lockwood's interesting interpretation of E. Durkheim's writings indicates that the author of *Elementary Forms of Religious Life* saw in fatalism itself the "hidden" dimension of the durability of socio-political order.

Lockwood writes: "Fatalistic beliefs... are generally held by people who perceive their lives to be subject to supranatural forces that are marginally within their control." [6]

The same author implies the difference between grass-roots fatalism and doctrinally grounded fatalism. The latter may be exemplified by the Hindu doctrine of "Karma" or Confucian ethics. Following Lockwood one can say that doctrinally elaborated and speculatively grounded fatalism may be treated as a part of the belief system that legitimizes "traditional domination" in Weber's sense, but grass-roots, spontaneous and non-reflective fatalism cannot be treated in the same way. Thus spontaneous fatalism is not a foundation of any "legitimacy belief." The same is true on non-reflective ritual, either of religious or of secular origin. Lockwood points out:

"If the value and belief system communicated to the masses through ritual is remote from their understanding, then the question of its function in legitimating their life situation is otiose." [7] Do these remarks refer exclusively to the remote past?

Let me make a few remarks about the third way of maintaining power, competing with legitimation. One may call it "self-interested adaptation." Such an adaptation has occurred quite often in history, more often than we are ready to admit. Some great empires relied on force and others probably relied more on self-interested adaptation of the population. This might have been the case in those countries where even an alien ruler created favorable conditions for producing and selling goods, where taxes were relatively low and the supervision of the police not very burdensome. [8] It is an open question as to what extent this was

[6] D. Lockwood, "Fatalism: Durkheim's Hidden Theory of Order," in *Social Class and the Division of Labour. Essays in Honour of Ilya Neustadt*, A. Giddens, G. MacKenzie (eds.). Cambridge University Press, Cambridge, 1982, pp. 109-10.

[7] Ibid., p. 109.

[8] This idea has some reference to Weber's considerations, but one has to make clear that Weber never stated conclusively whether common economic interests of citizens could be treated as the basis for the legitimation of the state or whether they should be seen as alien or neutral to it. I interpret Weber as saying that economic interests cannot by themselves (in the capacity of the "sufficient condition") create the legitimating convictions.

For such an interpretation the following statement is useful: "As a separate structure, a political community can be said to exist only if, and in so far as, a community constitutes more than an economic group, or, in other words, in so

connected either with the traditional way of justifying the dominatior (in the Weberian sense) or with fatalism.

When we take modern times into consideration, the hypothesis may seem attractive that in many modern, developed, Western countries only the phenomenon of self-interested adaptation occurs. This, however, would be a wrong approach, for in these countries the problem of legitimacy is so deep-rooted in the consciousness of both their citizens and the rulers that they overrate the question of "self-interest". I would like, however, to formulate the hypothesis that self-interested adaptation has emerged among some groups in the Polish system as a substitute for legitimation. [9] It has taken two basic forms. The first is an intentional exploitation of the deficiencies and inconsistencies of the official economic system (state-run enterprises). Producing and delivering goods and services "outside" or "on the periphery" of this system (e.g. producing in private firms goods and services which the official system is unable to supply) is a relatively easy way of making high profits. However, the legitimacy of the political-economic system among profit-makers is non-existent or consciously rejected.

The second form of exploitation of very specific chances occurs at the "core" of the system, where officials of higher and middle rank take economic advantage of their posts (e.g. participating in the distribution of scarce goods through special channels). However, the sharing in state-conferred priviledges is not conducive to belief in the legitimacy of the state authority, either. The peculiarity of the attitudes of many officials consists in servicing the state machine adequately without bestowing on it political and moral validity.

far as it possesses value systems ordering matters other than the directly economic disposition of goods and services." (M. Weber, ES, p. 902)

The assertion, that satisfying of economic interests of the population is an insufficient condition for the legitimation of the state authority does not exclude that they are sufficient for the "legitimation" of other social phenomena: specific structures, institutions, or courses of action. (M. Weber, ES, p. 33)

[9] The remarks draw on the analyses of some Polish authors, e.g. J. Staniszkis, "Systemowe uwarunkowania funkcjonowania przedsiębiorstwa" [Systemic Conditions of the Performance of the Enterprise], *Przegląd Socjologiczny*, vol. 32, 1982; W. Narojek, Perspektywy pluralizmu w upaństwowionym społeczeństwie [Perspectives for Pluralism in a State-Owned Society], Instytut Filozofii i Socjologii, Polish Academy of Sciences, manuscript, Warszawa, 1984; M. Marody, Warunki trwania i zmiany ładu społecznego w relacji do stanu świadomości społecznej [Conditions for the Stability and Change of the Social Order in Relation to Social Consciousness], Instytut Socjologii, Uniwersytet Warszawski, Warszawa, 1986, mimeographed; L. Kolarska-Bobińska, Centralizacja i decentralizacja: decyzje, władza, mity [Centralization and Decentralization: Decisions, Power and Myths], Ossolineum, Wrocław (forthcoming). A. Rychard, Poza legitymizacją systemu. Procesy dostosowania w Polsce lat osiemdziesiątych [Without Legitimation; Adaptation Processes in Poland in the Nineteen-eighties]. manuscript, Warszawa, 1986; see also: W. Wesołowski and B. Mach, "Unfulfilled Systemic Functions of Social Mobility." Part I. A Theoretical Scheme. Part II. The Polish Case. *International Sociology*, vol. 1, no. 1 (March 1986); vol. 1, no. 2 (June 1986).

From the above remarks one may conclude the following. If one reads Weber as claiming the universal significance of the "state-legitimacy problématique", or, in a weaker from, as claiming universal significance of legitimacy for relatively stable political orders, one has to accept the view, that he postulated too much. There were and still are relatively stable political orders (systems) without legitimacy. [10]

However, the fact that there existed, and still exist, illegitimate systems does not erase the problems raised and examined by Weber. For their opposite also exists: legitimate systems and systems striving for legitimacy. In societies where the problems of legitimacy of rule are perceived as pertinent, either by the rulers or by the ruled or both, the issues introduced by Weber gain cardinal importance.

Their importance is not diminished by the second general challenge mentioned above. Demands for re-formulating Weber's ideas into new concepts and hypotheses which will better redeem the processes of legitimation to day, are only proofs that Weber's thought has the inspiring potential for reflection on political systems and, indirectly, testify to the role of his introductory hypotheses, even when these hypotheses are modified or considerably changed.

2. The basic meaning of the concept of legitimacy

It is often forgotten that Weber wrote about two of the most general types of domination (*Herrschaft*): (1) by virtue of a "constellation of interests," (2) by virtue of power to command. [11] The first type, which

[10] Two problems should be mentioned here:

(a) Weber himself described a certain type of illegitimate domination. He gave this very name, *nichtlegitime Herrschaft*, to the local town authority, which originated in mediaeval towns, based on the agreement of crafts and guilds, which granted its members "citizenship" of the town and fought successfully for emancipation from the power of the previous ruler of the town, usually a duke or a bishop. Weber thus treats this authority as illegitimate with respect to the previously legitimated rule of the duke, and students of Weber's thought tend to interpret this case as an example of temporary "illegitimation," or the incipient stage of the formation of legitimation. (M. Weber, ES, part 2, chap. 16)

(b) Weber's reflections indicate that he saw many phenomena which do not belong to the sphere of beliefs in legitimacy but "contribute" to the maintenance of the state authority. Among other things, he referred to habit or "pure expediency." (See M. Weber, ES, p. 31)

Remarks on various conglomerations of phenomena which may contribute to the acceptance of authority always end with the conclusion that belief in legitimacy plays a decisive role, and that types of legitimacy should be used as a proper scientific tool which organizes an "interpretive" sociological approach to the phenomena of *Herrschaftsverband*.

On *nichtlegitime Herrschaft* see, e.g. W. J. Mommsen, *The Age of Bureaucracy. Perspectives on the Political Sociology of Max Weber*, Harper and Row, New York 1974.

[11] M. Weber, ES, part 2, chap. 10.

occurs in the case of domination in economic activities and the monopoly of a firm in producing or selling a product, a monopoly which eliminates its competitors, is the simplest example. There also exist "constellations of interests" in which one of the contracting parties has greater power in the market or when the interests of both parties depend on each other but bring unequal profits. Weber did not ascribe the notion of legitimacy to this type of domination, let us call it the economic one, though he did not exclude *expressis verbis* such an eventuality.[12] He wrote extensively on the legitimacy of the second type of domination. Political domination belongs to that type.

Weber distinguished three types of legitimate domination: traditional,

[12] Weber neither posed nor solved the problem to which economic arrangements, if any, the problem of "legitimacy" is relevant. I deliberately use the with, i.e. "economic action," "economic order," "constellation of interests," "economy," etc. What interests me here is the legitimation of economic arrangements as phenomena autonomous from the legitimation of political arrangements. One can reasonably assume that "subjects" or "citizens" may accept economic arrangements and reject political arrangements. It is different problem from the one which may be conceptualized as the contribution of an economic arrangement to the political legitimation.

On the one hand, "economic action" is for Weber typically instrumental and guided by self-interest and as such, belongs to a completely different type of action than the voluntary compliance which is guided by the belief in legitimacy.

On the other hand, Weber formulated the following general statement: "The legitimacy of any order [any order — W.W.] may be guaranteed in two principal ways: (i) the guarantee may be purely subjective..., (ii) the legitimacy of an order may, however, be guaranteed also (or merely) by the expectation of specific external effects, that is, by interest situation" (Weber, ES, p. 33). This important statement, however, has no further theoretical elaboration.

Parsons' interpretation of Weber's "economic sociology" seems to admit the conceptualization of an economic order in terms of legitimacy. (T. Parsons, Introduction to *The Theory of Social and Economic Organization*, The Free Press, Glencoe, 1947, pp. 44-5).

Weber's famous analysis of the impact of Calvinist ethics on economic behaviour—the thesis on the formation of "the spirit of capitalism"—reveals the importance of the ethical justification and promotion of a specific type of economic orientation: acquisitiveness and asceticism as a combined attitude, conducive to the "methodical conduct of life."

Johannes Weiss notes that Weber's "sociology of religion deals not only with religion as such (*Faktum*) but also with the possible outcomes and *legitimation of the consequences* of a given religious convinction" [emphasis—W.W.]. J. Weiss, *Max Webers Grundlegung der Soziologie*, UTB-Verlag, München, 1975.

Reiner Lepsius, in his exposition of Weber's thesis of the relationship between religious convictions and occupational performance writes on legitimacy in a more theoretical vein. He distinguishes "inner" and "outer" legitimation of the economic behaviour of innovators. The new, puritan *Berufsethik* becomes acceptable and recommendable from the point of view of moral standards of the individual and moral standards of his religious community. R. Lepsius, "Interessen und Ideen. Die Zurechnungsproblematik bei Max Weber," in *Kultur und Gesellschaft*, Sonderheft 27, 1986, *Kölner Zeitschrift für Soziologie und Sozialpsychologie*. Three questions may be asked: (1) whether the term "Legitimation" has a theoretical meaning in "The Protestant Ethic" (2) if so, what its content is, (3) whether there is an "affinity" between the concept of legitimation related by Weber to a political sphere and to an economic sphere.

charismatic, and legal. The first is based on the subjects' belief that the domination is "valid," or legitimate, because the method of assuming power by the ruler, and his methods of wielding power, were the same as those that had been used before or have been "always" used; hence they were in accordance with the most generally understood tradition. The second is based on the conviction that the right to wield power is granted on the grounds of the leader's extraordinary personality traits and his special mission with respect to his society or to the whole of mankind. The third is based on the belief that the grounds for assuming power are to establish it legally, i.e., according to a procedure which is recognized as "valid" and "binding." [13]

The above-mentioned types of domination are models, "ideal types," as Weber called them. In reality, they never occur in their pure form. Actual political régimes are mixtures of pure forms. Historical studies provide ample illustrations of the transformations of these types. For example, Weber's sociology of domination provides a detailed analysis of patrimonial domination as a certain variant of traditional domination (which in some areas created the embryo of the bureaucratic system) or an analysis of charismatic domination, which in the process of historical transformation became a charismatic-legal domination (in the charismatic-bureaucratic version). Pure forms are a scientific tool to analyse highly complex reality, whose structural regularities cannot be grasped without the concept of ideal types.

This brief review of the basic features of Weber's idea makes it possible to pass to a more narrow problem, i.e. the issue of belief in legitimacy. Let me quote two of Weber's statements:

"... *domination* will thus mean the situation in which the manifested will [*command*] of the ruler, or rulers, is meant to influence the conduct of one or more others [the ruled] and actually does influence it in such a way that their conduct to a socially relevant degree occurs as if the ruled had made the content of the command the maxim of their conduct for its very own sake. Looked at from the opposite end, this situation will be called *obedience*." [14]

„*Herrschaft* [domination] does not mean that a superior elementary force asserts itself in one way or another; it refers to a meaningful interrelationship between those giving orders and those obeying, to the effect that the expectations toward which action is oriented on both sides can be reckoned upon..." [15]

[13] M. Weber, ES, Part 1, chap. 3; Part 2, chap. 10.
[14] Ibid., p. 946.
[15] Ibid., p. 1378.

Although we shall not consider it in detail in this paper, the above definitions better than any other one reflect the general "methodological" principle of Weber's "interpretive sociology" (*Verstehende Soziologie*). According to this principle, human actions are directed by the subjective meaning ascribed to a given action, [16] and the task of sociology is to unveil these meanings. Looking from the point of view if the "actor" at the process of his orientation towards ruling institutions and persons, one can say that belief in the legitimacy of domination gives a subjective meaning to the behaviour of an individual, makes his obedience to the ruler meaningful. This happens on the grounds of a maxim professed independently of the specific conditions of time and space and of the specific content of the command or instruction.

Relating the concept of *Legitime Herrschaft* to the principles of interpretive sociology as a general, theoretical-methodological framework, helps to avoid the pitfalls of a restricted interpretation of Weber's thesis on legitimacy. Such a restrictive reading may be caused by the ambiguity of some of Weber's formulations, in particular those in which the author concentrated on selected aspects of the phenomenon of *Herrschaft*.

In some places of his oeuvre Weber concentrated on the ruler's claim to legitimacy. [17] Thus, one may read these statements as providing a sufficient ground for an understanding of the total concept. The question arises, then, whether legitimacy refers to the claim or to the claim satisfied. In the light of the fundamental assumption of interpretive sociology we must accept the broader interpretation. *Herrschaft* relations presuppose a meaningful orientation existing on both sides, hence this relation presupposes that the ruler's claim finds substantiation in the subject's behaviour.

The second aspect of the restrictive interpretation refers to the range of *Herrschaft* relations. In one section of *Economy and Society* Weber wrote as if the legitimacy belief referred solely to the relationship between the ruler and his "staff". [18] In another section of the same work, however, (and in many detailed analyses) he explicitly used the concept of *legitime Herrschaft* as a tool for analysing the political relationships between the rulers and ruled. If principles of interpretive sociology are taken as the universal tool of sociological analysis, this consequently

[16] See: M. Weber, ES, Part 1, chap. 1; M. Weber, *The Methodology of the Social Sciences*, Free Press, New York, 1949.

[17] "All ruling powers, profane and religious ... may be considered as variations of ... certain pure types. These types are constructed by searching for the basis of *legitimacy*, which the ruling power claims." *From Max Weber: Essays in Sociology*, ed. by H. H. Gerth and C. W. Mills, Oxford University Press, New York, 1958.

[18] See footnote 4.

confirms the broader interpretation of *Herrschaft* relations. If belief in legitimacy had referred only to the meaningful relationship between the ruler and his staff, then the significance of the concept would have been drastically reduced. The area of its application would have been limited to the relationships within ruling stratum, and the whole area of political relations between the ruling stratum and the population would have been left theoretically unconceptualized.

And two methodological remarks more:

(1) Legitimacy maxims are part of a larger cultural order or civilizational complex. In this sense they are supraindividual, i.e. "structural" or "systemic" phenomena. In Weber's work both the structural and individual-action approach are always present. One has to emphasize, however, that the requirement of "interpretive analysis" is to look at structures as generated and maintained by individual actions. Weber did not elaborate clearly enough, on the theoretical level, many problems which emerge if one accepts such a position. Some of his methodological statements have an openly "reductionist" overtone. Like this one:

"...for sociological purposes there is no such thing as a collective personality which 'acts'. When reference is made in a sociological context to a state, a nation, a corporation, a family or an army corps, or to similar collectivities, what is meant is, on the contrary, *only* a certain kind of development of actual or possible social actions of individual persons." [19]

I shall not discuss this statement and difficult problems of interrelations between individualistic and supraindividual approaches. Weber used both in a masterly way, in spite of his openly stated methodological preference. What needs to be stressed in this paper, however, is the way in which the legitimacy-problématique is presented. It is phrased according to the principle that legitimacy-maxims must be related to individual actions. [20] Consequently, I look at legitimate domination from the perspective of individual motives, orientations, attitudes. I am speaking of "legitimating convictions," legitimacy-guided behaviour, or lack of them. "Maxims" become the object of analysis as internalized convictions that lead to a definite action (or withdrawal from action). [21]

[19] M. Weber, ES, p. 14.

[20] My understanding draws on Runciman's clarification of Weber position, though I am not able to present here methodological problems involved in the Weberian concept of "understanding" and "explanation" Runciman deals with. See W. G. Runciman, *A Critique of Max Weber's Philosophy of Social Sciences*, Cambridge University Press, Cambridge, 1971, especially pp. 27-31, 46-7.

[21] Dennis Wrong suggests: "The shared norms that constitute a legitimate authority relation are not shared exclusively by the two parties to the relation. They are shared within a larger group or community to which both belong. Although not directly implicated in particular legitimate authority relation, this larger community provides the background for such a relation, which cannot be understood in isolation from it." D. Wrong, *Power: Its Forms, Bases and Uses*, Basil

(2) Several times Weber mentioned that material interests, feeling of helplessness and other motives stand behind compliance to the political authority. These formulations cannot be treated as raising doubts as to what his theory of legitimacy actually means. On the level of real, everyday life Weber does not exclude "mixtures of motives" as guiding concrete behaviour. The general methodology or theory, however, ceases to have a necessary, systematizing feature if it just states that people's actions are guided by "various mixtures of motives." Thus, Weber's theory of legitimacy must be read as pointing to a central motive in a great variety of "mixtures." Weber spelled out three such central motives in his three types of legitimacy. His thesis on different variations of these basic types as well as his thesis on combinations between them are consistent with the theoretical approach, whereas the opinion on "various mixtures" is not.

On the variety of motives Weber wrote: "It is by no means true that every case of submissiveness to person in position of power is primarily (or even at all) oriented to this belief [in legitimacy—W.W.]. Loyalty may be hipocritically simulated by individuals or by whole groups on purely opportunistic grounds... Or people may submit from individual weakness and helplessness... But these considerations are not decisive for the classification of types of domination. What is important is the fact that in a given case the particular claim to legitimacy is to a significant degree and according to its type treated as 'valid;' that this fact confirms the position of the persons claiming authority and that it helps to determine the choice of means of its exercise." [22]

I read this quotation as saying that in the last resort the relationship between powerholder and his subjects is regulated by the legitimacy maxim or, in a weaker form, as if the legitimacy maxim were taken as valid; "this fact confirms the position of persons claiming authority..." Paradoxically, conditional thinking does not invalidate the centrality of legitimacy convictions. It may be argued, however, that a conditional form of the legitimacy belief puts this belief in brackets or "in suspension" and, consequently, makes it weaker. Weber did not elaborate on this important problem.

3. "Unidimensional" and "multidimensional" concept of the state

The difficulty in interpreting univocally the concept of political domination occurs, however, when we notice that defining the state Weber

Blackwell, Oxford, 1979, p. 50. Instead of "shared norms" I would prefer to say "shared meanings," which include both cognitive and normative aspects.

[22] M. Weber, ES, p. 214.

seems to depart from his assumptions of "interpretive sociology." He often defined the state in instrumental terms which do not involve the legitimizing, subjective orientations of its "subjects" or "citizens."

"... the modern state is a compulsory association which organizes domination. It has been successful in seeking to monopolize the legitimate use of physical force as a means of domination within a territory. To this end the state has combined the material means of organization in the hands of its leaders." [23]

Jeffrey Alexander is the contemporary theoretician who made this incoherence in Weber's thought the subject of theoretical reflection. His general claim is that Weber is "split:" "unidimensional" and "multidimensional," which means that in the first case he observes the principles of his humanistic methodology and in the second one departs from them. Placing the internal contradiction of Weber's thought in the context of the history of social thought, especially that of two protagonists, Marx and Durkheim, the critic finds the former to exert greater influence than the latter on Weber's concepts of political sociology.

Alexander writes: "Having opened up his definition of legitimate political order to different presuppositional interpretations, Weber primarily pursues the second more instrumental understanding...," and then, "Weber has now applied to political authority a thoroughly behavioral definition. Authority exists, he contends, quite simply when the order represented by a command is obeyed. ... And in direct contradiction to his earlier normative criterion for the existence of legitimation, Weber now insist that an actor's subjective commitment is not a criterion for measuring successful exercise of authority, or, indeed, its very existence. ... External compliance is all that matters." [24]

It seems that Alexander did grasp a certain dual character of some of Weber's statements. Are internal subjective orientations or external objective behaviours the subject of Weber's political concepts? This problem should be explained in some way. As a starting point for the investigations to be undertaken I would like to indicate one unquestionable fact. Weber himself often wrote as if the state was accepted by the citizens only by virtue of its existence. As if to declare that "legitimization" had occurred it might be enough to make an empirical observation that the subordinating behaviour had taken place.

"One of the most important aspects of the existence of a modern state... consists in the fact that the action of various individuals is orient-

[23] *From Max Weber...*, pp. 82-3.
[24] J. C. Alexander, *The Classical Attempt at Theoretical Synthesis, Max Weber*, University of California Press, Berkeley-Los Angeles, 1983.

ed to the belief that it exists or should exist, thus that its acts and laws are valid in the legal sense." [25]

"... persistent dissatisfaction... does not invalidate the consensus [*Einverständnis*] as long as the powerholder can objectively count on the adequate execution of his commands." [26]

Evidently, there is an unexplained gap, or a lack of coherence, between conceptualization of *Herrschaft* (which includes also political *Herrschaft*) and conceptualization of the state. One may be tempted to call this incoherence typically Weberian, because gaps are found between various parts of his oeuvre. Some interpretations attribute this fact to the tentative form of many formulations which the author was unable to refine and synchronize because of his early death. In many cases this is probably true. I doubt, however, that in respect to the conceptualization of the "state-phenomenon" Weber was not aware of the different focus he suggested in different parts of his work. I am rather inclined to look for another explanation than the inconsistency thesis.

Weber thought that for some analytical purposes the instrumental (actually or potentially coercive) power of the state must be stressed with a considerable one-sidedness. He almost constantly had in mind that every state (and "great powers" for sure) devotes many resources and activities to competition in the international arena. He also thought that a very important achievement of the modern state consisted in the elimination of non-state organizations from the competition over the autonomous and "legally granted" use of physical coercion.

This perspective does not preclude that the state, analysed from the other angle, may be or must be conceived as an organization which provides a justification-maxim for the exercise of power (including coercion) and that this justification-maxim is normally internalized by "subjects" or "citizens." Though Weber never proposed clearly such an analytical solution, it is possible to give it *ex post*, in the way of an interpretation.

It must be admitted, however, that this interpretation forms only a background for a series of new questions. They refer to the interplay between "instrumental" and "legitimacy-granted" actions of the state. Are there any regular patterns in this interplay? Can one specify conditions which are coducive to conflicts between instrumentality and legitimacy? Under which conditions does instrumentality free itself from the control of citizens' legitimacy?

Another problem seems to be involved in Alexander's criticism, too.

[25] M. Weber, ES, sp. 14.
[26] Ibid., p. 1378.

He pays attention to the very existence of the state as a factor affecting legitimacy beliefs. The question arises, then, of the diversity of orientations to which Weber referred with one concept only: belief in legitimacy.

It is possible to develop further Weber's idea in this respect and to distinguish several subtypes of legitimacy-orientations which until now have been left conceptually undifferentiated.

The first type would include the non-legitimating behaviour, which shall not be classified here. Of the second type, the "legitimating" behaviour, three sub-types can be distinguished, according to the degree in which they are shaped by cognitive process. The first one may be termed non-reflective acceptation *de facto*. This is a specific conformism resulting from the lack of reflection on the surrounding world, including the phenomenon of domination. It is possible that even in modern "industrial societies" there are individuals whose lives are governed by a certain automatism. They do what the external reality requires. Part of the behaviour which Weber called "habitual" could certainly be included in this group. Similarly, this group could include the noticed and briefly described by Weber "imitative behaviour" [27] and discussed by Collins "routine behaviour." [28] This would be "behaviour" and not "social action."

Actually, two aspects of psychological processes pertinent to such type of behaviour can be mentioned: (a) belief in "adequacy" of the commonly displayed patterns of behaviour; (b) the diminution of the subjective, individual, cognitive element in the whole process. Weber wrote: "The mere fact of the regular occurrence of certain events somehow confers on them the dignity of oughtness." [29]

Routine behaviour represents a type which is somehow different from the patterns of behaviour associated with various forms of illegitimate domination. In the first section of the paper I mentioned forms of illegitimate domination for which such psychological orientations as fear of punishment, cynical adjustment, incomprehensibility of the socio-political reality are characteristic. These psychological orientations could be described as "distancing" oneself or being distanced from the political system. Routine behaviour is somehow different. It carries the quality of an affirmative orientation to demands of authority, at least a noticeable "positive orientation." [30]

[27] Ibid., pp. 24, 33-4.
[28] R. Collins, *Weberian Sociological Theory*, Cambridge University Press, Cambridge, 1986, p. 160.
[29] M. Weber, ES, p. 326.
[30] Certainly, it may be argued that routine behaviour is a border-line case

The second category would include "social actions" *sensu stricto*, i.e. those about which Weber mainly wrote: actions with subjective meaning, oriented at entering into a definite social relation and connected with the expectation of a certain reaction of the partner. I would call them, for the purposes of the present classification, "reflective actions" proper. This type should include all the kinds of actions intentionally oriented "at others," either individuals, groups, or institutions. Such actions was definitely meant by Weber in the quoted statements about legitimate domination.

One more type of actions, or a specific sub-type of the above-mentioned actions, is possible. I would call it the "analytical orientation." This type of action assumes that the person holding a certain legitimating belief intellectually grasps the political mechanisms and can give reasons for acting in this and not another way. He expects this of himself as a "rationally acting" human being. According to Weber's typology of rational actions they would be based on "theoretical rationality." [31] This is a specific type of action in which a systematic method of analysing reality on the basis of a theory is used, e.g., any relatively well elaborated political theory or political philosophy. Methodical, intellectual reflection is applied as a means for analysing one's own attitudes and actions as well as those of other persons, including the persons belonging to the power élite, administrative staff, etc.

It may thus be said that there exists a specific gradation between the non-reflective, reflective, and analytic behaviour (action) from the point of view of the cognitive content involved "on the part of the actor" in his actions. In all the three cases the actor knows what he is

between legitimacy-maxim guided action and some subtypes of illegitimate compliance. However, one additional (supplementary) argument speaks for counting it as closer to actions guided by legitimating maxims. It seems that routine behaviour is amenable to an easy transformation into legitimacy-maxim guided action. In particular, such a transformation occurs under external impulses aimed at making people "understand" their routine behaviours. Under stable political conditions it is relatively easy to attach conceptual justification—a legitimacy maxim—to routine actions.

Routine behaviour, therefore, has a potential to develop into legitimacy-loaded action. But what about a development in a reverse direction? Does this type of behaviour provide a fertile ground for the development toward indifference, cynicism or lack of comprehensiveness, i.e. into patterns which are tied to illegitimate-types of domination? Being aware of a variety of illegitimate dominants, which I have suggested, a positive answer seems reasonable, at least for some cases of illegitimate domination. There is some affinity between routine behaviour and fatalism. What kind of external conditions and psychological processes can one imagine as conducive to the routinization-*cum*-powerlessness complex that, at the psychological level, manifests itself in fatalism? One may ask several questions of this kind.

[31] S. Kalberg, "Max Weber's Types of Rationality: Cornerstones for the Analysis of Rationalization Processes in History," *American Journal of Sociology*, **85**, 5.

doing, but in each of them he knows it differently. In the non-reflective behaviour he only knows that "one should obey the authority" or that "one has to submit to it." The non-reflective "should" is the focus of such behaviour. In reflective behaviour the actor is aware of his intentions and predicts the reactions of his "partner" (including the institutions). He may not grasp the totality or the majority of the determinants of his behaviour and of the behaviour of other people. He does not know (or does not intend to know) much about indirect effects and multifarious consequences, of individual, group, and institutional actions. Analytical actions are directed at overcoming these limitations, i.e., at including both the determinants and the different effects; in other words, in their intentions they take into consideration the broadest context of action and the codified knowledge about it.

One may make here a charge that this analytical type of action, belonging to "theoretical-based actions," should not be taken into consideration in the reflection of political legitimation as a mass phenomenon. It has, nevertheless, been taken into consideration for I believe that the methodical way of perceiving social reality becomes more and more common in contemporary, modern civilization, one of the features of which is the increase of the number of people who are capable of making use of the possessed, systematized social knowledge, which includes also the knowledge about politics. [32]

4. The Paradox of Coercion and Voluntary Compliance

Along with the above-discused problem of non-reflective and reflective legitimating behaviour there has occurred, quite early, a second problem. Peter M. Blau called it the paradox of the legitimate domination. [33] The

[32] In an interesting extension of Weber's "rationality thesis" Martin Albrow points to the "intensification of rationality" in the contemporary world. Parallelly, he points to Weber's underestimation of mass education. "Thus Weber's account of education ommitted the possibility of a mass education which provided technical, cultural and social competence for a whole population. It was infused with an elitism which depended on seeing rationality as the preserve of trained intellectuals. In that respect Weber was departing from the spirit of his revered Kant who found reason to be a universal human capacity, the very hallmark of the human being. Weber was so impressed with the accumulated rationality of countless generations, the vast edifice of institutionalized knowledge compared with the minute share of it that one person could appropriate that he could only envisage a relative decline in the individual's scope for knowledge and action. But that is to confuse specialist knowledge and the accumulation of factual data with the understanding of basic principles. At one level a rationalized society must be more accessible to general human understanding by virtue of its rationality." Cf. M. Albrow, "The Application of the Weberian Concept of Rationalization to Contemporary Conditions," paper presented at the conference held at Jabłonna near Warsaw, 19th-24th April, 1985.

[33] P. M. Blau, "Critical Remarks on Weber's Theory of Authority," in *Max Weber*, Dennis Wrong (ed.), Prentice-Hall, Englewood Cliffs, New Jersey, 1970.

concept of legitimate domination seemingly presupposes a doubly rooted obedience of the subjects: in an imperative control and in a voluntary compliance. Legitimation occurs together with voluntary compliance, but the voluntarism is somehow still doubtful. The administrative apparatus can make use of some kind of coercion to enforce obedience.

How to decide whether it is not the fear of coercion that makes people obedient?

The double anchoring of legitimate domination by coercion and by voluntary compliance, is certainly a problem to settle within the boundaries of Weber's concept.

Several quite important issues come to the fore when we consider this double rootedness more closely. The simplest is that when the first one occurs the second one is unnecessary. Peter M. Blau writes:

"The slaves who blindly obey their master although he does not use a whip, for fear that he may do so, are not very different from the soldiers who obey their commander or the officials who obey their bureaucratic superior, since they too know that the superior may otherwise invoke sanctions to penalize them. But if we consider the slave's obedience to be voluntary compliance, then the distinction between this concept and coercion loses all meaning." [34]

In particular, coercion seems to be unnecessary when everyone believes in the legitimacy of domination and conforms. The double grounding of state authority may however indicate that legitimacy, both in Weber's theory and in reality, needs the support of coercion. If we stretch this reasoning to its limits then "legitimation" of a totalitarian domination seems to be an ornamentation of a solid structure which improves its appearance but has no function.

One of the solutions of the paradox may be to show that, in the past, many rulers and many political systems were imposed on the population, but then the process of legitimation took place. In such an approach there arises a question about the conditions which give rise to the belief in legitimacy. P. M. Blau deals with this problem in the very general way. He does not directly indicate the conditions of occurrence of the political legitimacy, but he does so indirectly, in the example of a "bureaucratic manager." One may suspect that Blau has an industrial manager in mind. It is however suggested that the process of origination of belief in legitimacy shows the universal regularities, pertinent to both industrial and state bureaucracy. Blau's main argument can be reduced to the answer: those at the bottom and those at the top of the bureau-

[34] Ibid., pp. 148-9.

cratic hierarchy, if their organizations operates effectively, develop mutual obligations, loyalty, and a conviction that they have common interests. If "organization" is substituted in this reasoning by "state apparatus" then it can be said that the power élite and the citizens are bound by a moral obligation and material interests in the effective functioning of the state system as a whole. Both groups, the rulers and the ruled, gain substantial advantages from that. [35] Let us note, however, that Blau does not specify advantages (in his words: goods and "services") which ordinary members derive from participating in a bureaucratic organization and the compliance with the managerial leadership. [36]

Blau's explanation of the origins of beliefs in legitimacy can be called "mutual obligation theory." A quite different one, almost its opposite, has been developed recently by Randall Collins. [37] This is the "community-of-violence" theory which is based on an innovative, though controversial, interpretation of three texts by Weber: "Nature and Legitimacy of Territorial Political Organization," [38] "Stages in the Formation of Political Association," and "Power Prestige of the Great Powers." In the first and second essays Weber sketches some stages in the evolution of "political territorial associations," of which the modern state is the most complex and powerful institution. In the third one Weber elaborates on "imperialism" as an expansionist policy of premodern and modern states. Taking both essays together and "generalizing" Weber's considerations, Collins creates his own theory of the origins and dynamics of legitimacy. This theory deserves separate presentation and analysis in its entirety. Here I am referring only to one aspect of it. Collins deals with the relationship between nationalism and legitimacy, or, looked at from another angle, between internal (domestic) and external (international) use of violence by political associations and territorial units, from their rudimentary beginnings to present-day states.

Following Weber, he points to the need for disciplining the "deviant members" (e.g., cowardly, disloyal) of such primitive "fighting groups" as marauding bands or "men's houses." Out of such associations political territorial units have emerged. In later historical development "when an

[35] Ibid., pp. 159-60.

[36] In his well-known book published roughly at the same time as Blau's paper, S. M. Lipset considered the interrelations among social stability, economic effectiveness, political democracy, and legitimation. He used as material for his analyses the historical experiences of Europe and the USA of the 19th and 20th centuries. He concluded that economic effectiveness and political democracy together have produced legitimating beliefs of the population. Lipset was interested not in interpreting Weber's thought, but in the very issue of legitimation, so I do not discuss his study more extensively. S. M. Lipset, *Political Man: The Social Bases of Politics*, Doubleday, Garden City, 1960.

[37] Collins, *Weberian Sociological Theory...*, chap. 6.

[38] M. Weber, ES, part 2, chap. 9.

entire populace is attacked ... states ... claim that everyone is responsible for aiding in the group defence ... the legitimate rights of disciplinary coercion over members now become extended to the whole society." [39]

The modern state claims (and often successfully generates) legitimacy by nationalistic appeals to expansionist sentiments. Nationalism is a powerful emotion capable of easy mobilization. Various political factions and political leaders exploit these powerful sentiments to generate legitimacy for themselves and the state.

"The most important factor is the interest of political leaders in stirring up domestic legitimacy through success in external military competition with other states." [40]

Certainly, violence and national sentiments may be integrated in deliberate attempts at manufacturing legitimacy. One way of accomplishing this is to present "internal discipline" as a necessary condition for external expansion or removing threats posed by others; thus successful defense or expansion "for the glory of the state" serves as a rationale for strengthening internal discipline. In such a case a feedback relationship occurs. In an extreme case external coercion brings about internal oppression. Nationalism provides a justification for both.

In the entire construction of Collins work one important element is missing. He does not relate in a systematic way his dynamic theory of legitimation to Weber's three types of legitimate domination. One finds only the statement that "The three types of legitimacy refer to the way that legitimacy is structured; the 'community-of-violence' theory explains the source and strength of the feelings of legitimacy." [41] It may be suggested, however, that the "community-of-violence" theory points to a specific mechanism which at a particular time supplements, supports, or replaces the "normal" structures of beliefs in legitimacy (i.e., traditional, charismatic, legal). Collins goes too far in his unconditional suggestion, with no further argumentation, that support for the charismatic leader depends mostly on "emotions aroused by the ... political community of fate." [42] "Community of fate" refers here to the emotion-loaded perception of the power-prestige position of "one's own state" vis-à-vis other states. Collins stresses the primary importance of the nationalistic feeling, and by the same token relegates the three classical, Weberian types of beliefs in legitimacy (traditional, charismatic, legal) to a secondary position. [43]

[39] Collins, *Weberian Sociological Theory...*, p. 157.
[40] Ibid., p. 162.
[41] Ibid., p. 158.
[42] Ibid., p. 158.
[43] Some other authors point to a combination of nationalism and traditionalism in deliberate attempts at building legitimacy. Nationalism is only one component of the mixed legitimacy claim by which leaders try to evoke the glorious past in

5. The Problem of Legal Domination: Procedure or Values?

Presenting the three pure types of legitimate domination, Weber states: "Legal domination rests on enactment; its pure type is best represented by bureaucracy. The basic idea is that laws can be enacted and changed at pleasure by formally correct procedure." [44]

In another place he states:

"In the case of legal authority [*legale Herrschaft*] obedience is owed to the legally established impersonal order. It extends to the persons exercising the authority of the office under this order by virtue of the formal legality of their commands and only within the scope of authority of the office." [45]

Weber's quoted statement, and many similar ones, have inspired many comments and controversies on the foundations of the legitimacy of legal domination. Many statements made by Weber himself and by some of his interpreters suggest that citizens accept as legal all that is enacted through a legal procedure.

Niklas Luhman presents, today, a sophisticated version of a procedural approach to legal domination. He stresses that the systemic imperatives and historical development of law-forming procedures form the foundation of the modern decision-making process in the state, to which he refers the demands of legitimacy.

"The law in a society becomes positive when the legitimacy of mere legality finds acceptance, that is, when law is heeded because it has been made according to certain rules by competent decision. With this acceptance arbitrariness becomes institutionalized in a central aspect of human social life. This is bearable only when the concretion of this arbitrariness is regulated. Furthermore, law as the existing order has to be so complex that it cannot be changed completely and capriciously, but only by reconstructing the existing order, that is, only on the basis of the *status quo*. Both aspects together lead to the institutionalization of procedures, a special type of short-term sub-systems which reduce complexity and legitimize decisions... After the sources of legitimation

order to mobilize people for new achievements. Cf. Andrew Arato, "Critical Sociology and Authoritarian State Socialism," in J. B. Thompson and D. Held, *Habermas: Critical Debates*, London, 1982, MacMillan; J. Pakulski, "Legitimacy and Mass Compliance," *British Journal of Political Science*, **16**, pp. 35-56.

[44] This quotation is taken from the fragment of *Wirtschaft und Gesellschaft* (Hlb. 2, Kpt. 9, Abs. 2) ed. by J. Winckelmann in 1956, Mohr, Tübingen, which has not been included in the English translation of WuG, e.g. Economy and Society; English translation of this fragment appeared in A. Etzioni (ed.), *Complex Organization; A Sociological Reader*, Holf, Rinehart and Winston, New York, 1961, pp. 4-14.

[45] M. Weber, ES, pp. 215-6.

can no longer be assumed to exist outside the political system, legitimation has to be achieved within the system itself." [46]

This position has been criticized and other interpretations have been developed. It is worthwhile to consider these controversies for they concern a significant political problem which is concealed in abstract thought. I would formulate the crux of the matter as follows: is modern state domination of the "legal" type legitimated for the citizens only by virtue of the fact that it has been established according to valid laws (in the "right way"), or by virtue of something more? This "something more" embraces the content of the laws and their actual application, i.e. the social program embedded in the law and implemented by the "rulers" or government.

Weber made a penetrating analysis of the historical development of law. [47] According to him, formalization of the law, which he considered the most important aspect of bureaucratic formal rationality, evolved from a singular decision when the ruler judged the ruled at will, according to his own sympathies and antipathies without stating any criteria, to the almost total elimination of voluntariness by creating universal criteria and procedures of judging. The judicial system manifests its formalization in that the truth established during the proceedings is more important that the objective truth. (Facts not revealed in court "do not exist", even if everyone knows them "privately." The development of bureaucratic forms of domination is more influenced by the way in which the law is enacted than by its content, for procedures must always be the same whereas the content may vary. Against the background of these reflections Weber formulates his concept of legal domination, which contains the hypothesis that the legitimacy of legal domination is based on belief in the "legality of its establishment." Three general trends of development: bureaucracy, formal rationality (*Zweckrationalität*) and legal forms of domination, are analysed as trends intertwinned to such an extent that the "proper procedure" is treated as the foundation justifying legal domination.

This leads to a gloomy conclusion. Legal domination is legitimated by the belief that it is ... legal.

Reinhard Bendix was among the first to notice that the explanation given by Weber contains a vicious cirole. [48] The thing to be explained refers to itself as an explanation. Law is valid when it is enacted in

[46] N. Luhmann, *Legitimation durch Verfahren*, Suhrkamp, Frankfurt am Main, 1983; N. Luhmann, "Sociology of Political Systems," in K. von Beyme (ed.), *German Political Studies*, Sage Publications, London, 1979, p. 50.

[47] M. Weber, ES, Part 2, chap. 8.

[48] R. Bendix, *Max Weber: An Intellectual Portrait*, Anchor Books, Doubleday, Garden City, NY, 1962, p. 419.

accordance with the law. Bendix assumes that such an approach was a result of Weber's tendency to exclude substantial goals from his reflection on the definition of the state, i.e., to get rid of the suggestion that the state may, or ought to, realize any concrete values (e.g., social justice, citizens' welfare, etc.).

Jürgen Habermas repeats and stresses the charge of vicious circle and tries not to explain but to modify Weber's concept.[49] According to him, belief in the correctness and adequacy of applying a given procedure, e.g., when enacting a law, can be only an indication of something that underlies this belief. For example, procedure is adequate because it has been justified by reference to tradition or sanctified by reference to new ideas promoted by a charismatic leader. To transfer this legitimating power to the procedure itself is a "secondary traditionalism." People believe in the newly enacted laws because they are created according to procedures which have some "secondary" validity, but primarily they believe in something else, says Habermas.[50]

Wolfgang Schluchter interprets Weber in a different way.[51] He says that the legitimation of legal domination is grounded not only in the process of enacting the law, but also in something else, in certain values: in such values as the will of the community, welfare of the individual, or the public interest. Legal procedure is an instrument for introducing values into the operation of the law. Such a theoretical reflection on legal domination includes the *Wertrationalität* level and not, as it might seem proper for Weber only that of *Zweckrationalität*.

"Weber tends, Schluchter writes, to identify legality with formal rationalization for the reasons outlined above, so that substantive rationalization appears not as a component of the guiding principle of legality but as its counter principle. Substantive rationalization means the intrusion of ethical imperatives, utilitarian pragmatism, or political maxims into the autonomy of the legal and administrative apparatus, which functions as a 'rational machine'.... Substantive rationalization appears to disable this machine. Compared to the developmental level achieved, it produces a lack of calculability and ultimately 'regression'."[52]

Schluchter concludes however that Weber, as a background to his reflections, kept in mind two possible trends of development. One would favour formal rationalization and the other would maintain or develop the substantive rationalization of the legal and administrative apparatus.

[49] J. Habermas, *Theorie des kommunikativen Handelns*, vol. 1, 2, Suhrkamp, Frankfurt am Main, 1981; vol. 1, p. 361 (English translation of vol. 1: *The Theory of Communicative Action*, Beacon Press, Boston, 1982).

[50] Ibid., p. 115 (vol. 1, English translation).

[51] W. Schluchter, *The Rise of Western Rationalism: Max Weber's Developmental History*, University of California Press, Berkeley, Los Angeles, 1981.

[52] Ibid., pp. 108-9.

There is no space here to present Schluchter's interesting discussion on autonomy and connections between law and ethics in Weber's "developmental history," but it is worth noting that, speaking about realization of such ethical values as justice welfare or equality, Schluchter states that concrete implementation of the law may give society an "ethical minimum" and an "ethical maximum." [53] He considers this thesis consistent with Weber's basic assumptions, though developed and interpreted in a definite direction.

Winckelmann [54] and Mommsen [55] already in the fifties and the sixties explicitly introduced two subtypes of legal domination. Mommsen, for example, writes about:

1. formal-rational legal domination in which all laws are considered valid and justified only if they are enacted by a correct procedure,
2. value-rational legal domination in which at least the fundamental constitutional laws are considered valid and justified by referring them to certain values.

Weber himself wrote that the freedom of an individual was a substantive principle in the theories of "natural law" from which modern legislation has arisen. However, Weber stressed simultaneously that, in modern legislation, the purely formal legal rationalization tries to "push out" the substantive principles since they are connected with moral standards. In the light of the strong tendency to formal rationalization they should even be called "moralizing" ones. The development of "positive" law is characterized by the tendency to separate it from moral systems.

The question arises, whether nowadays the intellectual trend has changed its course, and whether Weber perceived clearly enough the possibility of such decisive reversal. Legal regulations seem to be perceived valid, if (or because) they are linked to moral postulates.

Habermas' discussion of this problem presented in his latest book, *Theorie des kommunikativen Handelns*, is still different and of course conducted in such a way as to prepare the grounds for his concept of "the society of unrestricted discourse" and the principles for studying it. I belive that this agrees with a certain line of Weber's thinking; it brings this line to the fore. Habermas wrote:

"Notwithstanding these fluid transitions [between various types of domination—W.W.] the two sources of legitimacy, on which the belief

[53] Ibid., p. 114.
[54] J. Winckelmann, *Legitimität und Legalität in Max Webers Herrschaftssoziologie*, Mohr, Tübingen, 1952, p. 36.
[55] W. Mommsen, Max Weber and Constitutional Democracy, 1985 (mimeo); see also W. Mommsen, *The Age of Bureaucracy*..., chap. 4.

in legality depends, can certainly be distinguished analytically: rationally motivated agreement versus the imposition of a powerful will".[56]

In the second case, the powerful will lends "legality" to the "ruler's" law and to the activities of the administrative apparatus. But in the first case it is entirely different: it is rather the agreement of the community, reacted through discussion, which enacts the law itself that makes this law legal.

Weber speaks in some passages about legitimation by virtue of voluntary agreement.[57] This statement cannot be disputed. However, Habermas' idea of the discursively created will of the political community stands at the centre of his general sociological theory of a feasible new society. Habermas perceives the role of "agreement," or of the "will generated by the community" (which echoes Durkheim's volonté générale), as the basis for a new type of legal domination. In the light of Habermas' extention it is evident that Weber showed too little interest in the possibility of constructing a democratic subtype of legal domination and of its legitimation; a sub-type in which democratic procedures and democratic values would dominate and future results would be designed and produced by means of coordinated efforts and agreement of the political community.

Let us summarize the points made in the above section with the general statement that Weber did not include in his typologies certain aspects of the functioning of political systems which seem very important today.

His concept of legal domination is based on the contrast between unsystematically, voluntaristically enacted and enforced law and of the highly formalized law which is enacted in accordance with previously accepted principles (procedure). Consequently, in Weber's analyses the belief in legitimacy itself seems to be formalized. According to this belief all that has been "legally" established is legitimate, but nothing else it seems. The phrase "rule of law," in its strictly legal and formal version, reflects well the spirit of such "formalized" belief in legitimacy.

This conception, however, has been modified to some extent by Weber himself in his reflection and then consciously reinterpreted and broadened by the majority of his interpreters. So Bendix came to the conclusion that the changes in understanding of "natural law" in the 19th century led Weber to acknowledge the formal and substantive element of the belief which legitimates legal domination. Winckelmann and Mommsen suggested two subtypes of legal domination: formal and value-orient-

[56] J. Habermas, *The Theory of Communicative Action...*, vol. 1, p. 266.
[57] Cf. e.g. *From Max Weber...*, p. 294.

ed. What should be added to clarify further Weber's concept and bring it closer to the historical experiences of the second half of the 20th century?

There is need for a closer look at the relationship between legality and legitimacy. In a recent study Stanislav Andreski questions the assumed equation between legality of an order and its legitimacy.[58] He distinguishes between two possibilities which were overlooked by Weber: the formation of legitimate or illegitimate legal domination. This important distinction must be emphasized and elaborated.

Enacting law in a modern state embraces at least two different cases. It is either an enactment by an authoritarian state, uncontrolled by the rank and file, or a democratic constitution of the will of the majority of citizens conveyed to representatives who are mandataries of this will. In both cases enactment of varieties of law, constitutional law included, takes place in accordance with highly formalized procedures. These two cases, however, differ greatly from each other. They include both a democratic and a nondemocratic way of enacting the law, although both of them are highly "procedural". Weber ignored this difference, or considerably diminished it.

But this is not all. He also ignored the important psychological and sociological "fact" that the democratic procedure was becoming a strongly held "value." It is perceived as a necessary condition for manifestation of the aspirations of society and its various parts.

It seems that actual support by the people of legal domination is possible today on two conditions: 1) when the state refers to the citizen's will and the constituting of this will is procedurally secured, 2) when the state implements (at least to some extent) those values which can be defined as democratic in the broad understanding, including liberty, justice, welfare. Procedural and substantive aspects of democracy seem today to be the foundations of belief in legitimacy in the legal type of domination.

Thus it turns out, that the initial question of whether the procedure or substantive values give legitimacy to the legal domination should be transformed nowadays into a different theoretical opposition, namely, democratic versus undemocratic legal domination. This new neo-Weberian polarization of theoretical constructs has a political implication. Undemocratic legal domination must be dissociated from the idea of legitimacy in a democratically-oriented society.[59]

[58] S. Andreski, *Max Weber's Insights and Errors*, Routledge and Kegan Paul, London, 1984, p. 97.

[59] The "democratic" subtype of domination does seem to be a more necessary

6. Types of Domination and the Class Problem

Some authors ask why Weber forgot about the class structure and group conflicts when constructing types of domination, even though in many of his analyses of the situation in Germany, the different classes are the actual actors of history.

Let me begin with David Beetham's critical and analytical remark:

"The treatment of politics in *Economy and Society* centres on the concept of authority [*Herrschaft*—W.W.] and on a typology of authority, rather than on politics itself ['the struggle to alter the distribution of power, whether within states or between them']; it is a sociology of *Herrschaft* or a sociology of the state, rather than a sociology of politics. It is dominated by the category of order (*Ordnung*), while the political writings concern themselves with conflict and struggle (*Kampf*), whether between individuals, classes or nations. Of the concept of legitimacy, which is a hallmark of Weberian sociology, there is in the political writings hardly a mention; the emphasis is placed instead on the ability, or failure, of regimes to satisfy the interests of major social groups." [60]

Beetham proves that, e.g. concrete and historical analyses of the role of the Junkers in Prussia lead to the conclusion that their views are politically inadequate in the new situation created by developing capitalism, yet they still exert influence on the content of ruling though the actual ruling has been taken over by the bureaucracy which strives for autonomy. The burgeoisie, on the other hand, is politically timid; many of its representatives try to join the ranks of the aristocracy (e.g. by establishing large indivisible estates); they are not an economically dynamic element. [61] Weber's political writings contain many presentations of classes and it is simply impossible to explain the processes of political life without referring to them. However, classes are absent from Weber's typological reflection.

Let us add that, if in constructing types of domination, the ever present elements are: 1) the ruler, 2) his administrative apparatus, 3) the population (not divided into classes), then in the reflection on world religions, the second great subject of Weber's interest, classes are present as a permanent element of his thought, mainly in two aspects: when the author discusses a social estate (Stand) which is the carrier of a re-

theoretical construction for today than the "plebiscitarian-charismatic" one, which Weber often treated as appropriate to modern times.

[60] D. Beetham, *Max Weber and the Theory of Modern Politics*, George Allen and Unwin, London, 1974, pp. 252-3.

[61] Ibid., chap. 6.

ligion, and when he discusses the specific religious inclinations (predispositions) of various social classes. [62]

To answer the question of why Weber does not include the problems of classes and of class struggle as a parameter of the analysis of types of domination and legitimation, one can put forward two hypotheses.

Hypothesis one: the concepts of legitimations as (ideal) types of various kinds of validations of political dominations do not allow the introduction of the phenomena of conflict of interests or of extremely divided opinion, for these phenomena disturb the uniformity of the perception of reality. A certain basic uniformity of perception of the types of domination is assumed in the concept of legitimacy. Subconsciously or consciously, Weber excluded the phenomena of conflict from his systematic reflection.

Hypothesis two: Weber did not clearly pose the problem of the internal structure of his studies, the problem which some authors today call levels of analysis. Studies of religions are more of an historical character than typological one. The proposals of types of domination are theoretical and not historical. Still, one can divide the historical level into two sublevels: "developmental" and "situational."

G. Roth claims that there exist three "levels" of Weber's analyses. The first embraces the building of ideal types. The second consists of creating theories concerning evolution or rather transformation of selected institutional spheres of the life of society, e.g. of the economy, state, religion, educational system. They are called "secular theories." The third embraces the concrete and historical analysis of certain arrangements of classes, interests, policies, etc. These are situational analyses. As G. Roth says they include concrete and historical analyses and not the sociological ones. Class conflicts belong, according to Roth, to situational analyses. [63]

This clarifies to some extent the exclusion of class conflict from the typology of dominations. Typology has another theoretical status than situational analysis. It is characterized by onesided accentuation and deliberate omission, as every typology in the Weberian methodology. The question arises, however, whether it is possible and intellectually challenging to look closer at "variations" of the three pure types of domination, having a very specific purpose in mind. Weber's comparative-so-

[62] Max Weber, *Gesammelte Aufsätze zur Religionssoziologie*, vols 1, 2, 3, Mohr, Tübingen, 1978; see also Max Weber, *The Religion of India*, The Free Press, Glencoe, 1958; id., *The Religion of China*, The Free Press—MacMillan, London, 1951.

[63] See G. Roth and W. Schluchter, *Max Weber's Vision of History. Ethics and Methods*, University of California Press, Berkeley and London, 1978, chap. 3, Epilogue (written by G. Roth).

ciological writings suggest one way of further theoretical elaboration, namely the systematic study of "mutations" of three basic ideal types. "Sultanism" is presented by Weber as variation of the "patrimonial rule". This, in turn, is conceived as a sub-type of the pure type of the traditional domination. Does the study of variations or, as I would prefer to say "mutations," belong to ideal-typical analyses or situational analysis?

Weber wrote: "The fact that none of these three types ... is usually to be found in historical cases in 'pure' form is naturally not a valid objection to attempting their conceptual formulation in the sharpest possible form... Later on ... the transformation of pure charisma by the process of routinization will be discussed and thereby the relevance of the concept to the understanding of empirical systems of authority considerably increased. But even so it may be said of every historical phenomenon of authority that it is not likely to be 'as an open book.' Analysis in terms of sociological types has, after all, as compared with purely empirical historical investigation, certain advantages which should not be minimized. That is, it can in the particular case of a concrete form of authority determine what conforms to or approximates such types as 'charisma', 'hereditary charisma,' 'the charisma of office' ..." [64]

In the above quotation hereditary charisma and charisma of office are explicitly treated as subtypes of the pure type of charisma. And one reads that subtypes closer approximate historical reality than pure type.

I am inclined to think that there are several analytical steps latently present in the most of Weber's comparative-historical studies. They are pertinent to both "structural" and "trend" analyses. Careful study of structural properties of mutations may reveal that classes as well as status strata should be taken as the valid parameters of systematic analyses. This reasoning assumes some general quality of Weberian methodology, i.e. the "moving down" from more general to more specific "ideal types." It remains open for debate for which "type" the name of an "ideal type" should be retained and for which other name should be found. Provisionally one can say that Weber used a hierarchy of intellectual constructs.

Actually, in many parts of this text I suggested moving down from the pure ideal types to more intermediate levels of analysis by asking particular questions; they normally referred to a class of phenomena that may be properly conceived (and analysed) with the help of concepts of the lower level of generality than the three pure ideal types of domination.

[64] M. Weber, ES, p. 216.

It seems almost necessary to introduce middle-range mental constructs as provisional models for the analysis of contemporary varieties of legal domination. In the democratic subtype of legal domination (see section 5 of this paper) conflict of values, class interests and divergent group actions have been institutionalized. Therefore, for that subtype, at least institutionalized conflict must be taken as a constitutive element of politics, and, consequently, the force which permanently influences the processes of legitimacy-formation. Mechanism for accommodation and reconcilliation of conflicts, which produce necessary degree of the societal integration as well as the specific constellation of values capable of producing the "community feeling" must be built into the model.

Let us turn back to "secular theories" or, better, to the dynamic aspects of Weber's study. In the entire Weber's oeuvre trend-analyses are as important as the ideal types. "Fluid reality" and the mixed typological elements are "a problem to solve," the main goal of every interpretation. The analyses of constitution and transformation of types sometimes include classes (property classes) either as forces fostering the changes or beneficiaries of a politico-economic order, and mostly they include the status strata as carriers of new belief systems or new ways of administration (e.g. Chinese literati, lawyers and bureaucratic staff in 18th and 19th century Europe).[65] The extended interpretation of Weber's legacy thus allows an indication of the following areas of problems at least.

1. Belief in legitimacy is not always of the same intensity in every segment of the population. In Weber's approach the internal normative tensions of this belief have been also excluded. Consequently, it has been deprived of its internal dynamism; moreover, the tensions between the

[65] Weber distinguished two modes of structuration: into classes (*Klassen*) and into "status groups" (*Stände*) which in this text will be called "status strata." I believe the term "status stratum" is more appropriate for Weber's "Stand" than "status group." Compare a similar preference in the work of a cultural anthropologist: Gerald Berreman (ed.), *Comparative Social Inequality*, Academic Press, New York, 1979, Introduction.

Weber distinguished three types of classes: property classes (*Besitzklassen*), income classes (*Erwerbsklassen*), and social classes (*soziale Klassen*). He also distinguished several types of *Stände*. Cf. M. Weber, ES, pp. 302-310, 926-938; see also: S. Kozyr-Kowalski, *Klasy i warstwy* [Classes and Strata], KiW, Warszawa, 1976.

The methodological postulate formulated in this section of the paper refers to all possible class-type and stratum-type categories which Weber distinguished. To avoid misunderstanding I have to mention that the Weberian concept of *Stand* is different from "status class" in contemporary empirical sociology. In the latter it predominantly means a statistical construct which results from numerical measurement. For Weber *Stand* was a real social grouping which was clearly "visible" to members of the community. In its fully-developed, "cristallized" form a status stratum had a specific social function, had clearly and officially ascribed privileges, and cultivated a specific style of life. The market society produces forces which undermine and dissolve tendencies to *Stände*-formation in a Weberian sense.

sphere of norms and the sphere of real life have been eradicated. It is hard to assume that complete conceptional and normative preconditioning of the perception of reality by a legitimacy-maxim can exist in every segment of social structure. Thus the problem to be explained is why belief in legitimacy is maintained by the politically oppressed, economically exploited or those culturally "excluded" from the society, groups. This is a problem which seems to have a theoretical significance. [66]

From Weber's point of view the key explanatory task would be to prove that belief in legitimacy is somehow "separated" from the individual or collective experiences of injustice, or even that the injustice may seem, within the boundaries of belief in legitimacy, an unalienable element of the system of collective life which, as a whole, is considered just and thus deserves support.

If we assume such a line of reasoning, there remain several particular issues to deal with. For example: a) what kind of values make man accept suffering injustice? b) what manipulatory tricks are employed by the rulers to inspire belief in legitimacy in the discriminated groups (strata, classes)? c) what changes in the constellations of values and in relations between "life" and "legitimacy doctrine" destroy belief in the latter?

2. The class and status differentiation of the population might (or should) be an essential methodological tool in the study (at a definite level of "concretization") of the processes of transformation of various sub-types of domination. It would be also worth trying to review thoroughly Weber's historical and sociological comparative studies with the aim at discovering common features of the transformations of beliefs in legitimacy. Perhaps it would be possible to start conceptualizing the dynamic role of economic classes and status strata in these processes of transformation. I mean "systematic," explanatory role. If the search is successful—then it will be possible to say that the problem of typical actions assigned to classes and status strata is an integral part of the theory of transformation of subtypes of domination, although it is not necessarily an integral part of the "ideal types" of domination.

Even a fragmentary knowledge of modern "historical sociology" which, at least in part, refers to Weber's reflection, allows me to state that it is possible to extend the concept of legitimacy from a static model

[66] It must be said that Weber did mention the issue indicated here, though he did it in a specific way: he made a supplementary, casual "commentary" about the three types of domination (see ES, p. 953). His remarks, which seem to sidestep the main subject, are aimed at reminding the reader that the three types of domination are highly abstract constructions while reality is fluid and complex. However, let us repeat that a "commentary" does not assign the definite theoretical status to such statements.

to a theoretical principle of dynamic studies. In such a case, reflections on legitimacy would be integrally connected with studying the opposite processes of delegitimation.[67] For a revolution is nothing else but a spectacular collapse of beliefs in legitimacy. These considerations strengthen the suggestion that it is, perhaps, possible to systematize thoroughly one more type of Weberian dynamic theories besides those put forward by Roth. It should be placed within the same category as the secular theories of selected spheres of the life of society. It would, however, concern a different object of studies, namely, the sub-types of domination "in the processes of transformation."

Weber did write a lot about the transformation of charismatic and traditional domination as well as the development of legal domination, but his analyses went in various directions and they did not form a systematic theory. However, constructing a more elaborate, dynamic theory of domination may be postulated, if we take into account both varieties of Weber's insights as well as contributions of his followers and commentators. Some "building blocks" for such an endeavour have already been provided by W. Schluchter in his original reconstruction of Weber's "developmental theories."[68] He concentrated on traditional and legal dominations and transitions between these two types. For sociologists who are more interested in the present than in the past, the transformational tendencies within contemporary forms of legal domination may be a fascinating subject of a developmental Weberian theory.[69]

7. The Crisis of Legitimacy

Weber's concept inspired many contemporary discussions on the sources and manifestations of the crisis of legitimacy of the state authority in modern Western civilization. Although in a very specific form, Poland with its cultural and intellectual heritage still belongs to this civilization. This fact justifies, or at least explains, my own interest in the Weberian "legitimacy problématique."

Belief in legitimacy is a manifestation of the cognitive and normative

[67] See, e.g., T. Skocpol, *States and Social Revolutions. Comparative Analysis of France, Russia, and China*, Cambridge University Press, Cambridge 1979.

[68] Schluchter, *The Rise of Western Rationalism...*

[69] This problem is latently present in Jean Cohen's discussion of bureaucratic domination (another term of Weber's for "legal" or "rationalized" domination). Her discussion of Marx's and Weber's contributions to the understanding of contemporary bureaucratic domination in both capitalist and state-socialist versions ends with the conclusion that there is a need for an intellectual work (and social praxis) aiming at a new construction, a society which combines welfare and freedom without paying to bureaucracy excessive dues for efficiency. Cf. J. Cohen, Max Weber and the Dynamics of Rationalized Domination, *Telos*, **14** (1972).

capacity of a socialized individual. People believe that the state authority is such and such and approve it both politically and morally. For some reason they consider it "adequate." One of the problems discussed earlier is whether legal domination, validated solely by procedure, can be called "legitimate." There are reasons to maintain that it can not. Let us assume, then, for the purposes of further argument, that legal domination today consists in many states of a mixture of two "pure" sub-types which Mommsen has distingushed within legal domination. The result is that *Zweckrationalität* and *Wertrationalität* are combined and this very fact points to many problems. One of them is the relative strength of the two kinds of rationality—and two areas of social relations pertinent to them.

Thus, in his recent work, Habermas proposes that sociologists distinguish analytically two orders of things not exactly matching each other: "*Lebenswelt*" and the "*system.*" [70] In the first social integration takes place, in the second—system integration. In the first people live their individual lives according to the moral values they share and enter into interactions they can understand. In the second one, i.e. in the *system*, there exist numerous bureaucratic institutions and hierarchical as well as horizontal co-ordinations of interinstitutional actions. Accepting some simplification, one can say that *Lebenswelt* refers to what in sociological tradition used to be called the sphere of symbolic culture, whereas the *system* refers to what used to be called the economy and the political system. The present situation, Habermas says, is characterized by a danger of "colonization" of the *Lebenswelt* by modes of action and values which are generated by the "system" and are functional for its operation (like bureaucratic mode of co-ordination). The meaningful life of an individual, his autonomy and freedom have been endangered by this development. This trend causes pathological adaptations to the requirements of system integration and weakens social integration.

The identity of the total society is in danger as well. To rescue it the reconstruction of social integration is needed, but, first of all, the elimination of the negative impact of the "system" on *Lebenswelt* is necessary and, then, the strengthening of the role of *Lebenswelt* in the life process of the total society.

[70] Habermas, *Theorie des kommunikativen Handelns*... Another serious attempt at building on Weber's tradition and elaborating approach to the problems of legitimation, are, in modern sociology, the works by A. Giddens. Cf. *The Constitution of Society. Outline of the Theory of Structuration*, University of California Press, Berkeley and Los Angeles, 1984. However, since the framework of this paper makes it impossible to discuss these two extensive theories, I shall briefly discuss some aspects of the theory of Habermas.

One may use this general background to present in greater detail the problems discussed by Habermas in his earlier works. I mean the works on the crisis tendencies in contemporary Western societies and, in particular, on the legitimacy crisis. [71]

Let me note first that in Habermas papers on the crisis of legitimacy a specific, one should say inevitable, modernization of the Weberian problem of legitimacy takes place. First of all, the obvious thing has been strongly emphasized. Legitimacy today is a claim put forward by governments. Whether it is granted or not is not a certain thing; it may be granted or not. Thus legitimation is also a process, a complex political process rooted in the economic and cultural spheres. It is a "contestable" phenomenon: it can be questioned by various groups or by the whole society. The belief, or lack of belief, in legitimacy is shaped by many aspects of society's economic conditions and its possibility for unrestrained political action (or barriers to it). Also, it is a result of what authority does for society. Habermas vindicates society's role, its political primacy over the government. He acknowledges that today governments have some role in society's integration and the formation of its identity. But, at the same time, he says:

"The state does not, it is true, itself establish the collective identity of the society; nor can itself carry out social integration through values and norms, which are not at its disposition." [72]

In his discussion of a state's difficulties in legitimating itself because of its bureaucratic nature and links with the capitalist economy, Habermas underlines the social significance of the problems of legitimacy. [73]

Thus the state strives to eliminate disfunctions caused by the free market economy by means of protective programs. Despite this, there exists a deficit of legitimacy. It is reflected in the minimal trust granted to the economic and political institutions, doubts about the type of rationality these institution develop and follow. The deficit is paradoxically aggravated by the political means adopted by the state in order to sustain legitimacy. One of such means is upholding loyalty by excluding

[71] J. Habermas, *Legitimationsprobleme im Spätkapitalismus.* Suhrkamp, Frankfurt am Main, 1973; J. Habermas, *Communication and the Evolution of Society.* Beacon Press, Boston, 1979, chap. 5.

[72] Habermas, *Communication and the Evolution...*, p. 180.

[73] This quotation brings to mind not only the situation in Germany or France but also in Poland, perhaps mainly the Polish situation. In this country there exist extra-governmental institutions (like Roman-Catholic Church) and intellectual milieus (like writer's community or universities) which prevail in shaping the spheres of norms and values and limit the state monopoly in this respect. Cf. Z. Walaszek, "An Open Issue of Legitimacy: The State and the Church in Poland," *Annals* no. 483, January 1986.

important issues from the political debate. Or decreasing the possibility of an outburst of class conflicts by the means of welfare state policies. Despite all of this phenomenon does exist, which may be called in accordance with Habermas' intentions, transparency of socio-political situation, i.e. relatively accurate "decoding" of governmental aims, failures, achievements. This transparency causes a lowering of the degree of legitimacy despite the persistent requests for legitimacy made by governments. [74]

This transparency, however, may have a long-term positive effect, namely, it may give birth to a popular search for a new type of legitimacy which Habermas also searches for. It will be established in an open dialogue among citizens and directed toward the accomplishment of the program agreed upon by the society. The public discourse among citizens will lead to continual reinterpretation of needs and to renewal both of the common will and of solidarity.

Thus, there exists a design of new legitimacy which arises from Habermas' critical analyses and refers to Weber's theories. This may be considered a belated but important step towards a democratically-oriented interpretation of Weber's initial ideas. Moreover, Habermas points to an important new aspect of legitimacy. It is not enough that people believe in a "maxim" and legitimate a political system by means of their belief. Inadequate beliefs can legitimate a bad system, one which does not serve the people. Weber held that "rationality" was something inherent in man, though the forms of that rationality have developed in different directions; they even remain in permanent conflict. If one type of rationality has gained the upper hand in modern society, it is inhuman, instrumental, formal rationality—*Zweckrationalität*. Habermas accepts as datum the coexistence and conflict of various values but believes in the possibility of their reconciliation and elevates the role of reason to the highest level possible, because it has a potential for reconciliating conflicting values.

[74] A summary of Habermas' theses on crisis tendencies is given by D. Held: "...late-capitalist societies are endangered from at least one of four possible crisis tendencies. It is a consequence of the fundamental contradiction of capitalist society (social production versus private appropriation) that, other factors being equal there is either: an economic crisis because the 'requisite quantity' of consumable values is not produced or a rationality crisis because the requisite quantity of rational decisions is not forthcoming, or a legitimation crisis because the requisite quantity of 'generalised motivations' is not generated, or a motivational crisis because the requisite quantity of 'action-motivating meaning' is not created. The expression 'the requisite quantity' refers to the extent and quantity of the respective sub-systems products: value, administrative decision, legitimation and meaning." See: D. Held, in J. B. Thompson and D. Held (eds.), *Habermas. Critical Debate*, MacMillan, London, 1982, p. 183.

This approach to values is essentially linked to one of his most important, and debatable, theoretical assumptions. Not only facts, as Weber believed, but also values can be validated in a rational debate. Undistorted human communication, the free presentation of "validity claims," forms the background for mutual understanding and feasible agreement. I shall not present here Habermas' justification of this important theoretical standpoint. However, it leads to including the problems of truth in the beliefs in legitimacy. A far-reaching consequence of such a standpoint is the postulate of rationally testing the truth of society's beliefs in legitimacy.

"If belief in legitimacy is conceived as an empirical phenomenon without an immanent relation to truth, the grounds upon which it is explicitly based have only psychological significance. Whether such grounds can sufficiently stabilize a given belief in legitimacy depends on the institutionalized prejudices and observable behavioural dispositions of the group in question. If, on the other hand, every effective belief in legitimacy is assumed to have an immanent relation to truth, the grounds on which it is explicitly based contain a rational validity claim that can be tested and criticized independently of the psychological effect of these grounds." [75]

In the light of this statement the rulers' demands for legitimacy are brought before two courts: one of the people and one of the truth.

I would like to underline that the proposals put forward by Habermas definitely revindicate the problems of civil society's primacy over the state and do so in a complex way which is inevitable, it seems, in relation to modern times. Habermas considers modern "legal domination" at two levels of a different degree of generality and of different relation to reality.

At the first level, Habermas seeks the most general preconditions for the social grounding of the demand for legitimacy. He operates at the level of political philosophy. The concept of discoursively formed general will, as an ideal presupposition can be traced back to J. J. Rousseau. At this level, the problem is that belief in the democratic state system can be rationally explained or proved. This is not a hypothesis that reality reflects this model. The idea is rather that the supporters of democracy should constantly strive to broaden the areas in which such an ideal can be implemented.

[75] Habermas, *Communication and the Evolution of Society*... p. 180. For the competent presentation of Habermas ideas of truth and legitimation see: Translator's Introduction written by Thomas McMarthy to *Legitimation Crisis* by Habermas.

At the second level, Habermas gives a detailed analysis of contemporary Western societies which can be taken as illustrations of legal domination. His analyses deal with the actual operation of institutions. At this level Habermas is a realist, not an "ideologue." He perceives the domination of a bureaucratized capital, the manipulatory aspirations of the state administration, and analyses the unfavourable tendencies towards "privatization" of the citizen.

At each of these levels, Habermas does not simply follow Weber, although doubtlessly he draws inspiration from him. At the first level, he indicates the intellectual paths which can lead to overcoming the domination of hierarchical systems of authority and bureaucratic, formal rationality. When he formulates his hypothesis of the possibility of a reasonable political discourse in which values are explicitly expressed and negotiated, he is a "historical optimist" rather than a "historical pessimist." Thus Habermas appears to take a standpoint opposite to that adopted by the pessimist Weber. The Western civilization cannot be safeguarded, as Weber thought, by "heroic individualism," which always has an elitist overtone, but rather by "group rationalism" which has a collectivist overtone.

At the second level, Habermas does not strictly follow Weber because he emphasizes the problems of the global economic arrangements in his reflections on legitimacy. This seems to be an imperative which cannot be overlooked in the modern world. The state interferes in the economy in every country and then suggests that the evaluation of its activities in this respect should be taken into consideration when it is being granted legitimacy. It is thus necessary to pass beyond the limits of the problems of legitimacy laid down by Weber. The economic domination of the strong over the weak, class conflicts, the pressure of economic circles exerted on political leaders or, on the other extreme, the total and direct subordination of the economy to the political élite, are the phenomena which must become important parameters in reflections on the modern type of domination, and consequently, on the processes of forming the belief or disbelief in legitimacy.

The domination by "constellations of interests" and domination by the virtue of power to command are intricately interwoven today. It seems that economic matters should receive equal theoretical status with political matters in the neo-Weberian concept of legitimacy. This is the lesson we learn from Habermas.

What is an analytical advantage of Habermas' approach, namely, the inclusion, on the theoretical level, of economic interests into legitimacy problématique, simultaneously makes evident the real difficulty in progressing toward the new society which he envisages. His vision of a new

society is built on the assumption that particular, selfish economic interests of individuals and groups can be reconciliated.[76] To him both domination by the constellation of interests and domination by the power to command can be abolished. His communicative action theory seems to tell us exactly this, if you use Weberian terminology.

8. Charisma of Reason?

The literature also contains other types of analyses, namely, analyses of attempted implementations of "legitimacy problématique" without explicit reference to Weber's concept. Guenther Roth pays attention to such non-Weberian adoption in one of his papers. He elaborates on a "charisma of reason" as a certain, ever present (since the 19th century) intellectual trend connected with left-wing social movements, especially with the workers' movement.[77]

Referring to the French revolution, Weber wrote about the "charismatic glorification of reason." The movements of the left, including Marxism, tried to create a "proletarian rationalism" referring to the inevitability of revolution and to the collective wisdom of the class or, more precisely, of its vanguard. Charisma and reason were somehow embodied in the historically inspired and politically omnipotent vanguard-élite. Roth concludes that the revolutionary potential contained in the "charisma of reason," as it was understood in the workers' movement, has lost its appeal intellectually and politically.[78]

[76] The most profound, theoretical criticism of Habermas' concept of "generalizable interests," on which the construction of common discoursive will-formation is founded, has been developed by Steven Lukes. Cf. his "Of Gods and Demons: Habermas and Practical Reason," in J. B. Thompson and D. Held (eds.), *Habermas Critical Debate*, MacMillan, London, 1982, pp. 134-98. For Habermas' response to Lukes' criticism see the same volume: "A Reply to my Critics," pp. 219-83.

[77] G. Roth, W. Schluchter, *Max Weber's Vision of History...*, chap. 3 (written by G. Roth).

[78] Some authors elaborated on the concepts of "ideocracy" and "ideological" or "teleological" domination as concepts more appropriate for a real embodiment of the domination by a communist vanguard-élite and its domination. Cf. R. Aron, *Plaidoyer pour l'Europe décadente*, Editions Robert Laffont, Paris, 1977; G. Brunner, "Legitimacy Doctrines and Legitimation Procedures in East European Systems;" T. H. Rigby, "Introduction: Political Legitimacy, Weber and Communist Mono-organizational Systems;" M. Markus, "Overt and Covert Modes of Legitimation in East European Societies," in T. H. Rigby and F. Fehr (eds.), *Political Legimation in Communist States*, St. Martin's Press, New York, 1982; W. Lamentowicz, "Die Legitimation der politischen Herrschaft in Polen seit 1944," *Berichte der Bundesinstitutes für Ostwissenschaftliche und Internationale Studien*, vol. 23, 1986, Köln; W. Wesołowski, Kilka uwag o panowaniu ideologicznym (Some Remarks on Ideological Domination), paper presented at the conference "Crisis and Conflict: Structural and Psychological Dimensions" organized by the Institute of Philosophy and Sociology, Polish Academy of Sciences, Radziejowice near Warsaw, 13th-15th April 1981.

The Polish people live in a system which has been trying to implement some hypotheses of the exceptional mission of the vanguard-élite. The political élite attempted to gain legitimacy by reference to its superior knowledge of the course of history and the interests of the rank and file. One doubts, however, whether this attempt at gaining legitimacy has been successful. I thus return to the statement that the crisis of legitimacy seems to be a general phenomenon of our civilization, although of varying acuteness in different societies. I would not be surprised either to hear the hypothesis that we cannot speak about a crisis of a phenomenon which has not as yet manifested itself. I mean the legitimation of the political system which we are living in. Nonetheless, it is inspiring to analyse the concept of legitimacy as well as processes of its substantiation. A negative test is also a result.

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