

LEGITIMATING  
IDENTITIES

*The Self-Presentations of Rulers and Subjects*

RODNEY BARKER



**CAMBRIDGE**  
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE  
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS  
The Edinburgh Building, Cambridge CB2 2RU, UK  
40 West 20th Street, New York, NY 10011-4211, USA  
10 Stamford Road, Oakleigh, VIC 3166, Australia  
Ruiz de Alarcón 13, 28014 Madrid, Spain  
Dock House, The Waterfront, Cape Town 8001, South Africa  
<http://www.cambridge.org>

© Rodney Barker 2001

This book is in copyright. Subject to statutory exception  
and to the provisions of relevant collective licensing agreements,  
no reproduction of any part may take place without  
the written permission of Cambridge University Press.

First published 2001

Printed in the United Kingdom at the University Press, Cambridge

*Typeface* Baskerville Monotype 11/12.5 pt.    *System* L<sup>A</sup>T<sub>E</sub>X 2<sub>ε</sub> [TB]

*A catalogue record for this book is available from the British Library*

*Library of Congress cataloguing in publication data*

ISBN 0 521 80822 7 hardback  
ISBN 0 521 00425 X paperback

## *Contents*

<i>Acknowledgements</i>	<i>page</i> viii
1 Legitimacy and legitimation	i
2 Legitimating identities	30
3 King John's Christmas cards: self-legitimation	41
4 Cousins at home and abroad	70
5 Rebels and vigilantes	89
6 Citizens	106
7 Conclusion	136
<i>Bibliography</i>	141
<i>Index</i>	158

## CHAPTER I

### *Legitimacy and legitimation*

#### WHAT THIS BOOK IS NOT ABOUT

There is a convention sometimes found amongst academics of beginning books and articles with an inaugural lecture in reverse. Whereas the inaugural lecture conventionally opens with a series of polite tributes to predecessors, showing how the speaker is doing no more than standing on the shoulders of giants, making an inadequate attempt to fill the majestic shoes of exceptional predecessors, and simply acting as a feeble stand-in, the reverse can occur once the scholar is released from ceremonial restraints and unleashed on the wild world of monographs and journals. This reverse version lists all those who have in any way touched on the author's subject, and condemns them as theoretically impoverished, empirically threadbare, and intellectually sterile. Their crime usually turns out to have been the rather different one of failing to have contributed to the author's own enterprise because they were in fact doing something quite different. Historians of the poor law are dismissed for not having provided policy recommendations for twentieth or twenty-first-century governments, writers on political rhetoric for not having dealt with the distribution of capital, and analysts of trade unionism for having ignored conspiracies in the cabinet. So might the author of *Winnie the Pooh* be dismissed for having failed to contribute anything to the analysis of tactical voting.

I am not going to be so self-denying as to refuse from the outset to make any critical assessments whatsoever of any previous work. But my discussion of other authors will be designed to defend me against possible criticisms of the Winnie the Pooh kind, rather than

to make them. It may avoid misunderstanding if I say what I am not doing, so that no one, or at least fewer people, will complain that I have done it inadequately. This book is not about legitimacy. Neither is it a criticism of those who have written about legitimacy – I have written about it myself – although it argues that legitimacy can frequently be a misleading term, applied beyond its proper and useful scope. I begin by looking briefly at work which borders on the topic of this book. My intention is not to dismiss an existing body of work, but to mark off the boundaries, and the overlaps, between that work and the subject of this enquiry. My intention in the remaining chapters is to give a brief initial account of an aspect of political life which deserves more attention, and whose description can add to the richness of our overall picture. This book is therefore an essay rather than a detailed historical or empirical study, and relies on the work of others for its illustrative material.

The principal subject of the book is a characterising activity of government, to which Max Weber has drawn attention in his famous definition of the state as ‘the human community which (successfully) claims the monopoly of legitimate coercion’.<sup>1</sup> What is not always noticed is that Weber is talking not about some abstract quality, ‘legitimacy’, but about an observable activity in which governments characteristically engage, the making of claims. This activity is mentioned by Weber as part of a definition of the state. What characterises government, in other words, is not the possession of a quality defined as legitimacy, but the claiming, the activity of legitimation. This book begins with the question, which is provoked by Weber’s definition: ‘What are governments doing when they spend time, resources and energy legitimating themselves?’ The question is one that is often hidden or obscured in the social sciences, but is nonetheless more often present there than the attention normally given to it suggests. When Anthony Downs gave the apparently purely utilitarian account of government and politics as involving the pursuit of income, prestige, and power,<sup>2</sup>

<sup>1</sup> Max Weber, ‘Politics as a Vocation’ in H. C. Gerth and C. Wright Mills (eds.), *From Max Weber: Essays in Sociology* (London, Routledge & Kegan Paul, 1948), p. 78.

<sup>2</sup> Anthony Downs, *An Economic Theory of Democracy* (New York, Harper & Brothers, 1957), p. 28: ‘From the self-interest axiom springs our view of what motivates the political actions of party members. We assume that they act solely in order to attain the income, prestige, and power which come from being in office. Thus politicians in our model never seek

only the first member of the trilogy, income, was tangible, straightforward, and relatively unproblematic: £1 00 is £1 00, and is twice as much as £50. Power is more complicated, since it is a metaphor for describing the fact that things happen, or do not happen. Does a government minister who introduces smaller class sizes, in so doing use, or enjoy, more 'power' than one who sponsors genetically modified maize? Does the same minister enjoy more power when she broadens the 'A' Level curriculum than when she assists music in primary schools. And is power an end in itself, or a means to acquire other things, or is it better understood as neither of these, but as a metaphor to describe success in acquiring them? But the complications of power are as nothing compared to those of prestige. Prestige is the least obviously utilitarian of them all, and seems almost to slip in hidden under the cloak of its rational companions in Downs's definition.

In giving the pursuit of prestige as one of the three aims of government, Downs, far from being iconoclastic, is being thoroughly traditional. That other alleged exponent of a cynical pragmatic approach to politics, Machiavelli, gave a remarkably similar account four centuries earlier, identifying the desire for prestige as one of the motives, and ends, of rulers.<sup>3</sup> Machiavelli speaks of greatness, honour, and prestige, whilst the material resources of government are little more than instruments for achieving these ends. Political science therefore gives plenty of precedent for paying attention to the seemingly non-utilitarian activities of rulers. And though the term 'prestige' can have a wide application, what is being described is a very particular kind of prestige, the prestige which applies to princes and presidents, kings and prime ministers, leaders and rulers. The claim of rulers to special status or qualities, and the actions they take in cultivating this claim, are the central part of endogenous legitimation, of the self-justification of rulers by the cultivation of an identity distinguished from that of ordinary men and women.

If the desire for prestige, for a sense of their unique identity, is a motive of rulers, how is such prestige to be identified, what

office as a means of carrying out particular policies; their only goal is to reap the rewards of holding office *per se*. They treat policies purely as a means to the attainment of their private ends, which they can reach only by being elected.'

<sup>3</sup> Niccolò Machiavelli, *The Prince* ([1532] Cambridge, Cambridge University Press, 1988).

are its symptoms, how and where is it enjoyed, and by whom and under what conditions? What is the utility of such a seemingly non-utilitarian activity? It may be that the question cannot be answered, and that all that can be done is a preliminary clarification, not of an answer, but of the question. And it may be necessary to reject the question, and insist that a narrowly utilitarian account of politics is unhistorical and unempirical. Self-legitimation in the form of the cultivation of a distinguished identity may be a goal in itself. And to say that it is merely a means of justifying other goods is to leave unresolved the question of why such justification is desired or necessary in the first place. This desire or need for a very particular form of prestige was what Weber identified when he commented that 'in no instance does domination voluntarily limit itself to the appeal to material or affectual or ideal motives as a basis for its continuance. In addition every such system attempts to establish and to cultivate the belief in its legitimacy.'<sup>4</sup> When rulers legitimate themselves, they claim that particular species of prestige which attaches to government. Whether or not the apparently universal feature of government, the claiming of prestige, justification, authority, reflects a psychological need of government or of governors, lies outside the scope of this study or at least lies only at its very fringes. But the character and consequences of such endogenous or self-legitimation can still be studied with that question left to one side.

The intention in this book is to construct a preliminary sketch of a theory with as wide an historical application as possible. Two qualifications must be made. First, I have drawn for illustration on the evidence from both the United Kingdom and the rest of the world, and from a wide chronological range. This of itself means that there has been no intensive investigation or presentation of a particular instance of legitimation. The second qualification is that the conceptions of state, politics, and political identity and legitimation which I develop in the following pages are not directly addressed to what for many people has been the principal question associated with the terms 'legitimation' and 'legitimacy': are there criteria, both morally acceptable to the abstracted observer, and practically effective in the specific historical context, which operate

<sup>4</sup> Max Weber, *Economy and Society*, ed. Guenther Roth and Claus Wittich, 2 vols. (London, University of California Press, 1978), p. 213.

when regimes sustain their rule over a given population? But whilst not addressing that question, I suggest answers to other questions which will not be uncongenial to those who wish to do so.

#### THE CORONATION OF NAPOLEON

David's famous painting of the coronation of Napoleon and Josephine has two features of great interest for anyone looking at the way in which government is carried on, and the way in which rulers conduct themselves. The first feature is well known. Napoleon is himself placing the crown upon the head of the Empress Josephine. The significance of that is clear. The emperor is not ruling by the consent of anyone else: not the church, not God, and certainly not the people. He is exercising and expressing authority, his own authority. He is legitimate because he legitimates himself, and the coronation is in effect a self-coronation. This is not, in any obvious sense of the word, a democratic occasion. The second feature of the painting is less obvious. Not only is the immediate audience for this event relatively small and select, but the most important member of the audience is the emperor himself. The ritual is, above all, for his own benefit, telling him who he is, and how he is marked out from other men. The coronation serves to impress, not the emperor's subjects, but the emperor himself.

This inward-turning aspect of legitimation has until recently attracted relatively little attention. The principal interest of historians and political scientists has been in other features of the ritualistic actions of rulers. Most attention has been paid to legitimation as a means, not of convincing princes and presidents, but of convincing subjects. The self-legitimation of rulers was discussed by Weber, but has been partly obscured amongst other features of the legitimation of government, so that the complexity, and difficulties, of his account have largely been lost sight of. His account of self-legitimation slipped further and further into obscurity as attention was focussed on ways of describing politics and government which derived from other aspects of his work, or in reaction to what were criticised as its undemocratic, or anti-democratic, aspects. In a democratic century, which was at least the aspiration of the 1900s, rulers were seen as the beneficiaries of legitimation, rather than as either its focus or

its centre. Not until the last two decades of the twentieth century did a renewed interest in the non-utilitarian side of government and politics lead to a slowly growing attention to the self-confirming, self-justificatory dimension of legitimation. The recognition of this element in Weber's theory has come, in particular, in formulating accounts of the collapse of communist regimes in Eastern Europe and the Soviet Union in 1989, though it can be found too in the work of social anthropologists such as Clifford Geertz.<sup>5</sup> What this recognition underlines is that such self-legitimation is not an unusual or unique feature of one ruler of post-revolutionary France. In the world of everyday government, the language, etiquette, and rituals of self-legitimation are ubiquitous.<sup>6</sup> They are a feature of all government, and there is much to be gained from reminding ourselves of this, and giving a preliminary account and theory of legitimation at the centre, from the centre, and for the centre. When legitimation is seen from the centre outwards, rather than from the outside inwards, dimensions of government which have languished in the shadows are thrown into new, or renewed, relief.

#### THE RE-EMERGENCE OF GOVERNMENT

One of the features of the series of changes variously described as the end of the short twentieth century, the end of modernity, the end of the cold war, or the arrival of post-modernity, was a renewed perception of government as an activity having its own purposes and ethos, one aspect of which was self-legitimation. When

<sup>5</sup> Clifford Geertz, *Negara: The Theatre State in Nineteenth Century Bali* (Princeton, Princeton University Press, 1980).

<sup>6</sup> Language is of course a problem. The terms used in languages other than English are often only roughly translated, and sometimes misrepresented, by the word 'legitimacy'. This qualification, whilst a very real one, is not unique to the study of legitimacy. In May 1992, during the popular demonstrations in major Thai cities which led to the restoration of a form of representative democratic government after a period of military intervention, the crowds were reported as shouting 'Down with the illegitimate regime!' Saitip Sukatipan, 'Thailand: The Evolution of Legitimacy' in Muthiah Alagappa, *Political Legitimacy in Southeast Asia: The Quest for Moral Authority* (Stanford, Stanford University Press, 1995), p. 218. Whatever they were shouting, it could not have been that. A similar problem can arise whenever the language of the system being studied is not English. Hok-lam Chan observes, in a study of legitimation in twelfth and thirteenth-century China, that 'legitimate succession' is an approximate translation only of the Chinese 'cheng-t'ung'. Hok-lam Chan, *Legitimation in Imperial China: Discussions under the Jurchen-Chin Dynasty (1115–1234)* (London, University of Washington Press, 1984), pp. 21–2.

the floodwaters of the short twentieth century (as Eric Hobsbawm has described the years from the Russian Revolution of 1917 to the collapse of East European and Soviet communism after 1989) retreated,<sup>7</sup> they revealed the hulks of government much as they had been when they were obscured by the waters of economic and social revolution eighty years before. The same priorities of rulers re-emerged, the same symbolic self-protection of government not only from outside doubts and the opinions of subjects and citizens, but from internal uncertainties of the kind that lead not to revolution but to abdication. If the great engagement of the twentieth century with the politics of class left behind the politics of place, religion, and nationality, it also obscured politics and government as self-generating activities, occupations with their own rewards, and their own justifications and legitimations. Not that these dimensions of government activity were absent during the short twentieth century nor that much sceptical writing was not eager to draw attention to them.<sup>8</sup> But ruling as a distinctive activity with its own aims, justifications, and culture was obscured by seeing government solely or principally as an instrumental activity. The three great standpoints of twentieth-century political science each sustained this vision. For Marxists, the state was either the instrument or the higher intelligence of capitalism; for democrats, it was the reflex or channel of popular or social pressures; for economic liberals it was, when behaving properly, the guardian of markets, and when behaving improperly the captive of socialists or the prisoner of socialist misconceptions. For none of them was it the institutional form of one of the major activities of humans and of human society, the exercise of power over the general affairs of other people.

## EXISTING WORK

In the last twenty years of the twentieth century, political legitimation and political legitimacy attracted an increasing amount of

<sup>7</sup> Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century: 1914–1991* (London, Michael Joseph, 1994).

<sup>8</sup> A variety of writers, from Michels and the early elitists to Orwell and the sceptical critics of power, from anarchists to post-Spencerian critics of bureaucracy, have identified the exercise of power as just as important as the objects for which it was ostensibly employed.

attention amongst political scientists, social scientists, and historians. This was in part in response to the end, and the circumstances surrounding and following the end, of the short twentieth century: the replacement of communist regimes in Eastern Europe and the Soviet Union by various forms of democracy; the emergence, particularly with the development of the European Union, of new forms of transnational governance; the conflicts between democratic movements and party and military despotisms in Asia; and the need to restate the conditions under which regimes legitimated themselves in a world where the simple polarities of communist/capitalist, totalitarian/democratic, had either evaporated or been intertissued with the dimensions of ethnicity, religion, and national identity.

Within this growing body of literature on legitimacy and legitimation,<sup>9</sup> there are three principal strands: normative assessment of legitimacy as a quality or possession of government;<sup>10</sup> the study of popular attitudes towards and support for rulers as a basis for analysing and predicting regime stability, both at national and transnational level;<sup>11</sup> and the interweaving of the first two to form a bridge or an alliance between is and ought.<sup>12</sup> Each strand is in

<sup>9</sup> The literature is extensive, and I have given samples only in the following footnotes.

<sup>10</sup> William Connolly (ed.), *Legitimacy and the State* (Oxford, Blackwell, 1984); Leslie Green, *The Authority of the State* (Oxford, Clarendon Press, 1988); Tom R. Tyler, 'Justice, Self-Interest, and the Legitimacy of Legal and Political Authority' in Jane J. Mansbridge, *Beyond Self-Interest* (Chicago, University of Chicago Press, 1990), pp. 171–9.

<sup>11</sup> Muthiah Alagappa, *Political Legitimacy in Southeast Asia: The Quest for Moral Authority* (Stanford, Stanford University Press, 1995); David Beetham and Christopher Lord, *Legitimacy and the European Union* (London, Longman, 1998); Grainne de Búrca, 'The Quest for Legitimacy in the European Union', *Modern Law Review* 59 (1996), 349–76; Soledad García (ed.), *European Identity and the Search for Legitimacy* (London, Pinter, 1993); James L. Gibson and Gregory A. Caldeira, 'Changes in the Legitimacy of the European Court of Justice: A Post-Maastricht Analysis', *British Journal of Political Science* 28, 1 (1998), 63–91; Simon Hix, 'The Study of the European Union II: The "New Governance" Agenda and its Rival', *Journal of European Public Policy* 5, 1 (1998), 38–65; Juliet Lodge, 'Transparency and Democratic Legitimacy', *Journal of Common Market Studies* 32 (1994), 343–68; Heinz Käufeler, *Modernization, Legitimacy and Social Movement: A Study of Socio-Cultural Dynamics and Revolution in Iran and Ethiopia* (Zurich, Ethnologische Schriften Zürich, 1988).

<sup>12</sup> David Beetham, *The Legitimation of Power* (London, Macmillan, 1991); Jürgen Habermas, *Legitimation Crisis*, trans. T. McCarthy (London, Heinemann, 1976); David Held, 'Power and Legitimacy in Contemporary Britain' in Gregor McLennan, David Held and Stuart Hall (eds.), *State and Society in Contemporary Britain: A Critical Introduction* (Cambridge, Polity, 1984); David Held, 'Crisis Tendencies, Legitimation and the State' in J. B. Thompson and D. Held (eds.), *Habermas: Critical Debates* (London, Macmillan, 1982).

part an ideal type, and much work incorporates elements of more than one strand. But the three elements nonetheless give character to, and illustrate, the predominant approaches. The normative approach most frequently employs the terms 'legitimacy' and 'legitimate'. 'Legitimacy' is treated as a property or characteristic of regimes which satisfy criteria laid out by the observer. These criteria are most usually identified as the transfer of consent by subjects to rulers, often in some form of regularly renewed democratic contract. Procedural rules, respect for rights, the just exercise of governmental power, are frequently identified as supportive or additional criteria. Regimes which fulfil these criteria are then designated 'legitimate'. From within this tradition comes the argument for leaving the empirical or historical study of legitimation well alone, from those who argue that since there are ascertainable principles by which government can be justified, what is of principal importance is not the various claims that are made by rulers, or the various political rituals whereby support is expressed, but only the extent to which regimes approach acceptable norms of legitimacy. Normative political theory has been directed to developing a prescriptive theory of legitimacy, and has, in consequence, though not from logical necessity, been hostile to speaking of legitimacy in circumstances where the rulers, policies, or constitutions are considered morally unacceptable. The rulers are moreover perceived as agents rather than as actors, since the source of their legitimacy generally is presented as external to themselves. They are instruments of values whose origin lies elsewhere; the 'source of the legitimacy of the political process and the results it produces must lie ultimately outside the process'.<sup>13</sup>

The second, empirical or historical approach also rests most heavily on the terms 'legitimacy' and 'legitimate', which describe qualities of a political system, as opposed to 'legitimation' which describes an activity. Although the first approach is normative and the second empirical, the normative suppositions of the first are embedded in the second. The normative valuation of democracy guides research in the direction of studies of the opinions of voters

<sup>13</sup> Regina Austin, 'The Problem of Legitimacy in the Welfare State', *University of Pennsylvania Law Review* 130 (1982), 1510-18, p. 1514.

and of the efforts of government to influence these opinions. Legitimacy is used as a term to describe a regime which is supported by its subjects,<sup>14</sup> and democracy is the most reliable manner in which that support can be expressed and studied. Perceived in this way, there is a phenomenon of legitimacy which can be numerically measured.<sup>15</sup> Four different objections have been raised to this approach. The first is that the argument is circular, inferring consent from obedience, and then invoking consent to explain obedience.<sup>16</sup> Nothing, it is claimed, is added to an understanding of government or politics by speaking of legitimacy in such a manner. The second objection is that 'legitimacy' explains nothing, and is no more than a redescription of the phenomenon being examined: support.<sup>17</sup> The third objection, which leads on to the third manner of using the terms, is that to describe as legitimate a regime which its subjects believe to be legitimate is to empty the term of any moral content, which content it ought to have.<sup>18</sup> A further, fourth objection can be raised, which is that describing a resource of government, 'legitimacy', makes distinct or even optional an activity which is better seen as integral to all government. If legitimacy is seen as a distinct resource of government, it can equally be left out of account save

<sup>14</sup> David Easton, *A Systems Analysis of Political Life* (New York, John Wiley and Sons, 1965); George Kolankiewicz, 'The Other Europe: Different Roads to Modernity in Eastern and Central Europe' in Soledad Garcia (ed.), *European Identity and the Search for Legitimacy* (London, Pinter, 1993); Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Baltimore, Johns Hopkins University Press, 1978); John Williams, *Legitimacy in International Relations and the Rise and Fall of Yugoslavia* (London, Macmillan, 1998); David Beetham *The Legitimation of Power* (London, Macmillan, 1991); Beetham and Lord, *Legitimacy and the European Union*; Frederick D. Weil, 'The Sources and Structure of Legitimation in Western Democracies: A Consolidated Model Tested with Time-Series Data in Six Countries Since World War II', *American Sociological Review* 54 (1989), 682-706.

<sup>15</sup> M. Stephen Weatherford, 'Measuring Political Legitimacy', *American Political Science Review* 86 (1992), 149-66.

<sup>16</sup> Rodney Barker, *Political Legitimacy and the State* (Oxford, Clarendon, 1990), pp. 56-60. Cf. Joseph Bensman's comment that, in Weber's account, legitimacy cannot be dissected out as a causal variable. Joseph Bensman, 'Max Weber's Concept of Legitimacy: An Evaluation' in Arthur J. Vidich and Ronald Glassman (eds.), *Conflict and Control: Challenges to Legitimacy of Modern Governments*, 17-48 (Beverly Hills, Sage, 1979).

<sup>17</sup> Brian Barry, *Sociologists, Economists, and Democracy* (London, Collier-Macmillan, 1970), pp. 53-7.

<sup>18</sup> This argument is developed, for instance, by Peter G. Stillman, 'The Concept of Legitimacy', *Polity* (Amherst, North Eastern Political Science Association) 7, 1 (1974), 32-56, p. 50; and David Campbell, 'Truth Claims and Value-Freedom in the Treatment of Legitimacy: The Case of Weber', *Journal of Law and Society* 13, 2 (Summer 1986), 207-24, p. 221, and by Beetham, *Legitimation of Power*.

in extreme situations, a *deus ex machina* to be called into account when all other explanations fail.<sup>19</sup>

The third manner of using the terms 'legitimacy', 'legitimate', and 'legitimation' involves constructing a theory with the aim of knitting together normative and empirical conceptions and theories.<sup>20</sup> It is in part a response to the phenomenon described by Rudyard Kipling, where

the wildest dreams of Kew are the facts of Khatmandhu,  
And the crimes of Clapham chaste in Martaban.<sup>21</sup>

When this variety is confronted, the normative theory of legitimacy faces the problem that people have many different values, and that regimes which one observer regards as abhorrent nonetheless engage in justification, in legitimation, of themselves. One response of this position is to say that to treat legitimation in this manner is to confer approval on all kinds of distasteful regimes: on crooks, despots, and repressive incompetents. To go down this road is to lose any normative purchase on a concept which has value at its very core. The response to this is that an historical or empirical study of legitimation requires an acknowledgement of the variety of human political values. And whilst a democratic political science rests on strong normative and methodological grounds, much of government is not democratic, and normative aspirations should not prevent a study of a distinguishing feature of all government. The other response is to acknowledge that there are various modes of legitimation, but nonetheless to refine from each moral principles which can form a workable means of normative assessment.<sup>22</sup> But

<sup>19</sup> Even so sympathetic an analyst as Leslie Holmes, for instance, can write that 'communist leaderships typically attempt to move over time from predominantly coercion-based to predominantly legitimation-based power'. In the work of Margaret Levi legitimacy is given the role of an emergency generator, called into play only when other sources of explanatory power have failed. Leslie Holmes, *The End of Communist Power: Anti-Corruption Campaigns and Legitimation Crisis* (Cambridge, Polity, 1993) p. xiii; Margaret Levi, *Of Rule and Revenue* (London, University of California Press, 1988). This approach is to be found either stated or implied in a number of works, e.g. Rosemary H. T. O'Kane, 'Against Legitimacy', *Political Studies* 41, 3 (1993), 471–87. But see also Rodney Barker, 'Legitimacy: The Identity of the Accused', *Political Studies* 42, 1 (1994), 101–2.

<sup>20</sup> Beetham, *Legitimation of Power*; Habermas, *Legitimation Crisis*; Held, 'Power and Legitimacy'; Held, 'Crisis Tendencies'.

<sup>21</sup> Rudyard Kipling, 'In the Neolithic Age', quoted in Charles Carrington, *Rudyard Kipling: His Life and Work* (London, Macmillan, 1955; Harmondsworth, Penguin 1970), p. 195.

<sup>22</sup> Williams, *Legitimacy in International Relations*; Beetham, *Legitimation of Power*.

even if all and any regimes are considered, the question to ask will be, what point a regime has reached on whatever scale of progress or excellence the observer is employing, even if that scale is procedural rather than substantial. An objective measure of legitimacy is described which simultaneously takes account of the views or behaviour of the subjects of a government, and sets out criteria of its own, whereby, in a way that does not depend simply on the expression of opinion within the state studied, a regime can be judged either legitimate or not. Such an attempt to bridge the normative empirical divide acknowledges a variety of opinion, but insists on the participation of adult members of a community in the political process. This does not solve the problem, for a normative theorist, of a repressive regime actively supported by most of its subjects, but it does contribute towards a reconciliation of democratic theory with cultural difference.

These three bodies of social science constitute the bulk of recent and contemporary work on the topic. The principal contribution of existing work therefore has been either normative or centred on public opinion, on politics and democracy, rather than on government. But the new, or recovered, perspectives available with the end of the short twentieth century are not exhausted by these approaches.

The end of the cold war, post-modernity, the fading of the polarities of communism and anti-communism, have all cultivated a condition of things where legitimation within government, self-legitimation, has become far more evident. Governing is an activity legitimated in a myriad ways, and the absence of democratic legitimation will throw into relief how much legitimation is by government and *for* government. A post-modern, post-class world is likely to be one where the legitimating activities of government are cast into greater relief, once the justifying ends of government are more contested, and more varied.

#### NEW WORK

There is now a growing fourth body of work, which picks up on some underdeveloped, and subsequently largely neglected, elements in the work of Max Weber. This fourth body of work is the

least developed, and the most dispersed, but it is expanding. It involves the study of legitimation as a self-referential or self-justifying activity characteristic of rulers, pursued with great intensity at the centre of government and with those engaged in the business of government as its principal consumers. This fourth body of work is an indication that government as a characteristic human activity is being given increased attention. For whilst legitimation may be conducted with reference to values external to government in a way which is congruent with the instrumental perspective on politics, it is conducted also with reference to the internal character of rulers, with claims to authority rather than to agency. It is worth returning briefly to Weber, because his arguments give a clue as to what is increasingly seen as a central feature of governing. Such a return has the additional benefit of allowing a correction of a well-established misunderstanding of what Weber was doing when he described legitimation. A neglected but central aspect of the work of Weber made a formative theoretical contribution by identifying the activity of legitimation, as distinct from the ascribed quality of legitimacy, as a defining characteristic of government, and one whose particular character and manner of expression varied with the formal and substantive character of the regime.<sup>23</sup> Weber's definition of the state as 'the human community which (successfully) claims the monopoly of legitimate coercion'<sup>24</sup> has been quoted frequently, and its significance as frequently not noticed. He was not arguing that governments needed some quality called 'legitimacy' to survive, nor that one of the things that governments sought was such a resource. His focus was upon an activity, legitimation or the making of claims to authority, which was one of the defining characteristics of all government. His principal depiction of it was as a constituting feature of government, and of its function within the apparatus of rule. The desire or even perhaps need for a very particular form of prestige was what Weber identified when he commented that 'in no instance does domination voluntarily limit itself to the appeal to material or affectual or ideal motives as a basis for its continuance. In addition every such system

<sup>23</sup> Weber, *Economy and Society*, Barker, *Political Legitimacy and the State*; C. Matheson, 'Weber and the Classification of Forms of Legitimacy', *British Journal of Sociology* 2 (1987), 199–215.

<sup>24</sup> Max Weber, 'Politics as a Vocation', in Gerth and Mills, *From Max Weber*, p. 78.

attempts to establish and to cultivate the belief in its legitimacy.<sup>25</sup> Weber is talking not about some abstract quality, 'legitimacy', but about an observable activity in which governments characteristically engage, the making of claims.<sup>26</sup> What characterises government, in other words, is not the possession of legitimacy, but the activity of legitimation. Although this theory of legitimation has been eclipsed by the normative and empirical discussion of legitimacy as a property of some governments only, recent work has renewed the examination of legitimation as a characteristic activity of all government.

Going on from Weber's account, it is then possible to develop a theory of legitimation which takes account of two neglected components of government: legitimation as a characterising activity of government, and the function of legitimation within the governmental sphere and its relationship with the structure and ethos of government. There is a growing body of work which takes up this dimension of government, or which touches upon it. Joseph Rothschild has argued that 'Discussions of legitimacy and legitimation risk irrelevancy if they overlook this crucial dimension of the ruling elite's own sense of its legitimacy.'<sup>27</sup> Joseph Bensman has commented that 'Legitimation as self-justification is only validated inwardly'<sup>28</sup> and Jan Pakulski has identified the self-legitimation of ruling elites as an important element in Weber's argument and has applied this perception to the examination of Eastern Europe in general, and Poland in particular.<sup>29</sup> David Beetham and Christopher Lord identify the need for legitimation in international government such as the European Union, though they are reluctant to accept that it is significant within

<sup>25</sup> Weber, *Economy and Society*, p. 213.

<sup>26</sup> Joseph Bensman is particularly perceptive on the predominance of the claim, rather than its reception, in Weber's account. Bensman, 'Max Weber's Concept of Legitimacy'.

<sup>27</sup> J. Rothschild, 'Observations on Political Legitimacy in Contemporary Europe', *Political Science Quarterly* 92, 3 (1977), 42.

<sup>28</sup> Bensman, 'Max Weber's Concept of Legitimacy', p. 32.

<sup>29</sup> Jan Pakulski, 'Ideology and Political Domination: A Critical Re-appraisal', *International Journal of Comparative Sociology* 28, 3-4 (1987), 129-57; Jan Pakulski, 'Poland: Ideology, Legitimacy and Political Domination' in Nicholas Abercrombie, Stephen Hill, and Bryan S. Turner (eds.), *Dominant Ideologies* (London, Unwin Hyman, 1990); Jan Pakulski, 'East European Revolutions and "Legitimacy Crisis"' in Janina Frentzel-Zagórska (ed.), *From a One-Party State to Democracy*, 67-87 (Amsterdam, Rodopi, 1993).

states.<sup>30</sup> Empirical and historical work, for instance on medieval and seventeenth-century kingship,<sup>31</sup> on the art and architecture of government,<sup>32</sup> or on communist and post-communist regimes in Eastern Europe<sup>33</sup> has dealt with specific instances of this endogenous or self-legitimation. Self-legitimation was as important to Henry III, spending up to two years' entire royal revenue on creating Westminster Abbey as a justification of his own kingship,<sup>34</sup> as it was for the leaders of Eastern European regimes for whom a collapse of their own confidence in their authority was as important a factor in the fall of communism as were the pressures from the street. What will now be useful and illuminating is a drawing out of the significance of such work and the formulation of a broader account in such a way as will aid or provoke new work of both a particular and a comparative nature.

#### QUESTIONS AND POSSIBILITIES

A recognition of the self-absorbed dimension of government provokes a range of questions: what is the nature of the legitimation engaged in as an internal activity of governance and government? What function does this internal legitimation perform in sustaining rulers? What is the relation between internal legitimation and the

<sup>30</sup> Beetham and Lord, *Legitimacy and the European Union*, p. 12: 'Like any other political body exercising jurisdiction, international institutions require justification in terms of the purposes or ends they serve, which cannot be met by other means, in this case by nation states themselves, or at the individual state level. A continuing ability to meet these purposes, therefore, would seem to be an important condition for the legitimacy of their authority. Yet such justifications rarely percolate out beyond a narrow elite group; nor do they need to, it could be argued, since these institutions are not dependent on the cooperation of a wider public to effect their purposes.'

<sup>31</sup> Paul Binski, *Westminster Abbey and the Plantagenets* (New Haven, Yale University Press, 1995); Peter Burke, *The Fabrication of Louis XIV* (New Haven, Yale University Press, 1992); Paul Strohm, *England's Empty Throne: Usurpation and the Language of Legitimation, 1399-1422* (London, Yale University Press, 1998).

<sup>32</sup> Lawrence J. Vale, *Architecture, Power and National Identity* (New Haven, Yale University Press, 1992).

<sup>33</sup> Guisepppe Di Palma, 'Legitimation from the Top to Civil Society: Politico-Cultural Change in Eastern Europe', *World Politics* 44, 1 (October 1991); Holmes, *The End of Communist Power*; Maria Markus, 'Overt and Covert Modes of Legitimation in East European Societies' in T. H. Rigby and Ference Feher (eds.), *Political Legitimation in Communist States* (London, Macmillan, 1982).

<sup>34</sup> Binski, *Westminster Abbey and the Plantagenets*, p. 1.

legitimation of rulers with reference to citizens, voters, and other external ruled or regulated persons? What is the relationship between the particular form of legitimation pursued, and other features of the disposition of the resources (time, energy, funds, personnel) of government? What is the causal and taxonomic character of the relation between legitimation and the manner of rule, the distribution of power, and the manner of regulation? What comparisons and contrasts can be identified between legitimation within government, and within the broader activity of governance? It will not be possible to answer all or even most of these questions. But raising them broadens the scope of enquiry into government, and raises the possibility of a more richly dimensional account of it.

#### OBJECTIONS

Several objections are immediately possible to the depiction of government as a characteristically self-legitimizing occupation, or to the paying of serious academic attention to that activity. Legitimation within government, it might be argued, is a private game. Like ear lobes, its existence cannot be denied, but it is epiphenomenal or functionless. Existence is not to be equated with significance or importance. What matters are the outputs of government, and the quality of the relationship between rulers and ruled, representatives and citizens. Carl Friedrich saw no problems in simply dismissing the whole enterprise: 'if one stresses the objective fact of conformity of conduct, as we have done, the complexity of human motivation in adopting such conforming behaviour can be left aside'.<sup>35</sup> Alternatively, it can be objected that legitimation is no more than the dress that power wears. There are two answers to this charge. First, the behaviour of government is inherently interesting as a major form of human behaviour. To social scientists, whatever people spend time doing is of interest. And whether or not legitimation appears important to observers, governmental actors appear to treat it very seriously. The attempt to explain away this attention to legitimation ends up by reinstating what it tries to dismiss. David Easton many years ago tried to dismiss legitimation as the result of habit or

<sup>35</sup> Carl J. Friedrich, 'Political Leadership and the Problem of Charismatic Power', *The Journal of Politics* 23 (1961), 3-24, p. 12.

inertia: 'The reliance on legitimacy as a source of diffuse support may have a peculiar result. So ingrained may it become in some systems, that we may suspect that it gives birth to a psychological need to find some leaders and structures in which to believe. If so, belief in legitimacy may become an autonomous goal for the members of a system.'<sup>36</sup> But if legitimation were not already a need, why would it be employed or cultivated in the first place? The argument is a bit like saying that people ate food so often that they became habituated to it, which explains why they continue to do so. Far from being mere trappings or even mere instruments for deceiving the masses, legitimation appears to provide for rulers goods that are valued in themselves. As Inis Claude nicely put it, 'the lovers of naked power are far less typical than those who aspire to clothe themselves in the mantle of legitimate authority; emperors may be nude, but they do not like to be so, to think themselves so, or to be so regarded'.<sup>37</sup> Second, the allocation of resources, energy, time by government is likely to have consequences for ordinary subjects and citizens.

Another objection is to claim that to concentrate on legitimation within government is to abandon normative assessment. The answer to that charge is the same as that implied in the old joke about the Christmas ties, where the giver of two ties, on being confronted with the recipient wearing one of the new gifts complained 'Oh, so you don't like the other one.' Choosing to study one thing is not necessarily to refuse to study something else as well. Still less is it to pass judgement on the value of doing so. The normative complaint could be further countered by the claim that normative assessment must be empirically informed.

#### THERE IS MUCH FOR WHICH WEBER CAN BE BLAMED

The confusion between 'legitimacy' as either a resource of government or an aspiration of government, and legitimation as a defining characteristic of government, can be found at the start of

<sup>36</sup> David Easton, *A Systems Analysis of Political Life* (New York, John Wiley and Sons, 1965), p. 309.

<sup>37</sup> Inis L. Claude, Jr, 'Collective Legitimation as a Political Function of the United Nations', *International Organization* 20 (1966), 367-79, p. 368.

the modern discussion in the work of Max Weber, though Weber is not as confused as subsequent discussion has made him seem. Weber speaks both of the actions of rulers and ruled in claiming or denying legitimacy, in other words in engaging in legitimation, and of the character of rule. Thus action 'may be guided by the belief in the existence of a legitimate order'<sup>38</sup> and 'actors may ascribe legitimacy to a social order'<sup>39</sup> whilst at the same time 'legitimacy' can be treated as a characteristic of a social order.<sup>40</sup> There is a further confusion, or at least ambiguity, in that sometimes Weber speaks of legitimation as a feature of the relations between people, and, at others, as a feature of relations between systems or institutions.<sup>41</sup> The trap into which subsequent commentators have fallen is to assume that, since Weber spoke of the ascription of legitimacy and of belief in legitimacy, the historian or political scientist could most profitably proceed by asking the same questions as did rulers and their subjects and supporters: 'Is this regime legitimate, does it possess legitimacy?' Weber identified this mistake in his criticisms of Rudolph Stammeler for failing to distinguish between the normative and the empirical.<sup>42</sup> The error is illustrated if the question is asked of a specific form of legitimation. It would occur to few contemporary observers to ask, 'Does the king really enjoy divine authorisation, is he really possessed of divine right?' Yet as soon as the method of legitimation moves from the pre-modern form of divine right to the modern form of contract and consent, it is assumed that, because words are used, the things to which they refer must be real, and observable and testable by third parties. We no longer accept the ontological proof of the existence of God, but are happy to accept ontological proofs of the existence of legitimacy, or justice, or authority.

It is possible to go too far in the opposite direction. The ironist as described by Richard Rorty, 'thinks that the occurrence of a term like "just" or "scientific" or "rational" in the final vocabulary of the day is no reason to think that Socratic enquiry into the essence

<sup>38</sup> Weber, *Economy and Society*, p. 31.

<sup>39</sup> *Ibid.*, p. 36.

<sup>40</sup> *Ibid.*, p. 33.

<sup>41</sup> Peter M. Blau, 'Critical Remarks on Weber's Theory of Authority', *American Political Science Review* 57, 2 (June 1963), 305-16, p. 307.

<sup>42</sup> Weber, *Economy and Society*, p. 32.

of justice or science or rationality will take one much beyond the language games of one's time'.<sup>43</sup> But 'the language games of one's time' should not be dismissed as trivial. They are engaged in with serious and benign intent by many who seek thereby to advance the happiness of humanity or the justice with which it arranges its affairs. Whether one dismisses such activity as a contingent game or, alternatively, sees it as a modern version of theological disputation, one is left with its clear embedded presence as a major and ubiquitous feature of human life. One may say that its aims rest on a misconception, but one cannot say that the observation of its importance rests on a misconception, since it is a clearly real and perennial feature of that contingent activity summarised as human life.

## DEFENDING WEBER

The objection frequently made to Weber's discussion of legitimacy, that he is saying that legitimacy exists when people believe it exists,<sup>44</sup> is answered by first acknowledging and then explaining the accusation. There are not two separate things, 'legitimacy' and 'belief in legitimacy'. 'Legitimacy' is a fiction, a metaphor which we employ to describe circumstances where people accept the claims made by rulers. Beliefs, in this sense, are not evidence of some further, distinct phenomenon called legitimacy, they are what we are describing when we say things such as 'the regime is legitimate' or 'the regime enjoys legitimacy'. So if we ask whether a regime is legitimate, historically or empirically what that question must mean is 'is the regime legitimated?' 'Are there actions which we can observe or infer which constitute legitimation?' Legitimation, as an activity, in other words, rather than the metaphorical condition or property of legitimacy, is what empirical or historical, as opposed to normative, social science is concerned with. The phrase 'as opposed to normative' is of course crucial. The elaboration of criteria by which the observer recommends the normative appraisal of

<sup>43</sup> Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge, Cambridge University Press, 1989), pp. 74–5.

<sup>44</sup> This is a frequent charge, of which David Beetham's is the most recent restatement. Beetham, *The Legitimation of Power*, pp. 8–13. But see also Anthony Giddens, *Studies in Social and Political Theory* (London, Hutchinson, 1979), p. 92, and Barker, *Political Legitimacy and the State*, pp. 56–60.

regimes is an inherent aspect of political science. But it is also a distinct and different one from the empirical or historical study of how government is carried on.

There are passages where Weber leaves less room for confusion. In the essay 'Politics as a Vocation' he writes that the state is that 'human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory'.<sup>45</sup> The claim is what characterises the human institutions called states, in other words, not the possession of some abstract quality called legitimacy. This is highlighted by a frequent complaint made against Weber, that he provided no conception of illegitimacy. Melvin Richter, for example, complains that Weber was not interested in, and did not have place in his schema, for a concept of illegitimacy. This is compared with those writers, including Tocqueville, who developed arguments whereby to call in question the acceptability of the rule of Napoleon.<sup>46</sup> But the question of states seeking for some property called legitimacy in order to succeed or survive no more arises than does the question of elephants seeking mammalian status. Mammals is one of the things that elephants are, and the most one can ask are questions of degree: not 'is it a warm blooded quadruped that suckles its young?', but 'how many young?' Similarly with states, as Peter Stillman, whilst still employing the concept of legitimacy, insists, it is a matter of degree.<sup>47</sup> Legitimation is not a condition of the success of rulers so much as a characteristic of the phenomenon of being a ruler. In that sense, an unlegitimated state is a contradiction in terms, whatever further judgements may be made about the political character and moral status of the regime. Arthur Vidich and Ronald Glassman suggest that much of the ancient world was 'illegitimate', and give as examples of non-legitimate regimes, 'Rome's entire political history from Augustus to Claudius and beyond to the fall of Rome'; Italian cities during 'almost the entire period of the Renaissance'; and the contemporary regimes where 'almost the entire Third World is ruled by military regimes,

<sup>45</sup> 'Politics as a Vocation' in Mills and Gerth (eds.), *From Max Weber*, p. 78. Italics in the original.

<sup>46</sup> Melvin Richter, 'Towards a Concept of Political Illegitimacy: Bonapartist Dictatorship and Democratic Legitimacy', *Political Theory* 10, 2 (May 1982), 185-214.

<sup>47</sup> So Peter Stillman, while still employing the concept of legitimacy, insists that it is a matter of degree. Stillman, 'The Concept of Legitimacy'.