Legitimacy, power, and authority: a Weberian perspective

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Abstract: This study aims to comprehensively analyze the Weberian concept of legitimacy, focusing on its implications for the empirical strength and stability of a social order. It begins by examining the incentives that ensure the legitimacy of an order, with particular emphasis on the relationship between law and morality. Furthermore, it explores the various theoretical perspectives and methodological approaches to legitimacy found in the literature, highlighting their relevance to the development of a more robust framework for understanding this complex phenomenon. Drawing from diverse sources and scholarly debates, the study investigates the role of value-oriented action (*wertrationales Handeln*) in shaping the nature and effectiveness of legitimate social orders. It also delves into the factors that contribute to the internal reasons for subjects to believe in a legitimate order. By synthesizing insights from various disciplines and intellectual traditions, this study aims to contribute to a more nuanced and holistic understanding of legitimacy. It also seeks to provide a solid foundation for future research and policy-making, emphasizing the importance of considering both empirical and normative aspects of legitimacy when examining the factors that contribute to the stability and resilience of social orders.

Key words: legitimacy, Weberian theory, value-oriented action, social order, law and morality.

Legitimidade, poder e autoridade: uma perspectiva weberiana

Resumo: Este estudo tem como objetivo analisar de forma abrangente o conceito weberiano de legitimidade, focando em suas implicações para a força empírica e estabilidade de uma ordem social. Inicia-se examinando os incentivos que garantem a legitimidade de uma ordem, com ênfase especial na relação entre lei e moralidade. Além disso, exploram-se as diversas perspectivas teóricas e abordagens metodológicas sobre legitimidade encontradas na literatura, destacando sua relevância para o desenvolvimento de uma estrutura mais robusta para a compreensão deste fenômeno complexo. A partir de diversas fontes e debates acadêmicos, o estudo investiga o papel da ação orientada a valores (wertrationales Handeln) na formação da natureza e eficácia das ordens sociais legítimas. Também se aprofunda nos fatores que contribuem para as razões internas dos sujeitos acreditarem em uma ordem legítima. Ao sintetizar percepções de várias disciplinas e tradições intelectuais, este estudo visa contribuir

para uma compreensão mais matizada e holística da legitimidade. Busca-se também fornecer uma base sólida para futuras pesquisas e formulação de políticas, enfatizando a importância de se considerar os aspectos empíricos e normativos da legitimidade ao examinar os fatores que contribuem para a estabilidade e resiliência das ordens sociais.

Palavras Chave: legitimidade, teoria weberiana, ação orientada a valores, ordem social, lei e moralidade.

1. Introduction

The essence of legitimacy, or Legitimität, within sociological inquiry, as postulated in Weberian theory, is foundational to understanding the underpinnings of societal structures and social interactions. This concept operates as the lifeblood of sociological structures, offering a prism through which social actions are interpreted and directed. Its central role in Weber's sociological edifice emerges early on, particularly in the initial elucidation of social action as a concept. The fifth paragraph of Weber's sociological exposition provides a profound delineation of how actions, and notably, social relations, are conditioned by actors predicated on the representation, or Vorstellung, of what is perceived as a legitimate order[2]. This exploration of legitimacy is pivotal to Weber's narrative, encompassing a breadth of sociological phenomena that offer a deeper understanding of how societies function.

2. Weber, 1980, p. 16.

3. Weber, 1980, p. 16.

One cannot overemphasize the role of 'validity' [*Geltung*] in this discursive landscape. This term is invoked to articulate the circumstances that allow for the materialization of such a legitimate order. Validity, in the Weberian context, presents itself when individual actions are aligned towards accepted maxims [*Maximen*]. This alignment engenders what Weber terms a 'content of subjective meaning' within a social relationship, a concept that unveils the layered nature of social interactions[3]. When these maxims are either perceived as obligatory or taken as normative standards of social relations, we enter the realm of discussing the empirical strength of an order. This term, another critical facet of Weber's theory, shines a light on the mechanics of societal structures and the rules that govern them.

The primary aim of this paper is to unravel these foundational concepts and investigate their implications for our comprehension of the social world. By employing Weber's conceptual apparatus, we will embark on a journey that explores the intricacies of legitimacy, validity, and the strength of orders in sculpting social relations and individual behavior. A close examination of the nuanced interplay

between these ideas will shed light on their collective contribution to Weberian sociology, and how they continue to resonate within contemporary societal discourse. This exploration not only offers a reinterpretation of Weber's concepts but also affords the opportunity to assess their relevance and applicability in the face of evolving societal norms and structures. Furthermore, the paper will delve into the complexities of legitimacy within different societal contexts, shedding light on how varying perceptions of legitimacy shape social relations in diverse environments. Drawing from Weber's conceptual framework, we will evaluate the inherent dynamism of legitimacy and its transformative influence on individual and collective behavior.

As we delve deeper into the constructs of validity and the empirical strength of an order, we will highlight their integral role in maintaining societal cohesion and enabling the evolution of social systems. A key aspect of this exploration will be an analysis of how these elements interact within social structures, influencing individual actions and societal perceptions. Through this rigorous and multifaceted analysis, this paper aims to advance a more comprehensive understanding of Weberian sociology. By drawing from historical instances and contemporary examples, we seek to provide a nuanced interpretation of Weber's concepts, thereby contributing to the broader sociological discourse.

2. Legitimacy and the empirical foundation of a social order

The causes and deeper motivations that connect each subject to an order are diverse and varied. An individual action driven solely by utilitarian motives contributes minimally to the stability of an order compared to one that originates from the realm of morals or lived tradition. However, an order based on habit proves to be less stable than one reinforced by the charm of exemplariness (*Vorbildlichkeit*) or bindingness (*Verbindlichkeit*), that is, legitimacy. Consequently, faith in legitimacy[4] marks the transition to a more advanced and stable form of power in an order. The empirical meaning of the power of an order initially refers to the possibility of actually directing individual action towards it, regardless of the subject's compliance with its rules. Accordingly, legitimacy as an empirical concept is not necessarily identical to the normative content of legal doctrine. It expresses more of the causal relationship between an existing order and a real behavior intertwined with it, as there is no absolute choice between the power and lack of power of an order in sociology. Instead, there are fluid transitional states of reality, and it is empirically possible for contradictory orders to coexist[5].

4. Weber, 1980, p. 16; Weber, 1982, p. 475.

5. Weber, 1970, p. 17.

Legitimacy constitutes the ultimate stabilizing factor of an order, without becoming

subject to the subjective evaluations of each individual. Weber acknowledges that the concept is subject to the constant transformation of historical development and is therefore perpetually exposed to the normative assessments of both the rulers and the ruled. Thus, he is obliged to recognize legitimacy as the potential of rational subjects in order to bypass the theoretical pitfall of partial beliefs and perceptions. This entails accepting value as a subjective relationship of meaning that directs individual and, by extension, social action. Even if value-idea lacks objective correctness and truth by itself, its empirical existence grants the sociologist the right to seek the foundations of legitimacy in the subjects' belief in the power of an order. However, Dux believes that Weber left legitimacy to become the subject of the subjective beliefs of each one of us[6]. He then adds: "When the question of the legitimacy of law under the conditions of the present is referred to 'belief,' this means, inevitably, that legitimacy is handed over to the radically subjective appreciation of the individual. But this introduces into it a degree of arbitrariness, specifically individual arbitrariness, that robs it of its meaning"[7].

In the context of the empirical orientation of the legitimacy of an order, the question remains whether and to what extent the participants have indeed been persuaded by the charm that it presents as a model or as coercion. In other words, whether the involved parties are obligatorily subjected to a pre-existing order without further investigation of their voluntary and genuine belief concerning the legitimacy of this order. On this matter, Eberl (1994:54) comments that if this happens, the legitimacy of an order becomes identical with its validity (*Geltung*). This is because it can be achieved indiscriminately, either through behavior against the rules or in accordance with them.[8]

In light of the above observation, some interpreters have discerned a cyclical trajectory in the concept of legitimacy to the extent that its power is reduced to the faith of the subjects in an, *a priori*, regulated flow of social action.[9] Subjects believe, without any other basis, in the *eo ipso* power of a legitimate order, due to their obedience to the inherent rationality of its rules. The question remains unclear as to whether obedience is based on the justice of the content of these rules or is achieved independently of moral foundations. Therefore, since Weberian analysis of legitimacy does not seek communicative guarantees for its power, its function remains somewhat mysterious. As a concept, it is indeed secularized and consistently refers to a specific type of social relationship: that of domination and submission.[10] Consequently, the cyclicality of legitimacy is largely due to the purposes served by its special mission as a social relationship: objectively, it provides the possibility of presenting a dominant order of affairs as legitimate and, so to speak, achieving ideological consensus or discipline on

6. Dux, 1976, p. 258-259

7. Dux, 1976, p. 260.

8. Eberl, 1994, p. 54.

9. For the 'circularity' of the Weberian concept of legitimacy, see EUCHNER, 1979, p. 146, MAIER, 1982, pp. 137-138. GRAFSTEIN, 1981, p. 469 states: "Insofar as behavior is viewed as defining as well as expressing psychological states, Weber's conception of legitimacy.

10. See Bourricaud 1987:58-59

the part of the weaker members of the social body. Of course, another issue is that Weber avoids an in-depth analysis of the role of ideology in shaping social struggle. However, when referring to the legitimization of political power - albeit indirectly - he does not ignore the factor of ideology in achieving social consensus. Heins finds that the Weberian concept of domination anticipates the common will of its subjects to the extent that it is characterized by an individualistic methodism in approaching the phenomenon.[11] Psychopaidis rightly clarifies that the action arising from the consensus is not necessarily based on satisfying the claims of the consenting parties, but on the contrary, it is often 'agonistic action'.[12]

A careful reading of the following (sixth) paragraph, we believe, dispels many doubts regarding the Weberian conception of legitimacy. In this context, the motives based on which a legitimate order is maintained in force are classified.[13] Emotional devotion, faith in the absolute power (absolute *Geltung*) of a supreme binding value, and religious faith are named as purely internal springs that guarantee legitimacy. Subsequently, a particular mention is made of the external springs that guarantee the legitimacy of an order, that is, those springs that are not valued by the subjects themselves as an expression of a behavior 'without self-interest', but rather as expectations of specific consequences. Such external guarantees, which are linked to self-interest and thus constitute binding means for the power of an order, are custom and law.[14]

Specifically, the sociological terminology of law requires as a *sine qua non* condition an authorized group of people capable of enforcing compliance with the order solely by their actions. In other words, the possibility of physical or psychological compulsion constitutes the constitutional boundary of law.[15] The means of coercion vary and can range from a 'brotherly admonition' to the use of the crudest violence. However, in no case is the enforcement of the legal rule carried out solely by force. For example, psychological or ideological mechanisms may be used for this purpose. This observation does not automatically lead to the alienation of legitimacy from its external guaranteed incentives. Weber does not consider the relationship between law and custom on the one hand, and morality on the other, to be problematic. To sociology, a moral rule is called the particular kind of human faith oriented towards value (*weltrationales* Glauben) and, for this reason, it applies as such in social action. However, a legally guaranteed order does not necessarily require or at least need to take on the character of a moral rule. After all, legal rules are primarily motivated by the pursuit of a rational purpose (*zweckrational*) and secondarily based on moral commitments or absolute values.[16]

11. Heins, 1990, p. 48.

12. Psychopaidis, 1994, p. 325-326.

13. Weber, 1980, p. 17-19.

14. Weber, 1980, p. 17.

15. Weber, 1980, p. 17.

16. Weber, 1980, p. 19.

3. Three conclusions for legitimacy as a methodological research tool

17. See Bensam, 1979, pp. 44-45, who argues that such an approach is problematic because it does not address the theoretical criteria that must govern the legitimacy of an order: "But the theory per se does not provide at a theoretical level the answers to the questions posed, nor does it provide clear-cut criteria for the resolution of the problems it raises in research - especially the inability to separate legitimacy as belief from other kinds of legitimacy and from other kinds of 'support' for a regime".

18. See Beetham, 1974, p.258; Beetham, 1991, pp. 10-12.

19. Blau, 1963, p. 509.

20. For the so-called 'positive' process of delegitimization, see Vrcan, 1987, pp. 131-132.

21. Zängle, 1988, p. 69.

From our observations on the general use of legitimacy as a concept that essentially contributes to the stability of an order so far, we can conclude the following: a) Firstly, Weber approaches legitimacy in a formalistic way and with a high level of abstraction, while deliberately avoiding focusing his attention on the historical fluctuations of political ideas that give it its regulatory content over time.[17] His goal is not to construct a political theory, but primarily to remind us of the continuous empirical validity of legitimacy based solely on the faith of the subjects in it. For this reason, the concept of legitimacy does not serve as a methodological tool that explains the rise and fall of governments.[18] Also, it does not attempt to record those social processes that lead to class restructurings or even revolutionary ruptures.[19]

It seems, then, that Weber cleverly perceives the positive function produced by the process of delegitimization of an order. This much-discussed crisis of legitimacy does not only mean the declining aspect of an order that is unable to guarantee its internal stability conditions, but also the beginning of the creation of newly established forms of power that will establish the reborn and vibrant order of things in the place of the departing old one.[20] Legitimacy is ultimately incorporated into the dialectical perspective of historical becoming and warns the ambitious subject: the social bond is always stronger than its pursuits and purposes. Sooner or later, the necessity of an order's stability (i.e., the guarantees of legitimacy) will moderate its insatiable desires, impose the terms of the game, and ultimately remind it that every social system will remain proudly invulnerable to the constantly declining subject. Therefore, legitimacy demonstrates the inevitability of the social bond and certifies the ancient Greek view that man is, above all, a social being. This is because, with the prior acceptance of human sociability, the empirical foundation of an order becomes possible, not only by the power of example but also by the power of coercion, whenever circumstances require it. Zängle concludes at this point that legitimacy demonstrates the outcome of each individual's struggle with their fellow human beings for their survival.[21] From this struggle, the strongest wins and not the morally better, he emphasizes.

b) The second observation on the Weberian conception of legitimacy is related to its functional aspect. Any social relationship that seeks to seriously acquire a more permanent orientation needs the guarantee of legitimacy for its existence and further perpetuation. Weber does not analyse the 'genetic' power of a legitimate order because the starting point of his broader thinking is the acceptance of fluidity and constant transition that is embedded in the movement of historical

becoming.[22] The goal is to distinguish the empirical from the normative meaning of power. From a sociological point of view, legitimacy is anchored in subjective meaning relationships that are actually played out, without pursuing absolute truths or unfulfilled utopias. In this way, it ensures its abstract and eternal ideotypical representation, since without being concerned prima vista about its historically changing value foundations, it manages to speak the language of ultimate truth, which is none other than the understanding of power as the cornerstone of human existence.

As a result, the concept of legitimacy serves as a taxonomic tool of analysis, allowing for the interpretive description of the most diverse social formations, regardless of whether they appear as legal or illegal, as civilized, or barbaric power systems. In this sense, Hennis clearly limits the Weberian interpretation to the extent that he considers it to reflect the 'German' perspective of the nation-state in the 19th century.[23] The state was rationally legitimized according to Hennis, as it based its power on expediency, charm, and effectiveness, even in the most insignificant political goals. For the same reason, Würtenberger's view is also flawed in claiming that Weber's concept of legitimacy considers only the state theories of the 19th century against religious authority, without thus being able to include all possible types as they were recorded in the modern era.[24] Weber tries not to reinforce the functional aspect of legitimacy with normative additions. If he momentarily succumbed to the temptation of value attractions, he would be forced to make a differentiated boundary setting of the power of an order based on the subjective scale of 'right' and 'wrong').[25] Such an approach would limit the typological scope of his methodology, while it is very likely to contribute greatly to the realm of political ideas, but at the expense of sociology as a science seeking the interpretive understanding of social action. The critical element for the empirical orientation of the legitimate power of an order is therefore neither the psychological attachment of the subjects to it[26] nor the description of the historical variety of the claims of the dominant groups but the understanding that legitimacy introduces to the empirical mode of appearance of power through the form taken by the respective claims of certain people against some other fellow human beings.

By using legitimacy as a necessary factor for the stability of every social relationship, Weber essentially reminds us that the objectified condition of the modern era lacks profound meaning and that in any case, the new world has not been irrevocably regulated from a moral standpoint. On the contrary, meaning must be constructed within the functioning of the social bond so that any values can prevail over raw decisions).[27] However, to achieve the empirical power of a legitimate order, the consensus of acting subjects is required, which will be based

22. See Merquior, 1980, p. 98 and Müller, 1980, pp. 219-220.

23. Hennis, 1976, p. 15.

24. Würtenberger, 1973, p. 284.

25. See Heidorn, 1982, p. 68.

26. Nonetheless, Collins, 1986, p. 155, refers to the dynamic content of Weberian legitimacy, which in conditions of national awakening highlights a population that positively and enthusiastically

27. See Zängle, 1988, pp. 17-18. accepts the exhortations of the state order.

28. Heidorn, 1982, p. 13.

29. See O'Kane, 1993, p. 475, Heidorn, 1982, p. 13, Antonopoulou, 1991, p. 287, Terlexi, 1996, p. 50, Lowenthal, 1979, p. 406.

30. See Strauss, 1988, p. 55 and Heidorn, 1982, pp. 36-37.

31. Katsoulis, 1993, p. 39.

32. Zippelius, 1988, p. 111.

33. Heidorn, 1982, p. 13.

on the minimum adoption of certain acceptable rules of social behavior. Heidorn comments as follows: "For Weber, legitimacy refers to the internal recognition, the agreement, the ought-to-be-valid, which the actors of a rule attribute to it".[28] For this reason, it is reasonable to comment that in order for legitimacy to achieve its goal of establishing an order, it needs the prior internal recognition of its power by the involved parties. Only the power of an order that is legitimized becomes authority and stabilizes for a long period of time. In a way, the process of legitimizing the power of an order is shaped by the criterion of the participants' belief that the specific order is not an objectively neutral fact, but a morally charged state of affairs. Consequently, the fundamental issue of a minimum form of communication, a constitutional consensus between the involved parties, returns as a typological element of the legitimized social order.[29] In other words, the subjects, in the image of an established order, can easily detect the image of their own selves as part of it.

However, legitimacy continues to be an empirical category of interpretive sociology, never treated as a normative principle. Weber insists on the transversal preservation of the pure empirical existence (*Sein*) of human affairs and seems not to trust the metaphysical beyond of the axiological ought (*Sollen*). Moreover, he barely recognizes the ability of natural law to actualize the ideals of the highest values within the contemporary capitalist system of organization and production.[30] Katsoulis correctly points out that Weber distinguishes, strictly speaking, Being from Ought, in order to not only broaden his knowledge of the world of phenomena but also to subject this knowledge to critical, scientific scrutiny.[31] The reason is simple: within such a complex system, individual action is guided by the cold calculation of rational (purposeful) achievement of certain goals. Thus, prevailing law is subordinated, in turn, to the fundamentally instrumental logic of the purpose-oriented individual action. The concept of legitimacy, of course, has a different orientation in the deontological-value-based realm of legal science. Zippelius clarifies that the task of the law is to enrich the aforementioned concept with moral-regulatory content, that is, to pose the question of the fairness and correctness of state power and its decisions.[31] In other words, moral legitimization is intertwined with how and where each state order could find the adequate foundations for its self-justification. Inevitably, the social character of legitimacy acquires a strong elective character with a tripartite point of reference: i) it is inextricably linked to the transcendent power claims of a social relationship that seeks stable representation, ii) it always refers to the belief of the actors towards the legitimate power of this relationship. iii) It is activated by an organized service, which can enforce legitimacy whenever and wherever needed.[33] The reminder of the decisive importance of the existence of a well-organized staff for the long-

term survival of an order refers to the systemic-structural aspect of legitimacy: the construction of the concept always starts from the top, that is, from the perspective of the dominant groups, who, using it as an ideological vehicle, perpetuate their power and authority.[34] Heins attempts an interesting definition of legitimacy in Marxist terminology: "Translating Weber's language into Marxist terminology, one could say that legitimacy is the symbolic self-assurance of the ruling class and its alliance partners".[35]

c) A third conclusion to which Weber's interpretation of legitimacy leads us concerns the possibility of incorporating a normative criterion into the concept that would contribute to its deeper justification. However, this possibility is not at all obvious for most interpreters of his work. Conversely, Serrano strongly supports the view that Weber's empirical approach to legitimacy does not preclude the incorporation of normative criteria.[36] According to Serrano, this allows us to distinguish those forms of legitimization based on sound justifications, on 'good reasons' as he emphatically states. Winckelmann observes even more decisively that the empirical validity of rational validity is, by definition, value rational.[37] They believe that Weber unequivocally ruled out any prospect of establishing a legitimate order based on behavior rationally oriented towards an absolute value, that is, towards the achievement of a value-based, or for some, a substantive rationality (*Wertrationalität*). On this matter, Bader recalls the functional contribution of Weberian legitimacy for the stability of an order, which at the same time ignores the need for its value-based foundation and action.[38] In his opinion, this is due to Weber's failure to distinguish between the foundations of the empirical power of an order and the foundations of the empirical power of the legitimization of its rules. He further clarifies that the empirical power of legitimacy can only be constructed from value-oriented individual actions that are genuinely based on value so that the consensus of the actors takes on the meaning of their true affirmation of the rules and principles of the system.[39]

In a similar theoretical wavelength, Beetham considers the main reason for Weber's refusal to accept the pure empirical power of substantive rationality for the establishment of a legitimate order to be the latter's belief that natural law is definitively dead in the contemporary industrialized world.[40] The truthfulness of Beetham's view coincides with the strong impression left by the understanding sociology that legitimacy through adherence to absolute values has historically proven to be a simple episode.[41] From a political perspective, it is encountered in power systems that adapt their dominance to the shaping of a worldview or ideology.[42] However, *Wertrationalität* continuously loses its power within the uncontrollable bureaucratic organization of the Western capitalist state. In

34. See Müller, 1980, p. 69 and Anter, 1995, p. 67.

35. Heins, 1990, p. 69.

36. Serrano, 1991, pp. 6-7, 129.

37. Winckelmann, 1952, p. 96.

38. Bader, 1989, pp. 301-302.

39. Bader, 1989, p. 309.

40. Beetham, 1974, p. 265.

41. See Kypreos, 1983, p. 141.

42. See Münch, 1976, p. 60.

43. Steininger, 1980, p. 273.

44. See Spencer, 1970, p. 131.

45. Speer, 1978, p. 70 mentions this to highlight the leading role of legal doctrine compared to Weberian sociology as an empirical science.

systems with a high index of rationality, faith in legitimacy is manipulated by the fact itself, an unquestionable fact, that people grow up within the framework of an established order, resulting in them being inevitably conditioned by its dominant, ideological, and social structures.

Nevertheless, a diametrically opposite category of interpretations believes that the empirical case study of Weberian legitimacy can be enriched with regulatory principles and value-based foundations without significant conceptual problems. However, the supporters of these interpretations are in the minority compared to those who attribute a purely instrumental character to the Weberian interpretation. Steininger advocates the view that even for Weber, the unconditional prevalence of a formalistic and entirely typical version of legitimacy is inconceivable in the reality of life.[43] All arguments that attempt to emphasize the need for instrumental legitimacy will sooner or later refer to a minimal content of values, such as equality and the autonomy of the subject.[44] The material, 'hard' core of human rights inevitably touches upon any claim of power. This core constitutes the ultimate barrier against the uncontrollable and sometimes insatiable desire of individual action, which, by exceeding its limits, may lead to destruction and self-annihilation, and worse, drag others along on this reckless course.

Every legitimate order, therefore, must be determined based on specific material values and principles so as to ensure the stability of its empirical power. This is true even when these values and principles are not distributed equally and indifferently to all members of a social group. It suffices that the principles have an initial formal potential for power in each individual subject of the community. Through formal political equality, the realization of democratic principle and the safeguarding of citizens' liberties become possible. However, a prerequisite for this is that the formalistic concept of equality takes on an agreed-upon, normative-value-based content, which will be observed by all participants. It is assumed that each of us is potentially a bearer of civic obligations and rights. Accordingly, depending on one's individual effort and broader social scope, they will partake in the enjoyment or not of the institutionalized values governing an order. Therefore, in a rationally structured system, minimizing the psychological aspect of social action to the raw regulatory reality does not fit. This is because, within this system, the reality does not produce the rule; rather, it is the existence of the rule and its principles that prevail over reality.[45]

4. Legitimacy – Wertrationalität and the possibility of their conceptual connection

Following the multifaceted methodology of Weberian interpretation, we are able to understand that, ultimately, even the belief in legitimacy that is settled by the charm of obligation (*Verbindlichkeit*) is, to some extent, socially oriented action, value oriented (*wertrational*). Indeed, Hofmann distinguishes between force (violence) and coercion.[46] According to him, the threat of coercion does not inherently contradict legitimacy, because coercion is always relational and does not invalidate an individual as a bearer of rights and obligations. The exact opposite occurs with physical violence, which turns the subject into its plaything, undermining the very concept of legitimacy. Also, Luhmann, in Legitimation through Procedure, initially accepts that coercion and consent must coexist as components of a particular mixture that makes up the political system.[47] The reader of the text may be puzzled by this remark, as they have in mind Weber's basic classification, which equates the legitimate power of an order that is established by a value-oriented belief with the belief of the actors in the absolute validity *(absolut gültig)* of this order.[48] However, their perplexity will be alleviated as long as they consistently remember the relativistic character of the ideotypical construction of the two forms of rational action (*zweck- and wertrational*). Indeed, the two types of rationally oriented behaviour were created for purely sociological purposes, as conceptual schemes for depicting reality. However, in the empirical aspect of everyday life, not only are they combined in countless forms, but moreover, one influences the orientation and the course of development of the other in multiple ways. It is therefore conceivable that the value rationality as a prerequisite for the power of a legitimate order does not necessarily have to be linked with the belief in the *absolut gültig* of its rules. Such a thing does not constitute a refutation of the Weberian position. It merely points out the inherent gap between social theory and practical life, a fact that does not go unnoticed by Weber, who persistently and consistently underlines it. Indeed, on this point, Lübbe comments that empirical-analytical concepts of power cannot be constructed dogmatically.[49] This is because not all people, in all times and for the same reasons, are oriented towards respect for the prevailing order.

Only when value-oriented individual action ceases to coincide with the subjects' belief in the absolute power of an order can a multitude of behaviours be understood, which would hardly be subsumed stricto sensu in the typology of *Wertrationalität*. That is why Lübbe proposes as a characteristic example the case of an agreement with the rules and types of action, which is specifically defined through the belief in the self-sufficiency of obedience towards a long-standing, traditional order of things.[50] In such well-ordered action, participants are rationally oriented towards value without perceiving the order itself as the expression of an absolutely binding value. Mutatis mutandis, the same can happen when someone

51. See Weber, 1980, p. 19.

52. See the preface of Vathiotes in Luhmann, 1999, p. 39.

is value-oriented, due to the obligation of an institutionalized and previously agreed-upon legal order, without that meaning they believe in that order as completely valid. Ultimately, many everyday life behaviours incorporate their belief in supreme values, while taking care not to be overly burdened by the moral weight of their continuous support. The issue for the actors is not to repeatedly carry the cross of ultimate testimony, but to convince themselves and each other that, in the critical moment of their binding choice, they will be able to rise to the occasion.

Nevertheless, Weber insists on attributing legitimate power to an order based on the rational belief in an absolute value. Through *Wertrationalität*, he deals with the ideal in its immediate form, as an inner awakening of individual action. This belief is idealtypically classified along with the belief in tradition and emotional belief, in the three inner causes of the power of a legitimate order. Weber completes his systematization with a fourth cause, the belief in legality (*Legalität*), that is, the belief in the power of positive provisions. Legality is considered legitimate either due to the agreement of the interested parties or by the force of the domination of some people over others, which is considered as legitimate and thus leads to submission to it.[51] By choosing the term 'institutionality,' I wanted to make it clear that while this cause of legitimacy is primarily based on the formality of positive law rules, nothing prevents actors from enriching it with supreme principles and ideals, i.e., shaping it axiologically. The most familiar translation of the terms Legalität und Legitimität distinguishes them as 'formal legality' and 'substantive legitimacy'.[52] In my opinion, with this translation choice, the two concepts appear to be in opposition to each other, leading to numerous interpretive problems. Firstly, it ignores the fact that in Weber - from whom the relevant terminology derives - Legalität constitutes a subcategory of Legitimität, to which it is typologically subordinate. Thus, the two concepts are not morphologically equivalent and cannot be juxtaposed as genera, one with the other. Secondly, Legitimität does not exclude the characteristics of the so-called 'formal legality', insofar as it objectifies itself in the modern state through the rules of positive law. Therefore, it automatically loses some of its 'substantive' content, even if it never loses it completely. Thirdly, participants can indeed give a regulatory-value content to legitimacy by virtue of institutionality. Consequently, the breadth and depth of the Weberian interpretation suggest a more flexible and less positivistic approach to the concept of Legalität.

The seventh paragraph leaves no doubt that Weber did not limit the belief in the legitimacy of an order to a simple belief in the legality of its legal rules and principles. Legality is recorded as one of the four causes of the power of a

legitimate order, without being identified with it, and more importantly, without one necessarily and exclusively presupposing the other.[53] So, the power of an order can be perceived as legitimate by subjects, regardless of the existence or not of a positive legal system. In antiquity, submission to the sacred oracles of the prophet or belief in the sanctity of tradition were cases that confirmed the truth of the argument that a legitimate order does not necessarily need written law to be recognized as such by the actors. At the same time, Weber notes that the purest ideal type of legitimacy based on rational belief in absolute values is that of natural law.[54] He then concludes that, although its empirical power is limited compared to its ideal claims, its influence, especially in ancient societies, cannot be seriously questioned. Indeed, its logically formulated propositions on legitimacy have established a long-term, physiocratic conception of the relationship between the subject and its social environment and undoubtedly influenced the orientation of individual behavior based on faith in supreme principles and values.[55]

With the above analysis, Weber emphatically confirms the typological possibility of the power of a legitimate order based on the actors' belief in absolute values. If we want to be less strict interpretively, we can further adopt the view that the subject records its social actions pragmatically based on faith in a value, regardless of whether it has ultimately decided on the absolute or not of its power. Of course, Weber highlights the ideal type of *Wertrationalität* in the most comprehensive and 'tight' construction for research purposes. For this reason, he elevates rational belief in a value to the absolute, superlative degree of devotion to it. However, in our opinion, the essential point is to make it clear that by elevating substantive rationality to an autonomous reason for the power of a legitimate order, Weber bridges the gap between individual expectations arising from the current moral principles of an order and the sometimes-painful experiences that each subject connects with its social environment. The belief in an absolute value by the actor seems to heal the archetypal trauma or at least to throw salt on its wounds: each of us who is driven by enthusiasm for a supreme ideal, without satisfactorily transferring it to society to receive its due response, is no longer desperately alone. Because this faith, even to the extent recognized by Weber as rational, automatically generates a right of expectation, which may in the future reap the pleasant fruits of social enforcement and power. Naturally, a necessary prerequisite is for the actor to rally some more like-minded people to his ambitious goals and the accompanying moral justifications.

5. Conclusion

Nevertheless, Weber seems not to turn a blind eye to the empirical reality of

56. Mommsen, 1989.

57. Mommsen, 1989, p. 42.

contemporary forms of power that govern bureaucratic organizational systems. Today, he admits unreservedly, the most common form of legitimacy is faith in institutionalism, that is, submission to positive provisions that are only formally correct and have been imposed through a specific, acceptable process. Thus, while he elevates the rational faith of the actors in absolute values as the sole cause of the power of a legitimate order, on the other hand, he is quick to recognize its increasingly weakened presence in regimes where instrumental rationality has indelibly stamped its dominance on the lives of citizens. The unlimited expansion of the bureaucratic mechanism seems to create a new type of person who faithfully obeys the logic of its rules, as it is now difficult for anyone to present sufficient and strong resistance against such a social and political power system. It is not coincidental that Mommsen recognizes that the revolutionary movements and economic crises of the 1960s had little influence on state legitimation.[56] The acceptance of the bitter defeat is summarized in the following comment: "However, the belief that this turn of events could seriously endanger the existing political consensus proved unfounded. To put it another way, the economic recession did not engender a crisis of legitimacy in the political systems of the West. There is not yet a crisis of 'late capitalism'".[57]

In other words, bureaucracy as a model of social organization has colonized the entire space of the subject's lifeworld. Although Weber never claimed that such an expansion constitutes the ultimate evolutionary stage of social action, it is a fact that the grip tightens at the expense of individual freedom and the rights of the citizen. As a result, we have the deprivation of essential elements of the subject's creativity and the establishment of an order of affairs that does not always strive to protect faith in higher values and regulatory principles as the apple of its eye. Nevertheless, every rational power system requires as a prerequisite for its stability a minimal value content of its rules, that is, a legitimacy that is not purely formal. This value content incorporates a dynamic set of rights and other principles that contribute to the moral justification of power. The Weberian hope for a fairer foundation of a social order is not generously shared, nor is it diffused in the elaborate conceptualizations of his work. However, this does not mean that it is categorically excluded: the hope for a better society ultimately lies in the possibility of mobilizing the regulatory content that is embedded in every human order. It remains for rationally oriented actors to provide the required meaning to their individual actions so that they can shape the field of their moral autonomy and unhindered development as citizens.

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