

# **Power, Authority and Legitimacy : A Conceptual Framework**

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As far as Max Weber is concerned the distinctive aspect of the Social Sciences is that it is oriented towards action,<sup>1</sup> unlike, say, History or Philosophy. According to him, it is a science which "aims at the interpretative understanding of social behaviour in order to gain an explanation of its causes, its causes, and its effect"<sup>2</sup>

In this kind of analysis, where the fundamental scientific parameters of social activities as well as its related subjective meanings and implications are incorporated into the social theories as 'empirico - sociological—explicandum', there, if one tries to analyse the social interaction in general from a 'micro-sociological' perspective, what one would inevitably need is the proper definition of certain socio-political terms. That is why, while analysing social interaction from a 'micro-sociological' perspective, Max Weber tried from the very outset to offer definition of certain common terminology. In this respect those words which received special importance in his analysis are power (Macht), sovereign

authority (Herrschaft) and legitimacy or legal validity (Legitimität), because it is not possible to give a logically acceptable and objective explanation of social activities by any social theory without analysing how social interactions transform the basic structures under particular circumstances.

In this sense, Max Weber is actually the first eminent sociologist who endeavoured to evaluate and define the definition and the extent of legal validity or legitimacy on the basis of empirical realism without dragging himself, rather consciously, into the normative explanation between the political and legal philosophy of the concerned term. However, the main problem which the readers of Max Weber generally face in this respect is that Max Weber nowhere in his discourse on social sciences did offer a clear and specific formula of legal validity or legitimacy in respect of a particular subject item. On the otherhand, we definitely observe the use of legal validity or legitimacy in all his discussions pertaining to powers (Macht) and sovereign right or authority (Herrschaft) solely as a momentary diversionary trend (to use Weber, *klassifikatorisches Moment*).<sup>3</sup> As an explanation for this, Max Weber has always laid special emphasis on empiricism while determining the legality of a particular subject. In this connection, Max Weber has of course his own logic; that is, in his opinion, we can arrive at a linguistic and dimensional evaluation of the term legitimacy (Legitimität) only through analyses of inductive method.

We first come across the term legitimacy or legal validity in the writings of Max Weber during his

observation, explanation and analysis of nature and movement of social activities and in the questions to recurring general constants of human behaviour as raised by him and also in his stated observation wherein he made an express opinion that the social action of a person can truly assume social interaction when there exists in the concerned society a legally valid administrative framework.<sup>4</sup> In this respect, Max Weber viewed at one angle the question of legal validity with that of the representative class of the society or environmental fame and respectability (*Prestige der Verbindlichkeit* (order *Verbindlichkeit* as per German language)).<sup>5</sup> As already stated earlier, Weber considered the social activities as part of human behaviour. Human behaviour, on the otherhand, according to Weber, is open which secretly influences the attitude of some other particular person or group (*signifikanten Anderen*) or is influenced by that particular person or group.<sup>6</sup> Due to this very attitude, man participates in a social work or abstain himself from it. When a particular action carries different meanings and respective attitude of different persons taking part in that social work get mutually mingled up in order to implement the social works (which results in social interaction), then the special infrastructure needed for transforming individualism into class; there, although the attitude or desire of the person (meaning what the person wants or what he should want) plays a dominant role, yet the prevailing political situation there or the legal validity and acceptability of the environment gets the optimum of importance (in the words of Weber, *legitimitaet and Rechtsmaessigkeit*.)<sup>7</sup>

It means, as we see, that when Max Weber used the definition of "legitimacy" or "legal validity" as a synonym of the "representative class of the society or environmental fame and acceptability, then he was taking into consideration about a particular social phenomenon where the mere formal recognition of a political situation might be regarded as legally tenable or having legal validity. We may get a good idea about the importance of the term "legal validity" through this symbolic use of the term by Weber. True to his own characteristics, Weber in this particular respect did not raise the question, about the shape of a socio-political set-up which will have to be taken in order to be legally tenable so that none can raise the question anytime how the nature of legal validity should be.<sup>8</sup> Through this approach Weber has judiciously avoided the way to put pre-conditions about the objective value or utility of a legally constituted social order. What was important to Weber was that, the assessment of the importance or value of the prevailing social order, meaning how much it has positive possibility in which it can be said that the social interaction can be performed quite legally. Here Weber has drawn a methodological line of differentiation between the two terms, "to be" and "should be" and while trying to offer a normative explanation how the environment of a legally constituted social order should be, he actually tried to lay an empirical basis about the extent whether it is possible for a society "to be legally constituted". There he basically, in the light of the prevailing socio economic infrastructure, laid stress upon the ruling sovereign

authority, taking into account the question of legal validity (legitimitaetsglauben) or "moorings in respect of legal validity" As a matter of fact, Max Weber, while laying stress upon "legitimitaetsglauben", he actually wanted to accord recognition to a particular practical situation where, although, the socio-economic infrastructure cannot be stated to have legitimacy or legal validity, yet it has the chance to assume legal validity. It means that he wanted to regard it as a special intermediate stage between the traditional sovereign authority of the society and logical authority. Here the deductions made by Weber on the basis of empiricism in respect of idea that the sovereign ruling clique has more possibility to give more importance to logical authority, are: that the ruling class has a special interest to dig out and encourage the moorings concerning the item of legitimacy; it will be difficult to maintain its authority over the ruled if the ruling class fails to sustain the thinking and consciousness in respect of the question of legitimacy or legal validity upon the latter. Because where even the traditional authority is not working, there any other logical base for authority, namely, if there is no legal validity, then upon what base the sovereign authority of the society will rest and the rulers or their orders (German, Befehl Order) will be obeyed and they (rulers) can expect obedience (German, Gehorsam) from the subjects?<sup>9</sup> Judged from this angle, it may appear to be a justification given in favour of the ruling class to maintain its rule so far as the question of legitimacy or legal validity is concerned. Due to this it is possible that Weber has stated with importance

about their legendary role which is likely to help create confidence in their having logical authority as per rules.

The subject which comes out here from the discussions of Max Weber is : Where is matter of the sovereign authority is dependent upon "Orders and obedience" (German, Befehl-Gehorsam-Verhaeltnis) between the ruler and the ruled, there the ruling class can hope to claim the logical authority as per rules only when there remains no doubt both in the minds of the ruler and the ruled behind the sovereign authority (Herrschaft) passing the orders.

In other words, when the claim of sovereign authority of a person or class that it has legal backing gets mingled up with the moorings of the ruled on the subject item, only then such sovereign authority may be termed as legally valid (legitimate). However, if the ruling class possessing the sovereign authority fails to implement or maintain their claim of having logical authority ; meaning if the subject denies completely the legend behind its (ruling class) sovereign authority so far as legal validity is concerned or raise question about this, then what will happen ?

While describing about this aspect, Max Weber stated about the existence of class struggle and the influence of it upon the mutual relation it has upon the social authority, he has although made a few passing comments, he did not make attempt anywhere to offer any well considered and convincing explanation so far as its cause, pre-conditions, operation and influence are concerned.<sup>10</sup> Therefore, although there are many relative subjects dealt in his sovereign authority

related to social theory which is his completely own ( which is allegorically called in German—Herrschaftssoziologie ) there is no mention of illegal (illegitimate) or the use of similar words found therein.

Conclusively it may be stated here that, from the general discussions made by Max Weber in his theory of legitimacy the three principal aspects which come out from them, are :

- (a) Validity basically denotes a particular political and social situation or it denotes formal recognition of a sovereign authority, where empiricism alone acts as the touchstone of this phenomenon ;
- (b) From this theory of Legitimacy some particular politico-socio condition or the nature and trend with regard to the holding of power of the supreme authority (meaning the determination about when and which authority by which power or deficiency fail to receive acceptance or rejection by the ruled) one may get a functional idea.
- (c) Through this, one may get an idea with regard to the structural set-up about division of power of the ruling class claiming to be possessing legal validity of the supreme authority.

### Notes

1. In German, it is called "Handlungstheorie". See : M. Schmid, System, Handlung, Reduktion. Ein methodologischer Versuch ; in, C. Muehlfeld and M. Schmid ( eds. ), Soziologische Theorie, Hamburg 1975, p. 38.
2. Max Weber, Wirtschaft und Gesellschaft ; Tuebingen (Studiensausgabe) 1972, p. 1.
3. For further details, see ; F. W. Stallberg, Herrschaft and

Legitimität Untersuchungen zur Anwendung und Anwendbarkeit zentraler Kategorien Max Webers ; Meisenheim am Glan 1975, p. 25.

4. Max Weber, Wirtschaft und Gesellschaft ; p. 16.
5. Max Weber, Wirtschaft und Gesellschaft ; p. 15.
6. G. H. Mead, Geist, Identität und Gesellschaft ; 2nd Edition, Frankfurt am Main 1975, p. 17.
7. Max Weber, Wirtschaft und Gesellschaft ; p. 8.
8. N. Luhmann, Moderne Systemtheorien als Form gesamtgesellschaftlicher Analyse Opladen 1971, p. 10.
9. Max Weber, Gesammelte Aufsätze zur Wissenschaftslehre ; Edited by, J. Winckelmann, Tübingen (4th Edition) 1974, p. 475.
10. See : N. Luhmann, Evolution und Geschichte ; Opladen 1975, p. 151.