

Max Weber's Theory of Legitimate Domination

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By the early 1960's many social scientists assumed that the traditional political ideologies of the 19th century had lost their momentum in the advanced industrial societies of the West. Ernst topitsch argued that a new era in the history of mankind was about to begin in which politics would no longer be determined by wholistic philosophies and meta-scientific ideologies. Carl Popper's famous book "The Open Society and its Enemies" appeared to have decided the case against the fundamentalist ideologies of the 19th century, in particular the varieties of Marxism once and for all. Daniel Bell heralded the "end of ideology". It appeared that in the democratic societies of the West a general consensus had been reached about the principles of political rule; in future political and social problems ought to be open for solution by the rational technics of the empirical social sciences. "Piecemeal engineering", not wholesale reconstruction according to grand schemes or ideological blueprints seemed to be the order of the day. In the light of

such assumptions the traditional problem of the legitimacy of the political order had receded into the background while practical issues had moved to the forefront.

However, a number of scholars strongly objected to this trend of opinion, in particular Jurgen Habermas. Habermas argued that the "scientification" of the political process, as it were, would lead to a crisis of legitimacy of the political systems in the advanced industrial societies of the West. It goes without saying that the twin forces of bureaucracy and science had indeed altered the character of political decision-making. The increasing trend of ascertaining political issues in pragmatic rather than in ideological terms on the assumption that in principle at least they could be resolved satisfactorily with scientifically designed social technology was seen by Habermas as of necessity leading to a weakening of the democratic consensus. The decline of meaningful ideological orientations which, as he admitted, was a corollary of the decline of the traditional political philosophies, would backfire in the end. In the advanced Western societies the state had ceased to be a meaningful entity, other than as a guarantor of increasing prosperity and social security for all. The advance of bureaucratic modes of decision-making, and the increasing reliance of parties and governments alike on scientific expertise of diverse sorts amounted to a pseudo-depolitization of politics. The process of political decision-making gradually evolved into a mere technical affair which the individual citizen had no chance to effectively influence one

way or the other. Habermas predicted that when the period of steady economic growth would come to an end, associated with rising economic difficulties a crisis of the belief in the legitimacy of late capitalist society and its governmental system was likely. The gradual weakening of the traditional political consensus would become a serious problem. To put it in another way, advanced industrial societies were about to progressively loosing their legitimacy.

Today it can be seen that none of these predictions, neither those of empirical social science, nor those of the Frankfurt School, turned out to be true. There is no "end of ideologies": we rather experience a new upsurge of ideological politics, not just outside of Europe, most noticeably in the Third World, but also in Europe itself. The "student revolution" of the late 1960's which was very much an ideological phenomenon blew over rather quickly, but with it the idea of politics as a sort of sublime form of social technology went by the board as well. The world-wide recession which was caused, or perhaps only accentuated by the first oil crisis in the 1970's (which might also be called a crisis caused by the loss of unrestricted control of powerful Western multinationals) saw the governments unprepared and helpless. The economic policies of Keynesianism (or what was held to be Keynesianism) failed dismally and exposed the limits of governmental power in the economic sphere in a rather spectacular way. This became all the more obvious in the last decade when some Western societies experienced not zero, but even negative growth (something unheard of for

many years) and unemployment rose to unheard of levels again. On the other hand ideological politics surfaced again even in the most advanced industrial societies in the West, as, for instance, in Great Britain and West-Germany. Often nationalist emotions were mobilized in order to strengthen the political fabric; on the other hand doctrinaire socialism which had been confined to marginal groups only, revived and gained considerable influence upon the policies of the Socialist Parties. However, that this turn of events would seriously endanger the existing political consensus proved unfounded. To put it in another way, the economic recession did not engender a crisis of legitimacy of the political systems in the West. There is as yet no crisis of the "late capitalism". The political systems proved to be remarkably stable even with high percentages of unemployment which had been only a few years ago considered altogether unacceptable politically. On the other hand there is undoubtedly a widespread disillusion with politics among the public. We observe an increasing disaffection with the institutions which dominate the political arena today and which in a way have appropriated the state for themselves.

These phenomena can be described rather well by Max Weber's sociological model of legitimate rule. He was the first to point out that bureaucratization was both a necessary means and a curse. Under modern conditions political success is only attainable if the political leader makes full use of the bureaucratic technics of governing. On the other hand the widespread use of bureaucratic methods in order to create respectively

retain political support is bound to create new hierarchical structures in politics; only small groups have a chance of effectively influencing the process of political decision-making while the great majority is being reduced to playing a more passive role.

The advantage of formal-rational technics of government was described by Max Weber as irreversible; however a price had to be paid for this in form of "substantive irrationalities", for instance a loss of genuine participation of all citizens in the political process and a widening of the gap between private and public life orientations. The advantage of having overcome the wholistic ideologies of the past was accompanied by a serious disadvantage. Purpose-rational forms of social conduct were making headway everywhere while the spontaneity of the individual was subjected to severe restraints. The new technocratic procedures of politics left little room for the creativity of the individual, unless he was able to establish personal influence through bureaucratic technics of mass control and by turning to plebiscitarian or even charismatic modes of leadership.

Weber's plea for the great political leader who was supposed to invigorate stagnant political systems thanks to his great personal charisma has been criticised from many quarters. Indeed, it will have to be questioned whether the personal legitimacy of the political leader can be a permanent substitute for the belief in the legitimacy of the political system as such, as Weber seems to have assumed at times. His sociological model of parliamentary democracy which he

defined as "an anti-authoritarian variant of charismatic rule" was not well received by modern political theory.

Even so Weber's typology of "three pure types of legitimate domination" provides important insights into the problems of legitimacy in advanced industrial societies. As is commonly known Weber distinguished between three "pure types of legitimate rule" namely "legal rule", "traditional rule" and "charismatic rule". In their entirety these three types of legitimate rule are supposed to cover all historically possible forms of legitimate government. This is to say that all empirical cases of legitimate rule are combinations of these three essential sources of legitimacy (or rather the belief in the legitimacy of government to put it in Weber's own rather pedantic language). None of these "pure types" is to be found in empirical reality; they are theoretical constructs which were formed in such way as to represent three substantially different sources of legitimacy with utmost clarity. Charismatic legitimacy, to begin with, depends entirely upon the readiness of the charismatic leader's retinue to accept the ideals which he represents and the orders derived from him as absolutely binding. To put it another way charismatic legitimacy originates in the personality of the leader as such. However, once a charismatic authority is established it is transferred to a retinue. Traditional legitimacy can be described as routinization of charismatic authority; it rests upon the belief that what has always been is legitimate. That is to say "prescription" decides upon the questions of whether a particular political authority is considered legitimate, not substantive principles of

whatever kind as for instance "rights of man". Legal legitimacy (which is the most common of all) depends upon the belief that everything which has been enacted in accordance with established... procedures is considered legitimate. There may be cases in which value-rational beliefs provide support for certain forms of political rule. However, according to Weber, this was not specific of legal rule. On the contrary, the purely formal procedures according to which rules are being enacted and political decisions arrived at, are, in his view, the very basis on which the legitimacy of a political system rests. As long as political rule is conducted according to procedures and regulations considered legitimate by the public no decision arrived at in such a manner, however outrageous it may appear in terms of a substantive moral standard, will be considered not legitimate. This may seem to be fairly farfetched, but it illustrates a very important aspect of legitimacy via "legality" under modern conditions of government by means of bureaucratic technics. The holocaust might never have occurred if those engaged in it had not believed the individual measures which made implementation possible, formally correct. Accordingly there was no objection to the policy of depriving the Jewish population of their civil rights. as a first step towards deporting them, to what allegedly were called "labour camps"; only under such preconditions the gigantic clandestine operation of genocide could ever have succeeded.

Perhaps this is an extreme example. Yet the strictly impersonal nature of governmental authority in the

modern state does contain the dangers of gross abuse, even in parliamentary democracies of the Western type. Modern government exercises power through a great number of bureaucratic institutions rather than in a personalized form and therefore it is often difficult to effectively evaluate its actions according to political or moral standards. This is the gist of Weber's argument that under modern conditions governmental legitimacy as a rule solely depends on "the belief in the formal legitimacy of enacted rules and the right of those elevated to governmental offices to exercise power according to these rules", "These rules may be established by agreement or imposition, on grounds of expediency or value-rationality or both", this is to say that specific value attitudes may provide a justification for these rules. Yet this is by no means necessarily the case. On the contrary Weber emphasized that usually the former prevails, namely the enactment of law according to mere expediency, or as he used to put it, according to the principles of purpose-rationality, that is: without regard to value-rational principles of whatever sort. This is not exclusively but at any rate predominantly so. This type of legal government is typical for all modern industrial societies. Indeed most people are prepared to assign legitimacy to established authority as long as it conforms to the letter of the law, and keeps itself within the established procedures. The highly bureaucratized nature of modern government makes it difficult for the citizens to judge for themselves of whether governmental actions are legitimate or not, according to value-rational standards. The

more bureaucratized government is the more removed the actual exercise of power is from the experience of ordinary people the more likely it is that the system will be considered formally legitimate unless it embarks upon policies which deviate from normal expectations by a very wide margin. However, it is not only the belief that formal legality always legitimizes governmental actions which works in favour of the established order, but also tradition. In fact, Weber points out, that the belief in the legitimacy of an established order is in most cases strengthened by the fact that people have grown accustomed to it, and thereby assign legitimacy to it on traditional grounds as well. This is not to say that only rule based on "prescription" is legitimate; on the contrary any system of formally correctly imposed or enacted laws may possess rational legal legitimacy, but this is strengthened if the respective legal system is considered a customary one, or, as Weber put it in an untranslatable German term, is "eingelebt".

It can well be asked of whether Weber's theory of formal legal legitimacy is not in fact conservative in nature. Indeed, according to this conceptualization established authority enjoys a distinct advantage, and the more so, the more bureaucratized respectively institutionalized it is. To put it in another way, the "natural gravity" of things always works in favour of the established formal-legal system of government regardless of whether it is supported on substantive grounds, say, because the citizens agree with particular political objectives or because it conforms with consti-

tutional principles commonly held to be valid (for instance, it is usually argued in terms of natural law that democratic government depends upon certain inalienable "rights of man").

Perhaps Weber went too far when he argued that bureaucratic rule once it has been firmly established is almost indestructible; on these grounds in his view, revolutions are extremely unlikely to succeed. But his observations about formal-legal legitimacy remain valid all the same. Legitimate domination does allow for considerable social change if only government keeps within the borderlines of the customary, for otherwise its legitimacy may be affected negatively. However, there is always a danger that established political systems become "leaderless" and stagnant. Under such circumstances charismatic revolutions may occur to break the deadlock, although under modern conditions this has become rather less likely than in earlier periods of history.

The modern bureaucratic state provided it is governed in accordance with formally established legal rules is likely to enjoy a substantial degree of legitimacy whatever its constitutional structure. This is true, to some degree at least, for non-democratic and authoritarian forms of government also, including the Marxist-Leninist governmental systems, however they may be judged according to substantive principles, notable the principle of individual liberty. This explains the remarkable stability of most governments in the present world in the face of disaffection of large sections of the population with the existing order and growing discontent as to its inability

of delivering the "economic goods" which the people had become accustomed to, namely prosperity and full employment. On the other hand one should not overestimate the degree of political stability derived from this state of affairs. Formal-legal legitimacy may prove to be not strong enough to contain the forces of discontent which exist on the fringes of modern industrial society. Sooner or later they...demand a farreaching reconstruction of the social system on value-rational grounds, even though "charismatic breakthroughs" are not likely to occur in the foreseeable future.