Concept-Legitimacy

BA (H)-I, Political Theory

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- In political science, **legitimacy** is the right and acceptance of an authority, usually a governing law or a regime.

- In moral philosophy, the term "legitimacy" is often positively interpreted as the normative status conferred by a governed people upon their governors' institutions, offices, and actions, based upon the belief that their government's actions are appropriate uses of power by a legally constituted government.

- The Enlightenment-era British social philosopher John Locke (1632–1704) said that political legitimacy derives from popular explicit and implicit consent of the governed: "The argument of the [*Second*] *Treatise* is that the government is not legitimate unless it is carried on with the consent of the governed."

- The American political sociologist Seymour Martin Lipset said that legitimacy also "involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate and proper ones for the society".

- Political scientist Robert A. Dahl explained legitimacy as a reservoir: so long as the water is at a given level, political stability is maintained, if it falls below the required level, political legitimacy is endangered.

The three types of political legitimacy(authority) described by German sociologist Max Weber are traditional, charismatic, and rational-legal:

- Traditional legitimacy derives from societal custom and habit that emphasize the history of the authority of tradition. Traditionalists understand this form of rule as historically accepted, hence its continuity, because it is the way society has always been. Therefore, the institutions of traditional government usually are historically continuous, as in monarchy and tribalism.

- Charismatic legitimacy derives from the ideas and personal charisma of the leader, a person whose authoritative persona charms and psychologically dominates the people of the society to agreement with the government's régime and rule. A charismatic government usually features weak political and administrative institutions, because they derive authority from the persona of the leader, and usually disappear without the leader in power. However, if the charismatic leader has a successor, a government derived from charismatic legitimacy might continue.

- Rational-legal legitimacy derives from a system of institutional procedure, wherein government institutions establish and enforce law and order in the public interest. Therefore, it is through public trust that the government will abide the law that confers rational-legal legitimacy.

Establishing what qualifies as a legitimate form of government continues to be a topic of great philosophical controversy. Forms of legitimate government are posited to include:

•**Communism**: The legitimacy of a Communist state derives from having won a civil war, a revolution, or from having won an election, such as the Presidency of Salvador Allende (1970–73) in Chile; thus, the actions of the Communist government are legitimate, authorised by the people. In the early twentieth century, Communist parties based the arguments supporting the legitimacy of their rule and government upon the scientific nature of Marxism.

•**Constitutionalism**: The modern political concept of constitutionalism establishes the law as supreme over the private will, by integrating nationalism, democracy, and limited government. The political legitimacy of constitutionalism derives from popular belief and acceptance that the actions of the government are legitimate because they abide by the law codified in the political constitution. The political scientist Carl Joachim Friedrich (1901–84) said that, in dividing political power among the organs of government, constitutional law effectively restrains the actions of the government.

•**Democracy**: In a democracy, government legitimacy derives from the popular perception that the elected government abides by democratic principles in governing, and thus is legally accountable to its people.

•**Fascism**: In the 1920s and the 1930s, fascism based its political legitimacy upon the arguments of traditional authority; respectively, the German National Socialists and the Italian Fascists claimed that the political legitimacy of their right to rule derived from philosophically denying the (popular) political legitimacy of elected liberal democratic governments. During the Weimar Republic (1918–33), the political philosopher Carl Schmitt (1888–1985)—whose legal work as the "Crown Jurist of the Third Reich" promoted fascism and deconstructed liberal democracy—

addressed the matter in Legality and Legitimacy, 1932, an anti-democratic polemic treatise that asked: How can parliamentary government make for law and legality, when a 49 per cent minority accepts as politically legitimate the political will of a 51 per cent majority?

•**Monarchy**: In a monarchy, the divine right of kings establishes the political legitimacy of the rule of the monarch (king or queen); legitimacy also derives from the popular perception (tradition and custom) and acceptance of the monarch as the rightful ruler of nation and country. Contemporarily, such divine-right legitimacy is manifest in the absolute monarchy of the House of Saud (est. 1744), a royal family who have ruled and governed Saudi Arabia since the 18th century. Moreover, constitutional monarchy is a variant form of monarchic political legitimacy which combines traditional authority and legal–rational authority, by which means the monarch maintains nationalist unity (one people) and democratic administration (a political constitution).