

The concepts of Legitimacy and Legitimizing with Pierre Bourdieu via Max Weber

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Résumé: *L'ouvrage se propose d'explorer les contours sémantiques des concepts de **légitimité** et **légitimation** – que l'histoire des idées a empruntés assez récemment au domaine de la philosophie politique – dans l'oeuvre du sociologue français Pierre Bourdieu et d'explorer en même temps leur passé opérationnel tel qu'il apparaît chez Max Weber, le penseur qui les imposés dans les sciences sociales. C'est à ce dernier que l'on doit la première systématisation théorique de la légitimité et la plus endurante taxinomie des types de domination légitime: traditionnelle, charismatique, légale. Après avoir débattu du genre proche et de la différence spécifique des notions avec lesquelles la légitimité partage un air de consubstantialité (autorité, domination, pouvoir, arbitraire), l'ouvrage s'arrête sur la manière et la direction dans laquelle Bourdieu a élargi le concept au-delà du registre de la pensée politique en l'érigeant en problème central de la sociologie en général (à un niveau plus grand de généralité, la légitimité serait une qualité qui prête une valeur sociale à une certaine pratique). L'un des enjeux majeurs de ce texte c'est de montrer que le système de légitimation chez Bourdieu se réclame dans un premier temps de Weber mais qu'il va au-delà par la mise en évidence de la violence du discours légitime. Et si Weber s'est arrêté à l'examen extensif de la dimension descriptive (on ne nous dit pas pourquoi une domination est légitimée mais seulement quand), le concept de violence symbolique de Bourdieu introduit une dimension explicative aussi. Pour finir, nous nous sommes arrêtés sur la distinction entre légitimité – qui a retenu davantage l'attention de Weber – et légitimation qui a la préférence de Bourdieu: pour lui, c'est une justification a posteriori d'un rapport de domination.*

Keywords: *legitimacy, legitimating, domination, power, authority, justification, arbitrary, violence, symbolism, usurpation, submission, value, delegation.*

Incidentally or not, Weber's idiosyncratic fascination with power and domination bequeathed to us – if not the most memorable – at least the first attempt to systematically theorize a relatively young¹ concept, and which is as problematic as recurrent: *legitimacy*.

As the coefficient of precision and operationability of a notion is, quite often, in inverse proportion to its coefficient of seduction and implicitly, of visitation, legitimacy has not escaped this two-folded process: of super-interpretation and of sub-definition respectively. Therefore, with the risk of taking a didactic tone, we shall rely on the obvious taste for terminological precision so keen to Weber and Bourdieu², authors who – sometimes for different reasons – showed a methodological and an almost delicate concern for the exact meaning of words, on one hand, and for the responsibility of throwing ideas into the world, on the other hand,

(“prudence” and “epistemological vigilance”, as Bachelard would say). We shall try to delineate in an as nuanced way as possible the semantic area covered by legitimacy and legitimation in the minds of the two thinkers and to identify the *genus proximus* and the specific difference of the notions it inevitably draws along: authority, domination, power, and the arbitrary.

In principal, being born in the register of political thinking, the concept of legitimacy emerged as a possible answer to a seemingly common question for political philosophy: how is it possible that a minority could lead, govern in a relative stability and without any recourse to force, over a majority? On what principles is “submission” grounded? Legitimacy, a key-concept in Weberian work (seen by many, ahead with Bourdieu, as “sociology of domination”), is susceptible to justify this relation between command and submission. (Pure coercive power does not claim, of course, any legitimacy.) Thus, this concept stands, in Weber’s opinion, as the most plausible explanation for the pattern of submission³: “... custom, personal advantages, purely affectual or ideal motives of solidarity, do not form a sufficiently reliable basis for a given domination. In addition there is normally a further element, the belief in legitimacy”⁴.

However, before talking about the classification of Ideal Types (*Idealtypus*) developed by Weber in his empirical approach, I deem it necessary to show what the German sociologist understands by *power*, *domination* and *authority*, concepts with which legitimacy shares a certain consubstantiality. Weber defines *power* (*Macht*) as the probability that an individual in a social relationship may enforce his will even against the others’ resistance, whatever the bases of this probability – we deal, in this case, with a very broad meaning. As *power* is a relatively amorphous concept from a sociologically viewpoint, he suggests as a more inspired, namely more accurate alternative: *domination* (*Herrschaft*), which he defines as “*the probability that a certain command be obeyed*”. Weber grasped very well the fact that, from an epistemological viewpoint, the difference between a generic concept like *power* and that of *domination* resides in the fact that the latter historically specifies the former. The canonical situations in which this relational concept is objectivized are the binominals father–child, teacher–student, and priest–parishioner. Noticeable is that terminological preference brings about a shift in perspective from one pole of asymmetrical relation to the other (they who exercise it – they who support it, wherefrom the important notion of *faith*). Finally, *authority* is a legitimate form (or considered legitimate) of domination. Any system of authority claims and attempts to cultivate faith in its legitimacy.

The concatenation of these concepts spirals into a discursive loop that would look like this: domination modes depend on various patterns of authority, while authority depends on the degree in which people consider it to be justified or not, that is legitimate. It is now understandably why Weber made of legitimacy a key point in understanding the order of social and political institutions. Consequently, legitimacy does not necessarily and, anyway, not always go along with rationality and justice.

The famous and enduring Weberian typology, developed in his major work, *Economy and society*, identifies three types of legitimate authority: traditional (which rests on “an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them”⁵ – and Weber includes here gerontocracy, patriarchalism,

relations between sexes), charismatic (“devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person and of the normative patterns or orders revealed or ordained by him”⁶), legal or rational (“a belief in the legality of patterns of normative rules and the right of those elevated to authority under such rules to issue commands”⁷). The final and typical form of rational legitimacy would be bureaucracy which imposes a legal domination. Besides these three types, Weber also mentions at one point in his analysis another form of legitimacy, without including it, it’s true, in the now classical taxonomy, hence its relative obsolescence: value legitimacy (*Wertrational*) (“which holds by virtue of a rational belief in its absolute value”⁸).

The dawns of Western modernity coincide for the German sociologist with the gradual replacement of the *Gemeinschaft*-type traditional legitimacy and the charismatic one (an antithesis, in fact, of the other two) with the legal one. At this stage, legitimacy meets – to the point of overlapping – legality.

Max Weber made his entrance in the French intellectual field via Raymond Aron, an astute intermediary between German and French culture, to whom Bourdieu was for a while very close institutionally (he succeeded him at Collège de France).

A moderate, lucid look on how Weber was received by French sociology would show that his classical work benefitted from a powerful instrumentalization. In Eco’s words, we would say that he was more “used” than “interpreted”, the attempts to bring him closer looked if not like a battlefield at least like intellectual fights: Boudon brought him closer ostentatiously to ensure an illustrious ascendance (he practically made Weber the founding father of methodological individualism – a strategy of auto-legitimation, some would say) ; Jean-Claude Passeron, a specialist, in fact, in Weber, after he split with Bourdieu, he turned the former against the latter, but not against Boudon ; Luc Boltanski, initially a disciple of Bourdieu, turned into a detractor, did not miss an opportunity to contest the German sociologist only to hit by rebound the late master etc. – to mention only the noteworthy examples.

What and how did Pierre Bourdieu take from the work of a sociologist to whom he showed from the very beginning a vowed curiosity and a constant appreciation, nonetheless tempered by that distance given by lucidity? The Weberian heritage is solid, leaving well behind the suspicion of a rapprochement. In the first place, Bourdieu explicitly bestows on him much of the fatherhood of the concept of *field*, but the most spectacular meeting point between the two is around the way they conceive *domination*. Bourdieu remains, while developing a theory on legitimacy, profoundly Weberian.

It is true that the French sociologist considerably expanded the issue of legitimacy, taking it out of the register of political thinking and placing it at the core of sociology in general (legitimacy would be, at a higher level of generality, a quality that gives a social value to a certain practice), but for both, in a given space, in a specific field respectively, legitimacy becomes a conflicting spot. Suffice to mention the definition of the state given by Weber (“a human community that successfully claims the *monopoly of the legitimate use of physical force* within a given territory”⁹) to connect it easily to the fights inside each field for the monopoly of specific legitimacy. It’s true, with Weber; this conflict to acquire the monopoly of legitimacy is seen as an engine of social transformation, while with Bourdieu the fight has rather the

gloomy air of reproduction. In this light, the confiscation of culture by certain social groups (an idea which can be found in Weber's studies on religion), acquires in Bourdieu's writings the reprobable colour of usurpation (see the work *Noblesse d'État*). At this point, by assimilating the legitimate practices with the dominant practices, the French meets not Marx but Nietzsche in *On the Genealogy of Morality*. Here is a quotation from Bourdieu who, while speaking of delegation as a necessary condition to invest with authority, confirms this filiation and adhesion: "What Nietzsche means is that delegates *base universal values on themselves*, appropriate values, 'requisition morality', and thus monopolize the notions of God, Truth, Wisdom, People, Message, Freedom, etc."¹⁰

At this point, we have to discuss about Bourdieu's antonym of legitimacy, to nuance the concept of domination. If legitimacy could be synthetically defined as "the character of any domination which, to the extent it is recognized, accepted, justified (in the name of Reason, Right, Nature and God, etc.), cannot be seen as arbitrary. There are generally acknowledged as legitimate the things, practices, tastes placed at the top of social classifications and hierarchy"¹¹, then what deprived them of legitimacy is the *arbitrary*, defined as "what has only an existence by fact and not by right (*de facto* vs. *de jure*), i.e. something nothing can justify or be accepted as an order". For example, in a democracy, the putsch is an arbitrary way to accede to power.

Weberian–Nietzschean syllogism, if we definitely want to establish a filiation, underlying the assimilation of classification/hierarchy with domination would be as follows: if we accept the irreducible and sometimes incompatible character between the various orders of values (this would mean that good, efficiency and justice do not always overlap), it means that we cannot talk about a harmony among the values guiding social actions. Therefore, a social life would be possible if a hierarchy of values is operating, hence a form of domination. And this domination is a temporary compromise, the fight for monopoly is ongoing, nonetheless the question is not put in terms of raw force, as a certain consensus is prevailing. Consequently, domination is legitimate when they who bear it accept it, submit to it, consider it to be bearable, sometimes even desirable.

It is again true that, if Weber was concerned in the case of legitimacy with the religious field and in the case of domination with the political field, Bourdieu could not resist the temptation to universalize them, to be applied, basically, to any field. To do this, he had to throw on to the market a concept able to fatally articulate both. This was *symbolic violence*. Symbolic violence is that subtle, invisible form which is the most efficient when victims take part by a tacit and unconscious complicity to the act of domination, and the masculine one is susceptible to illustrate in an exemplary way this paradox of submission: we live in a male-dominated world, and this seems to be taken for granted, in a neutral way, whence the mighty force of masculine "*sociodicee*". *Masculine domination* tries to demonstrate that the relation between women and men, the structure of the division of sexes is not *eternal*, a natural *gift* which resides in the biological or psychological nature, as psychoanalysis preaches, for instance, but instead a social construct, the outcome of a long historical labour for *eternalization*.

Consequently, Bourdieu's system of legitimation originates, in its first instance, from Weber, but it goes beyond him, pushing up the violence of the legitimate discourse. And, if Weber

did not succeed too much to lend an explicative dimension to the legitimacy model he developed, predominantly sticking with the descriptive side (we do not learn *why* a domination is legitimate, but only *when*), through the concept of symbolical violence Bourdieu also introduces the dimension of *how*. He extensively developed the theory, to that point in which, beyond any institutions and legitimation instances, he built up a hierarchy of legitimation instances¹² and legitimation strategies (to whom he does not necessarily assign a conscious, premeditated character), de-legitimation strategies (see the artistic trends, movements), courses of legitimating exchanges, a. o.

It is now the time, at the end, to dwell on an extremely necessary distinction for the current discussion. *Legitimacy and legitimation* – a distinction not even Weber cares to make too often – describe two wide apart epistemological areas, moving in different asertoric spaces.

Legitimacy is a property, meaning, ultimately, the desire – more or less conscious, more or less explicit (it may be even denegated) – to accede to recognition and validation, while legitimation is the process by which these attributes are conferred to they who requested them, usually by individuals who already possess that legitimacy.

Therefore, we do not believe we can talk only about auto-legitimation (in the final sense), auto-legitimation being an epistemological impossibility.

Starting from this terminological observation, Weber was more interested in legitimacy, whereas Bourdieu placed greater attention on legitimation, seen as an *a posteriori* justification of a relation of domination, “transformation de l’être en devoir-être”, “validation of a normative re-translation of a state of things” (as Luc Boltanski¹³ would say).

In the same line, in their treatise on the sociology of knowledge, Peter Berger and Thomas Luckman assimilate legitimation with an explanatory and justifying process¹⁴, focusing on its two-fold aspect: „Legitimation explains the institutional order conferring cognitive validity to its objectivized meanings. Legitimation justified institutional order lending a normative dignity to its practical imperatives. It is important to understand that legitimation comprises not only a normative but also a cognitive element. In other words, legitimation is not only a matter of «value» – it always implies «knowledge»”¹⁵ as well. Moreover, “in legitimizing institutions, knowledge precedes values” because the individual is not only told why he has to do this and not that, but also why things are the way they are.¹⁶

I think it should come as no surprise to find the same vocabulary and a similar perspective in an anthropologist’s approach. Within the field of political anthropology, Georges Balandier returns to the issue of myth as a way of justification and explanation: “The relations established between power and the sacred are likewise obvious inside the myth, what B. Malinowski already suggested, considering the myth as a «social charter», a tool manipulated by the holders of «power, of privileges and property». Myths have, in this sense, a two-fold function: they *explain* the existing order in historical terms and *justify* it by providing it with a moral basis, by presenting it as a well-grounded legal system.”¹⁷

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- ¹ For example, the concept of *legitimacy* entered the French language in the 16th c., but it may have been in use at about the same time in other languages whose culture witnessed a strong political thinking, such as English or German.
- ² Although Pierre Bourdieu's vocabulary is highly personalized by the introduction and rapprochement of more special terms to his system (*habitus*, *allodoxie*, *hysteresis*, *illusio* etc.) or the re-semanticization and re-operationalization of seemingly common notions (ex.: social aging, strategy a. o.), there is a permanent care for the property of terms, almost obsessively doubled by the idea of the responsibility for throwing into the world.
- ³ Similar to the Marx's concept of *ideology*.
- ⁴ Max Weber, *Economy and Society*, University of California Press, Berkeley, 1978, I, p. 213.
- ⁵ *Ibidem*, p. 303.
- ⁶ *Ibidem*, p. 322.
- ⁷ *Ibidem*, p. 291–292.
- ⁸ *Ibidem*, p. 285.
- ⁹ Max Weber, „Politics as vocation”, in *From Max Weber: Essays in Sociology*, trans. and eds. Gerth H. H., Mills C. W., Oxford University Press, New York, 1946, p. 171.
- ¹⁰ Pierre Bourdieu, *Language and Symbolic Power*, Cambridge, Polity Press, 1991, Chapter "Delegation and Political Fetishism", subsection "The Self-consecration of the Delegate", pp. 210–211.
Although Bourdieu was quite reserved to express to many intimacies with Nietzsche's work – especially because the exaltation stirred in France after the 60s by Nietzsche and Heidegger –, some exegetes detected with the French sociologist a series of Nietzschean sensitivities in approaching the notion of *power* (understood more as "a will of power") and *interest* (for Nietzsche, as well as for Bourdieu, there is no a completely uninterested act). Nietzsche's portrait drawn by Terry Eagleton would also match Pierre Bourdieu: "For Nietzsche, all human action is a kind of fiction: it presumes a coherent, autonomous human agent (which Nietzsche regards as an illusion); implies that the beliefs and assumptions by which we act are firmly grounded (which for Nietzsche is not the case); and assumes that the effects of our actions can be rationally calculated (in Nietzsche's eyes yet another sad illusion)" – Terry Eagleton, *Ideology*, London, Verso, 1991, p. 212.
- ¹¹ Pierre Bourdieu, *Choses dites*, Éditions de Minuit, Paris, 1988, p. 97.
- ¹² See Pascale Casanova, *La République mondiale des lettres*, Paris, Éditions du Seuil, 1999.
- ¹³ Luc Boltanski, Laurent Thevenot, *De la Justification. Les économies de la grandeur*, Gallimard, Paris, 2003, p. 418.
- ¹⁴ With Pierre Bourdieu the form of legitimation is by excellence rationalisation – in the sense conferred to this notion by Freud and Weber.
- ¹⁵ Peter Berger & Thomas Luckman, *Construirea socială a realității (The Social Construction of Reality)*, translation by Alex. Butucelea, ART, București, 2008, p. 130.
- ¹⁶ At this point we could remember very well the levels of ideology identified by Paul Ricoeur.
- ¹⁷ Georges Balandier, *Antropologie politică (Anthropologie politique)*, 1967), translation by Doina Lică, Editura Amarcord, Timișoara, 1998, pp. 140–141.

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