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Building legitimacy from individuals' beliefs.

The role of symbols in evaluating political authority

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Abstract

This thesis aims at sketching an account of legitimacy that stands in-between Weber's and Williams'. The effort is to combine a beliefs-based concept of legitimacy with internal standards that allows to normatively evaluate political authority. Giving relevance to individuals' beliefs is important because it is a way to seriously consider people's experience of being subjected to power and, possibly, their feeling of being arbitrarily ruled. This dimension is often put aside, even within political realist accounts. In fact, the task of giving relevance to individuals' perspective does not depend on the political – as opposed to moral – nature of the standards of legitimacy; rather, it depends on the internality or externality of those standards.

In this dissertation, I start with the elaboration of a minimal *concept* of legitimacy, which stands as a common denominator for different *conceptions*. The concept aims at illustrating how people conceive the relation between political power, legitimacy and the external world. Accordingly, I claim that legitimacy is a characteristic that can be ascribed to a political regime. That ascription depends on the *perceived positive qualities* of a regime by a *subject*. Their positivity depends on what the subject considers important either for herself directly, or for the world she is living in.

According to this view, people express their belief in legitimacy as following: "the regime has the quality x; x is a positive quality for a regime to be legitimate; therefore, the regime is legitimate". Legitimacy is connected to the positivity of the regime, be it in terms of performance or source of power. The only requirement a belief in legitimacy has to fulfil is to pass the *coherence test*, namely, to derive the final judgement about the regime (il)legitimacy from consistent premises. The duty to pass the coherence test represents a minimal epistemic threshold, and has the advantage of being a standard *internal* to the belief. Besides, it has implication on the practical level, because it pushes toward the creation of what I called the *public debate space*, an ideal place where individuals' beliefs are exposed and challenged by other interlocutors.

Depending on what is the feature x included in the belief, I elaborate four conceptions of legitimacy: a *legal* conception, based on the value of law; a *rational* conception, based on the value of security; a *moral* conception, based on the value of morality; and, finally, a *symbolic*

conception, based on the values of trust and care. All of them are potentially capable of passing the coherence test, but the symbolic one has a higher level of emotionality in the elaboration of the belief and it can be the result of fascination by the individual toward a leader, or toward a certain ideology; in contrast, legal, moral and rational ones are built on features the content of which is usually highly rationalised.

Notwithstanding, there is a reciprocal need between symbolic and non-symbolic conceptions of legitimacy. On one hand, the non-symbolic conceptions irrevocably include both the notions of trust and care; on the other hand, the symbolic conception is likely to merge into one of the non-symbolic in order to pass the coherence test. Besides, symbols are intrinsic to the political language. Therefore, the effort is to appreciate the symbols' influence in building both the identity of a political community and a shared conception of legitimacy.

Assuming that there is nothing like an objective hierarchy of values, from which we can glean the principles that ground our conceptions of legitimacy, and given the vast amount of values people may engage with, the problem is to explain how to get to a shared truth about how a certain political community should be shaped. Here is where the symbolic mechanisms play a central role: they have both a *definitional* and a *promotional* role.

After all, the expression of a belief in legitimacy is, at the same time, the communication of a *standard* the regime should satisfy in order to be recognized as legitimate. Such standards have a bottom-up origin and their content depends on individuals' vision of the world and system of values. On the other side, the regime has at least an instrumental interest in complying individuals' requirements. Indeed, stability is normally not guaranteed by the sole use of physical coercion. Notwithstanding, this does not exclude the possibility of a regime truly available to set a political order that reflects people's requirements.

The availability of the regime to genuinely comply people's requirements says something further about its legitimacy. Here we get to the second definition I provide in the dissertation. Accordingly, *legitimacy is the characteristic of a regime where individuals considers themselves as the authors, or sources, of their own political obligations*. This definition contributes to the normativity of the concept of legitimacy, at least in its theoretical formulation. On the practical level, though, such a normativity is the result of the potential normativity of people's

conceptions of legitimacy; in other words, legitimacy gets a normative concept when the conceptions people elaborate are normatively rich.

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Introduction

This dissertation tries to build a *normative* account of legitimacy grounded on individuals' beliefs. It aims at standing in-between Weber's and Williams' accounts. On one hand, it insists on the centrality of subjects' belief as grounding the evaluation of a regime's legitimacy, as a way to truly let people speak. On the other, it goes further Weber in trying to elaborate standards for evaluating the regime's legitimacy. With respect to Williams' claim that we need to avoid political moralism, this account tries to rule out both moralism and external standards that would obscure people's beliefs (for example, it considers the problem of what we could say to an individual who holds a belief that is in contrast with the 'collective' one involved in Williams' "making sense" category). According to my view, paying attention to this aspect provides more strength to accounts of legitimacy that have a realist vocation. Besides, this account keeps it distinct the concept of the political relationship from the one of political legitimacy. After all, collapsing the two concepts may result in the unrealistic outcome that political regimes that fail to be legitimate, fail being political too. Yet this would paradoxically deny the existence of regimes that maintain order with the sole use of coercion.

The avoidance of any moral standard to evaluate legitimacy has some implications. It allows the elaboration of a concept of legitimacy that is potentially applicable to any kind of regimes, and not only to democracies. As a consequence, it helps clarifying the motivations of people living in autocratic regimes and genuinely considering them legitimate. In contrast, it cannot preclude very immoral regimes to be considered legitimate, when individuals – according to their world views – consider immoral behaviours acceptable. As a consequence, part of the responsibility for the quality of a regime is charged on people, especially when the legitimacy of democracies is under evaluation.

With respect to the most diffuse interpretation of legitimacy as the justification of power (e.g. Williams' and Horton's), I claim that we need not just an *acceptable* but an *accepted justification* too – I will return on this point in the last part of this introduction. Such acceptance is declared by individuals expressing their belief about the regime legitimacy, according to the following structure: "the regime has the quality *x*; *x* is a positive quality for a regime to be legitimate; therefore, the regime is legitimate". Legitimacy is related to the positivity of the regime, be it in terms of performance or source of power. This structure

results from what I called the *minimal concept of legitimacy*, which aims at illustrating how legitimacy is conceived by individuals evaluating their regimes. According to that concept, legitimacy is a characteristic that can be ascribed to a political regime. That ascription depends on the *perceived positive qualities* of a regime by a *subject*. Their positivity depends on what the subject considers important either for herself directly, or for the world she is living in. This concept derives from the assumption that people conceive power as the means to have their aims and meanings realised.

The only requirement a belief in legitimacy has to fulfil is to pass the *coherence test*, namely, to derive the final judgement about the regime (il)legitimacy from consistent premises. To make an example, a belief such as 'the regime does not implement freedom; freedom is a positive quality for a regime to be legitimate; therefore, the regime is legitimate' is not valid, given its inconsistency. The duty to pass the coherence test represents a minimal epistemic threshold, yet has the advantage of being a very minimal requirement and represents a standard internal to the belief. Besides, it has implication on the practical level, because it pushes toward the creation of what I called the *public debate space*. It is an ideal place where individuals' beliefs are exposed and challenged by other interlocutors, where new information is provided and the coherence of beliefs is put under pressure. As the individual has the duty to be coherent in expressing her belief, she has a consequent duty to adjust her belief when acquiring new information that may invalidate the previous conviction. Interlocutors of this space are not only internal individuals (that is, individuals living in the regime evaluated), but also external individuals (that is, individuals living in a different regime), plus the regime. Besides, it is the ideal place where a hypothetical political theorist observes the formulation of beliefs about the regime's legitimacy.

The image of the political theorist evokes the question of how to get to a final judgement about the regime's legitimacy that does not put aside individuals' beliefs. I claim that the final say is to the internal individual. However, the external individual's standpoint is not devoid of significance. I imagine four situations: in the first two, the internal and the external (including the political theorist) agree on either the legitimacy or the illegitimacy of the regime. In the third one, the internal thinks the regime is legitimate, while the external thinks it is not. In the fourth, the internal thinks her regime is illegitimate, while the external thinks it is legitimate. In the first two, the internal and the external agree. This implies that

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the belief in the regime (il)legitimacy presents a high level of coherence. In these cases, we can conclude that the regime is *fully (il)legitimate*. In the third case, the regime is said to be *provisionally legitimate*, because the internal – who has the last say – considers it legitimate, but the external criticises the coherence of her belief and commits herself, in the public debate space, to show such an inconsistency, by providing new information. In the fourth case, the regime is *provisionally illegitimate*, because the external – who has the last say – considers it illegitimate, but the external criticises the coherence of her belief and tries to challenge it in the public debate space. Notice that the third and fourth cases are not symmetric, because, in the latter, the external individual criticising the internal individual's belief may obscure her feeling to be arbitrarily ruled.

From the minimal concept of legitimacy, I derive four conceptions, that should be treated as specifications of the concept. The specificity of each conception depends on the quality x at stake, within the belief in legitimacy. We can have a *legal* conception, based on the value of law; a *rational* conception, based on the value of security; a *moral* conception, based on the value of morality; and, finally, a *symbolic* conception, based on the values of trust and care. The four conceptions stand at the concept of legitimacy in a *convergent* way, that is, individuals holding different conceptions end up at the same conclusion that the regime is legitimate. The mechanism explaining convergence is the following: all the conceptions are grounded on the assumption that there is a link between the positivity of the regime's nature/performance and its legitimacy.

All the four conceptions are capable of passing the coherence test, but the symbolic one has a higher level of emotionality in the elaboration of the belief. As a result, it can be the result of fascination by the individual toward a leader, or being driven by ideology. In contrast, legal, moral and rational conceptions normally present a very low level of emotionality; rather, they are built on features the content of which is highly rationalised.

Notwithstanding, there is a reciprocal need between symbolic and non-symbolic conceptions of legitimacy. On one hand, the non-symbolic conceptions irrevocably include both the notions of trust and care; on the other hand, the symbolic conception is likely to merge into one of the non-symbolic in order to pass the coherence test. Besides, symbols are intrinsic to the language and the symbolic activity is naturally part of human experience.

Therefore, the effort is to appreciate the symbols' influence in building both the identity of a political community and a shared conception of legitimacy.

The pervasive nature of symbols is emphasised at the aim of disclosing possible manipulative behaviours even in conceptions that we might think of as 'safe' ones. There is little in my definition of legitimacy that is able to prevent manipulative phenomena. However, the coherence test performed in the public debate space plays a significant role in dismantling beliefs resulting from a use of symbols that goes further the symbolically neutral human experience and contributes to installing a manipulative asset.

The second vein of this thesis is a *pragmatist* one, and results from the investigation of the role of symbols in defining and promoting the values at stake when conferring legitimacy to the regime. Provided that there is nothing like an objective hierarchy of values, from which we can glean the principles that ground our conceptions of legitimacy, and given the vast amount of values people may engage with, the problem is to explain how to get to a shared truth about how a certain political community should be shaped. Here is where the symbolic mechanisms play a central role. Indeed, such a truth is the set of values people share and require to the regime to implement, in order to acknowledge its legitimacy. The identity of a political community and the definition of the values on which the identity is built are the result of a "struggle over definition", or "struggle over representation", where the aim is to impose the legitimate vision of the political world. The boundaries among different groups holding different values are defined according to Schmitt's category of friend/enemy, but the decision about who is in and who is out has a bottom-up origin. In a way similar to Christiano's concept of solidarity, people define their group as composed of individuals that share the same system of values, that are "like-mindedness", and therefore agree on the same conceptions of legitimacy.

The expression of a belief in legitimacy is, at the same time, the communication of a *standard* the regime should satisfy in order to be recognized as legitimate. For example, the individual claiming that 'freedom is a positive quality for a regime to be legitimate' is also claiming that the regime *ought to* provide freedom. Therefore, even if in my account there is no space for universal standards for legitimacy, contingent standards play a central role. They are bottom-up standards and their content depends on individuals' vision of the world and

system of values. This charges part of the responsibility for the quality of a regime on individuals, especially in democratic regimes.

All things considered, the regime has at least an instrumental interest in complying individuals' requirements. Indeed, stability is normally not guaranteed by the sole use of physical coercion. Although coercion is effective in forcing a certain action, it is useless in inducing the conviction that the regime is actually a good one. Regimes need at least a minimum consensus in order to maintain their power stably and without excessive costs. To be sure, the instrumental interest a regime has (I will call it *political interest*), does not exclude the possibility of a regime truly available to set a political order that reflects people's requirements (I will call it a *moral interest*). In fact, even a regime with a moral interest still needs to be concerned with the maintenance of power.

However, the availability of the regime to genuinely comply people's requirements says something further about its legitimacy. Here we get to the second definition I provide in the dissertation. Accordingly, *legitimacy is the characteristic of a regime where individuals consider themselves as the authors, or sources, of their own political obligations*. This implies a definition of legitimacy that evokes the notion of *autonomy* in a Kantian sense, and contributes to the normativity of the concept of legitimacy, at least in its theoretical formulation. On the practical level, instead, I claim that legitimacy is a *normatively-dependent concept*, borrowing the term from Rainer Forst (Forst, 2017). In my account, differently, such a normativity is the result of the potential normativity of people's conceptions of legitimacy; in other words, legitimacy gets a normative concept when the conceptions people elaborate are normatively rich. It is, therefore, a contingent normativity, which varies according to the value x on which the conception of legitimacy is grounded.

A last issue of this introduction should concern the relation between my position here and John Horton's account of legitimacy, as I find it the one I share most with within contemporary literature in political philosophy about legitimacy. I aim neither at providing a reconstruction of his account, nor at engaging with a criticism of it. I just find it useful to underline common assumptions and divergent aspects, in order to clarify my position and the motivation that guided this work.

Horton departs from both Kantian and libertarian approaches. On the one hand, he refuses the idea that legitimacy must be dependent on justice, for basically two reasons. The first one is that "states, both now and in the past, are and have always been unjust"; therefore, "if legitimacy at all closely tracks justice, it seems we must also infer that they lack legitimacy. If they lack legitimacy then I take it that they *ipso facto* lack political authority over us; or at most they only have authority in those areas where they are acting justly or nearly justly" (Horton, 2012: 136). The second reason for "decoupling legitimacy from justice" is that "if one is exercised by the apparent illegitimacy of virtually all states, one potential danger in linking so closely justice and legitimacy is that in order to avoid this problem we may be tempted to claim that some states are more just than we truly believe them to be" (Horton, 2012: 136). On the other hand, he wants to avoid consent-based theories of legitimacy too, as – as much as in the Kantian theories case – they end up being useless for evaluating real (and imperfect) states: "with a few possible exceptions, people have not voluntarily consented to join or be members or to their authority. Nor is at all easy to see how the conditions for genuine voluntary consent could obtain in modern world […]. As a result, Simmons ends up in one respect in a position that is actually quite close to that I attributed to the Kantian liberal, because on neither account is there a satisfactory basis for attribution political legitimacy to (almost) any actual states" (Horton, 2012: 138).

In contrast, he claims that an account of legitimacy should take into consideration people' beliefs: "First, I believe that we have to restore the connection between political legitimacy and the beliefs and attitudes of those subject to it […]. Secondly, I want to suggest that a much more prominent role should be afforded to the cultural and conceptual context and belief system within which people frame their thinking about their government and political institutions" (Horton, 2012: 141). Although this might sound Weberian, Horton departs from Weber too, claiming, with Beetham (1991: 11), that what matters for legitimacy is not that people believe in it, but that the state's authority can be justified in terms of people's beliefs (Horton, 2012: 141).

As I see it, Horton is distinguishing between *accepted* and *acceptable* justifications, and look for the latter as grounding legitimacy, while refusing the former. Indeed, he stresses that linking legitimacy and people's belief is not "a mere matter of aggregating opinions" (Horton 2012, 1441) and that "the affirmation of legitimacy matters, but that affirmation is grounded

in something other than that affirmation itself" (Horton, 2012: 142). On the other side, he argues that "there is the possibility on this account that citizens can be mistaken, for example because they wrongly believe that their state meets their criteria of legitimacy when it does not, and they can also call into question those criteria, which are not of course immutable and unrevisable" (Horton, 2012: 143). Besides, in insisting on the role of the cultural and conceptual context, he seems very close to Williams' idea of the *making sense category*: "To understand how reasoning about political legitimacy functions, therefore, we have to understand the concrete context of the culture, political institutions and intellectual and moral traditions within which such reasoning occurs; the context in which, say, the idea of the Dalai Lama as a legitimate political ruler makes sense" (Horton 2012, 143).

No doubt, all these remarks contribute at composing a realist view of legitimacy and I share most of the assumptions Horton makes. However, there are some divergences that is worthy mentioning, as they foster the idea of this work. A first remark regards the motivation Horton has to decoupling legitimacy from justice. I do share his intention, and I acknowledge a realist call in it, but I argue that he ends up being less realist than what he wants to be. In fact, the reason why he refuses approaches that ground legitimacy on justice is methodological, in the sense that the concept of legitimacy Kantian and libertarian theories draw becomes useless when we aim at evaluating existing political regimes. Yet it seems to me that Horton takes it for granted that people endorse principles of justice – and it is such endorsement that, when linked to the idea of legitimacy, makes the latter completely useless. In other words, Horton seems not envisage that it could be possible a case where the majority of people living in a regime do not share principles of justice, but still consider their regime legitimate – on the basis of principles other than justice. And this would be a different reason to decoupling legitimacy from justice. I think this is a flaw in a realist picture of legitimacy, because if we are not ready to take that case as possible, we might be prevented by explaining the legitimacy of non-democratic regimes.

A second divergence regards the 'status' of the justification. As mentioned before, I take Horton to go for an *acceptable* justification, and to refuse an *accepted* one. I think he is right in looking for a way 'beyond' Weber, because as political theorist we want to say more than describe the empirical situation where individuals happen to agree on the legitimacy of their state. However, I do not think that we are in front of an exclusive choice where we

have to opt either for one or the other option. In fact, what we should be looking for is an *acceptable and accepted* justification of political authority, as it seems to me the only way to really take into consideration people's belief without renouncing to the elaboration of standards for legitimacy. Here Horton suffers from the same criticism I will move to Williams' namely that when we use notions as the MS category, we can hardly justify the eventual incongruence between individuals' beliefs and the justification that is supposed to result from a certain cultural and political context. The research for an *accepted and acceptable justification* is very ambitious – and maybe destined to fail – but nonetheless the idea that guides my work here. In the light of this call I claim that my account aims at standing in-between Weber's and Williams', and that the ultimate task is to elaborate bottom-up standards for legitimacy.

Not surprisingly, you will not have any satisfactory answer at the end of this work. However, I hope to show at least the terms of the problem, and to indicate a possible direction of investigation.

In Chapter 1, I will illustrate the minimal concept of legitimacy. I will start from distinguishing notion of political relationship from the one of political legitimacy, commenting the contributions by Thomas Hobbes, Max Weber and Bernard Williams. Then, I will focus on the centrality of values people hold in configuring their own visions of how the political community should be, and I will illustrate some assumptions about human nature and the notion of power, which lead to the minimal conception of legitimacy. The last part of the chapter will be devoted to exposing the structure of a belief in legitimacy and the normative role of coherence.

In Chapter 2, I will start illustrating the relation between a concept and the conceptions of legitimacy. Then, I will show how the nature of a regime affects the relationship between itself and the individuals when elaborating conceptions of legitimacy. I will focus on the regime's political and normative interests, and how they result in different configurations of the political order. Then, I will proceed with the exposition of the three non-symbolic conceptions of legitimacy: legal, rational and moral ones.

Chapter 3 will be entirely devoted to the symbolic conception of legitimacy. I will start commenting on Weber's concepts of charisma, religion and nation, to understand how they all contribute to the legitimation of power. In the second section, I will claim that human

society has an intrinsic symbolic structure, grounding my reflection on the contributions by Ernst Cassirer, Paul Ricoeur and Reinhold Niebuhr. The aim is to show that symbols as such are not necessarily tools for manipulation. Finally, I will illustrate how a symbolic conception of legitimacy displays according to the structure of a belief in legitimacy. I will claim that it can be based either on the notion of trust or the notion of care. Besides, I will show that, given the high level of emotionality characterizing this conception, there is a higher risk of manipulation than in the non-symbolic conceptions.

In Chapter 4, I will look at the relation between the symbolic nature of language and legitimacy. First, I will show the definitional and promotional role of symbols in both defining the political identity and the requirements presented to the regime in order to be recognized as legitimate. Second, I will show the reciprocal dependence between symbolic and non-symbolic conceptions of legitimacy. Third, I will provide the second definition of legitimacy and illustrates its normativity. I will then conclude with some considerations about the responsibility on individuals for the quality of their regime, and about the non-overlapping between my account of legitimacy and the concept of democracy.

Before concluding this introduction, I provide some further specifications. I will often use the term 'citizens' to refer to individuals. Notice that the term does not have any normative connotation; rather, it is used here as equivalent to 'ruled', 'subjects', 'individuals', 'people'. Second, I mainly refer to the legitimacy of the regime, but my account strives for apply to any kind of political relationship. Consequently, you will find some examples taken from the relation between citizens and a specific government. The reason of such a wider scope of application is that I tried to think of a concept that applies to any kind of regime, and not only democracies. However, the kind of regime has consequences on the conceptual relation between the government and the regime. In democracies, the regime usually keeps its nature unvaried (it keeps being a democracy), and government comes in succession. We may have governments very different from one to another, but still being part of the democratic framework. On the contrary, in autocratic regimes the distinction between regime and government is often quite blurred and the regime's nature and performance end up completely coinciding with the specific government's nature and performance.

Chapter 1. A minimal concept of legitimacy

This chapter is composed of four sections, which can be thought as forming two wider conceptual blocks. The first one includes section I and II, and it is devoted to the clarification of some aspects regarding the concept of political relationship (PR) as distinct from the concept of political legitimacy (PL). In section I, I will try to do two different things. First, I will underline the importance of distinguishing the two concepts of PR and PL, through the analysis of the contributions elaborated by Hobbes, Williams and Weber. The need to avoid the overlapping between the two concepts rests on the need of saving conceptual space for relationships of command-obedience that *are not legitimate although being still political*. Gaining such a space is necessary for an approach to legitimacy that aims at being realist, that is, to elaborate an account of legitimacy that is not grounded on external moral standards. The resulting concept of legitimacy would not require regimes to be necessarily democratic in order to be legitimate. In other words, the distinction between PR and PL makes it possible to explain why some non-democratic regimes have been considered legitimate by their citizens, without citizens being necessarily coerced to believe that.

In the second part of section I, I will suggest some adjustments to Williams' (partially unsuccessful) tentative to avoid the overlapping. In particular, I will maintain that a *claim* of having solved the first political question – rather than a *successful* solution to that question – is sufficient to define the political relationship.

Section II as well belongs to this first block devoted to the conceptualization of a political relationship. In this section, I will focus more on the individual experience of being part of a political community. The question will be: which are the features of human nature that matter in a political community? The human need of having a meaningful structure to explain events will be connected to the individual tendency to conceive power as a means for some aim. The significance of individuals' world views for both the concepts of PR and PL will be stressed.

A second conceptual block is composed of section III and IV, where I will draft my view of legitimacy as a *minimal concept*, furtherly exemplified by different *conceptions* (Chapter 2 of this dissertation). The content of this block is supposed to follow from the assumptions elaborated in section I and II of this chapter. In section III I will maintain that legitimacy is a characteristic that can be ascribed to a political regime. That ascription depends on the *believed positive qualities* of a regime by a *subject*. Their positivity depends on what the subject considers important either for herself directly, or for the world she is living in. That positivity may involve both the *input* and the *output* side of legitimacy, though in two different ways. With regard to input legitimacy, that positivity is related to the source of power, e.g. the regime is considered legitimate because it derives its power from a valuable source. With regard to output legitimacy, that positivity is related to the performances of the regime. Since the scope of legitimacy is the phenomenon of political power exercised by a political regime (authority), and given this "definition" of the concept, legitimacy can be thought of as a relationship originated from a triad, which connects the *subject*, the *world* and the *political power* exercised within the regime. The subject perceives the power as the means to modify the world she is living in.

In Section IV I will analyse what does it mean to have a belief in the regime's positive qualities and how such beliefs result in a belief in the legitimacy of political power. The structure suggested will allow to take into consideration those beliefs in legitimacy that are not rationally grounded (in Weber's sense of 'rational'). This inclusion contributes to the realist nature of this account, as it does not require any epistemic or moral threshold to be reached.

Before proceeding with the analysis, I need to spend some words on the normativity of my concept of legitimacy. I do not consider legitimacy as such a normative concept. In other words, I do not think that we can find, within the notion of legitimacy, anything that is already normatively binding. My position can be justified both on a theoretical and practical level. With regard to the former, anytime we treat legitimacy as a normative concept, we are already assuming a further moral concept as grounding legitimacy – typically justice (Forst, 2017). On the practical level, there have been cases of regimes considered legitimate by their citizens, although being all but democratic (or morally engaged) by subjects of the regime. If we want to explain this phenomenon, either we say that those subjects are blind or coerced

or irrational, or we admit that legitimacy does not necessarily depend on the moral qualities of the regime. I opt for this second option.

The lack of an intrinsic normative quality of the concept of legitimacy does not entail that legitimacy cannot be a normative concept though. Rather, my idea is that a regime is legitimate according to a concept of legitimacy that is as much normative as subjects are, that is, 'moral' subjects will require – and acknowledge as legitimate – a 'moral regime'. In this sense, legitimacy is a context-dependent concept. Its thickness in terms of moral requirements varies (partially) according to the subjects' views of the world. I will analyse the role of subjects' views in the next chapters of this dissertation, and I will turn back to the normativity of my account of legitimacy in chapter 4.

I. Legitimacy and the political relationship

The sphere of application of the concept of legitimacy is political power. To say it differently, the question of legitimacy arises when we face authority. To be clear, authority and power are not necessarily political concepts, e.g. parents have authority over children, and professors have authority over students. However, my field of research is power and authority within political regimes. The variable use of the word "legitimacy" suggests something important, namely that legitimacy and "the political" are not coextensive concepts. However, the wider extension of the word "legitimacy" does not imply that "the political" is a subset of legitimacy. In fact, the two concepts, although connected, are autonomous. This has critical implications for the concept of legitimacy itself, when applied to the political context. Indeed, although the two concepts have sometimes been (indirectly) overlapped, this can be misleading, as it results in denying the conceptual autonomy and universal applicability of the concept of legitimacy.

An example of overlapping the concepts of legitimacy and the idea of 'the political' occurs in Hobbes' reconstruction of the passage from the *state of nature* to the *civil state*, where the latter is conceived as the result of a process of legitimation, so that there is no authority unless there has been a legitimising agreement among individuals on the need for an

institutionalised power[1]. In other words, *there is no politics until there is a legitimate politics*. Nonetheless, it will need to be clarified in which sense it happens, as one may object that some passages of the *Leviathan* and *De Cive* show that Hobbes does believes that the two concepts are theoretically distinct[2].

Starting from Hobbes' suggestion, Bernard Williams' first chapter of *In the Beginning was the Deed* claims to offer a political realist account of legitimacy. He wants to avoid the overlapping of the two concepts. His aim is indeed to show that legitimacy is more than order. However, his reliance on Hobbes makes his argument somewhat fragile. As Amanda Greene points out, his conception fails to explain the possibility of a regime failing to be legitimate though still being a political entity (Greene, 2014: 145). This debate is critical for my goal, since my minimal concept of legitimacy aims to apply to every kind of regime, thus claiming to be a useful evaluative tool for the potential legitimacy of non-democratic regimes. Therefore, the task of this part of the chapter is to show why it is useful to distinguish the two concepts of legitimacy and political relationship, and – perusing some eminent contributions – to explain my own idea of the relationship between the two.

Specifically, the first paragraph is devoted to a reconstruction of Hobbes' contribution, allowing him to speak in his own words to prevent as far as possible any prejudicial interpretations. The second paragraph will address the first chapter of Williams' *In the Beginning was the Deed*, where he suggests his own conception of legitimacy starting from what he calls the "Hobbesian first political question". In 1.3 Weber's contribution on the relationship between legitimacy and the political relationship is explained, trying to interpret and clarify the range of his concepts. Then, I will sketch my own conception of the political relationship, trying to emphasise its connections with the concept of legitimacy (paragraphs 1.4-1.7).

1.1 Hobbes' concepts of political relationship and legitimacy

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[1] For further discussion about the passage from the state of nature to the civil state, see (Loughlin, 2012). Specifically, Martin Loughlin claims that in Hobbes "the state was brought into existence through the exercise of political reasoning" (Loughlin, 2012: 8).

[2] Many scholars share the idea that the two concepts are radically different. An example, grounded on the concept of power, is (Read, 1991).

In Hobbes, the two spheres of the political relationship and political legitimacy are coextensive. Indeed, the concept of legitimacy, instead of being conceived as something further than the one of the political relationship (as it is, for example, in Bernard Williams' account), it is internal and responsible, together with other factors, of the creation of the political authority. With a slogan, for Hobbes there is no politics until there is legitimate politics.

The image of the state of nature in Hobbes' *Leviathan* has nothing to do with an historical reconstruction of the path towards the rise of the sovereign (Hobbes, 1994: 85). Rather, it is a conceptual reconstruction of the idea of the state. It is critical to notice both the language and the order of the exposition, to appreciate that the civil state represents the political relationship, while the state of nature does not have any proper political character[3] (at least at first sight).

The state of nature is described within the first part of *Leviathan*, "The Man", where the war of everyone against everyone is conceptually deduced from what is commonly called the Hobbesian "pessimistic anthropology"[4]. The equality of men, which grounds the possibility of war, is displayed on two levels. First, the equal capacity to kill each other[5]; second, the equality in ambition and needs[6]. These are the premises for the state of war that characterises men's lives, when they are not united under the same power:

"Hereby it is manifest, that during the time men live without a common power
to keep them all in awe, they are in that condition which is called war; and such a war,

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[3] Some specifications are needed. The expression "the political" immediately evokes Carl Schmitt's terminology. Yet Schmitt would criticize its use here, according to his definition of the expression. Indeed, he emphasises in the premises (1971) to the book *The concept of the political* (Schmitt, 2007), that in Hobbes' age the state defines the boundaries of politics. It is only later that the state becomes one among several subjects within the scope of politics, so that "politics" has been distinguished from "the political" and the latter has begun to indicate the complex debate around the new definition of politics subjects (Strong, 2007: xiv). Therefore, "the political" is not a Hobbesian word; however, it is not anachronistic to maintain that Hobbes' aim was to provide an explanation for the birth of the political relationship. My use of the word is rather meant to refer to the political relationship broadly intended, namely what makes a relationship political instead of economic, affective, etc.

[4] For a discussion on the different authors that spoke of Hobbes' pessimism, see (Nauta, 2002).

[5] "NATURE hath made men so equal, in the faculties of the body, and mind; as that thought there be found one man manifestly stronger in body, or of quicker mind than another; yet when all is reckoned together, the difference between man, and man, is not so considerable […]. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others, that are in the same danger with himself" (Hobbes, 1994: 82).

[6] "In the nature of man, we find three principal causes of quarrel. First, competition; secondly, diffidence; thirdly, glory. The first, maketh man invade for gain; the second, for safety; and the third, for glory" (Hobbes, 1994: 83).

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as is of every man, against every man. […] the nature of war, consisteth not in actual fighting; but in the known disposition thereto". (Hobbes, 1994: 84)

It is significant that the state of nature is not addressed in the second part, "The Commonwealth". The specific location supports the idea that the state of nature is not considered by Hobbes as a political situation[7]. While war is in some sense natural, or at least consistent with human nature, politics is not – as confirmed also by Hobbes indicating the Leviathan as the artificial man[8]. Besides, the artificiality of politics is explicitly stressed in *De Cive*, where he criticises the Greeks for having conceived man as *zoon politikon*: "We doe not therefore by nature seek society for its own sake, but that we may receive some honour and profit from it" (Hobbes, 1984: 8).

However, it is still true that war is a prerequisite for politics, so that even if the latter is artificial, it is still grounded within the complex sphere of human nature. In fact, saying that war causes politics does not distort Hobbes' words:

> "The final cause, end, or design of men, (who naturally love liberty, and dominion over others,) in the introduction of that restraint upon themselves, (in which we see them living in commonwealths,) is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent (has hath been shown, chapter XIII) to the natural passions of men." (Hobbes, 1994: 111)

Hobbes' intent in describing the passage from the state of nature to the civil state is to address the "causes, generation and definition of a commonwealth" (Hobbes, 1994: 106-110). While the causes are embedded in the natural condition of war that characterises men within the state of nature, the generation of a commonwealth – namely the authority – occurs by each individual conferring his power to one man, or to an assembly of men:

> "The only way to erect such a common power […] is, to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their

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[7] See (Bobbio, 1989: 3): "il punto di partenza dell'analisi dell'origine e fondamento dello stato è lo stato di natura, cioè uno stato non-politico e antipolitico".
[8] See (Hobbes, 1994: 101). For a discussion see (Skinner, 1999)

wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgments, to his judgment. This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such manner, as if every man should say to every man, *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner*." (Hobbes, 1994: 114)

The key indicator that this passage represents the creation of the political relationship is the emphasis on the fact that "this is more than consent, or concord"[9], which means that this kind of union is more than (and substantially different from) the one reached in contracts (not by chance are they addressed in the first part about the man) or in that sort of alliance men make to defend themselves from each other in the state of nature. As Hobbes sees it, this is the creation of authority because each man not only agrees to the need for authority, but he actually *creates* it devolving his own power and rights, thus forming a *single* will.

Interpreting the passage from the state of nature to the civil state as the shift from a non-political environment to a political one is consistent with Hobbes' intention. Quentin Skinner underlines this point when he stresses that Hobbes is concerned to distinguish the action done in a multitude from the action *of* a multitude (Skinner, 2012: 180). However, there is a theoretical problem that undermines Hobbes' argument – namely "how, given the state of war, our rational perception of what the articles of peace are could ever in practice result in us getting together to give up our natural liberty to a common coercive power" (Gaskin, 1996: xxxv). Notwithstanding, the concept of representation is still critical in defining the passage from the state of nature to the civil state – and, therefore, the political

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[9] This is clear already in Hobbes' *De Cive*, where – criticizing Aristotle for having compared men's sociality to ants and bees one – declares that they must not "be termed politicall, because their government is onely a consent, or many wills concurring in one object, not (as is necessary in civill government) one will" (Hobbes, 1984: 30).

relationship[10]. If we were to ask Hobbes what makes the passage possible, namely what makes a political relationship political, he would answer with chap. XVI, 13:

> "A multitude of men, are made *one* person, when they are by one man, or one person, represented; so that it be done with the consent of every one of that multitude in particular. For it is the *unity* of the representer, not the *unity* of the represented, that maketh the person *one*. And it is the representer that beareth the person, and but one person: and *unity*, cannot otherwise be understood in multitude." (Hobbes, 1994: 109)

The theoretical problem remains unsolved, since Hobbes appears to explain *when* there is authority, but not *why* – namely why the rationality that guides individuals to defend themselves from each other in the state of nature can be the same rationality that, given the insecurity of the war, leads them to transfer their power. In other words, if men are rational when they behave violently to defend themselves in the state of nature, is the rationality required to agree on the need for authority different from the one that bind them in the state of nature?

It is worth summarising some points and adding some considerations. First, it is accurate to maintain that in Hobbes' intention the civil state is the political configuration *par excellence* and that the word "political" is not extraneous to his vocabulary. And it is not misrepresenting the text to affirm that the civil state is for Hobbes the emblem of the political relationship. The word "political" occurs several times both in *De Cive* and *Leviathan*, and it specifically characterises the civil state. A critical example is at the end of *De Cive* Chap. V, where Hobbes declares:

> "That there are two kinds of *Cities*, the one *naturall*, such as is the *paternall*, and *despoticall*; the other *institutive*, which may be also called *politicall*. In the first the *Lord* acquires to himselfe such *Citizens* as he will; in the other the *Citizens* by their own wills appoint a *Lord* over themselves, whether he be *one man*, or *one company of men* endued with the *command in chiefe*. But we will speak in the first place of a *City politicall* or by *institution*, and next of a *City naturall*."(Hobbes, 1983: 90)

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[10] For further discussion on the concept of representation in Hobbes see (Pitkin, 1964).

Secondly, I maintained that the state of nature is not political, but also that the cause of the civil state is war, and that war is natural, so that the boundary where nature ends and artificiality begins is ultimately not clear[11]. Finally, the theoretical problem, related to the conception and role of rationality, that underpins the passage from the state of nature to the civil state, was raised.

Though the theoretical problem is not addressed specifically in this work, it is still critical for my purpose here to mention some consequences. The theoretical difficulty to track a line between the state of nature and the civil state leads us to conclude that the borders of "the political" are not drawn just around the civil state. Rather, they include the whole process that guides individuals from the state of nature to become citizens and give shape to the authority. This position is supported by the observation that the state of nature is not a temporarily precedent configuration; rather, it is conceived as a sort of *substratum* of any political relationship. Besides, even when a civil state has been created, the relationship between different states is still characterised by the same warfare that is typical of the state of nature.

A last step of our investigation regards the concept of legitimacy within Hobbesian text. Hobbes uses the adjective "legitimate" to refer both to contracts – which are non-political – and authority – the political[12]. This has critical implications for our interpretation of the text. First, it shows that Hobbes was not interested in a specific investigation of the concept of legitimacy – probably because of his experience with the civil war that pushed him to put the most emphasis on order only. Second, the use of the adjective "legitimate" referring to contracts and marriages reveals that legitimacy has a broader meaning that is not specifically linked to the political context. However, when Hobbes employs it in the political context, he seems to have a (maybe embryonic) idea of legitimacy that we still find at the basis of our conception of it (though ours is often more richly characterised). In chap. VII, 3, he affirms that "if he gains the consent of all the Citizens, he becomes a legitimate *Monarch*" (Hobbes, 1983: 108), but it is worth noting that this does not explain the difference between

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[11] For further discussion about the dichotomy war/peace and the theoretical consequences for a political realist account see (Douglass, 2016).
[12] For the non-political use of the adjective see, for example, (Hobbes, 1994: 479) where he uses it to refer to marriage and children. For the political use, see (Hobbes, 1984: 40).

a King and a Tyrant, which is rather determined by the quality of their governance (Hobbes, 1983: 108).

This autonomy of the concept of legitimacy with respect to the specifically political context is a first reason that may support the objection, mentioned at the beginning of this section, according to which Hobbes does has in mind the conceptual distinction between political legitimacy and political relationship. A second reason to support the objection may be the following. In *Leviathan* Hobbes declares that there are some actions that the sovereign is not allowed to command, such as "to kill, wound, or maim himself", so we may conclude that the sovereign is not legitimized to command everything (Hobbes, 1994: 142). However, what Hobbes says is that the subject has the liberty to disobey, but he does not mention a right to *rebel* (Hobbes, 1994: 142). Therefore, the question turns to be the following: is legitimacy the opposite of either disobedience or rebellion? Answering this question would require a whole dedicated work. If the answer was that legitimacy is opposed to disobedience, then we would have to conclude that Hobbes does not overlap the two concepts; in contrast, if the answer was that legitimacy is opposed to rebellion, then we would have to answer that he does overlap the two.

Although I do not answer this question, I still can do some remarks about the relation between the two concepts. It is possible to maintain that Hobbes *theoretically* distinguishes the two concepts, but *practically* they end up collapsing them, because of the brutality of the state of nature, from which individuals need to go out. In this sense, legitimacy and the political relationship practically collapse, because individuals need to get out from the state of nature, and the only way to do that is to create an authority which is legitimate – e.g. everyone *consented* to it (because if *someone* does not consent to it, she is dangerous for all the others that devolved their power to defend themselves). Therefore, if we are not allowed to claim that the concepts of political relationship and political legitimacy collapse, we can still maintain that Hobbes sets aside a specific place for legitimacy, namely the moment in which an agreement about authority is achieved and realised, and that such a place is *internal* to the overarching process of the creation of the political relationship, for it is one of the steps that lead to the construction of authority. This contextualises the biggest difference I find between Hobbes and Bernard Williams, which I will discuss in the next paragraph. The way

in which Williams rethinks Hobbes' construction of the civil state inspires, even with substantial differences, my own position regards legitimacy.

1.2 A deceptive reliance

Starting from Hobbes' contribution, Bernard Williams' first chapter of *In the Beginning was the Deed* claims to offer a political realist account of legitimacy (Williams, 2005: 3). He does not want to overlap the two concepts. On the contrary, his aim is to show that legitimacy is something more than order. Notwithstanding, as Greene points out, his account does not include the conceptual possibility of a regime lacking legitimacy while still being a political entity (Greene, 2014: 145). This distinction is critical for my goal, since my minimal concept of legitimacy claims to apply to every kind of regime, that is, it claims to be a useful evaluative tool also for the potential legitimacy of regimes that are not democratic. I will first list the main features of his account and then underline why Williams fails to provide a conception of legitimacy that is clearly distinct from a conception of the political relationship. Finally, I will stress that the overlapping of the two concepts may undermine a realist call of an account of legitimacy.

I will argue that Williams deceptively relies on Hobbes, which results in his overlapping the two concepts. Indeed, his reference to Hobbes when characterizing the "first political question" blurs the borders of the first political question scope: is it a requirement for having either a political relationship or political legitimacy? Since it is characterized, from Hobbes, as the provision of order and cooperation, it would evoke the concept of political relationship more than political legitimacy. Besides, whether on the contrary Williams uses the solution to the first political question to track the line of the concept of legitimacy, then how can he characterize the concept of political relationship? The lack of a clear answer to this question prevents the two concepts to be as sharply distinct as Williams wants them to be.

Let's now analyse the main features of his account. For Williams, a state is legitimate when it satisfies the BLD (Basic Legitimation Demand): "Meeting the BLD is what distinguishes a LEG from an ILLEG state. (I am not concerned with cases in which the society is so disordered that it is not clear whether there is a state.) Meeting the BLD can be equated with there being an 'acceptable' solution to the first political question" (Williams,

2005: 4). In Williams' words, the first political question is identified in Hobbesian terms with the problem of "securing of order, protection, safety, trust and the conditions of cooperation" (Williams, 2005: 3). And the acceptability of the solution, i.e. basic legitimacy, depends on the satisfaction of three further different conditions. First, a justification of power must be provided for *each subject*[13]. Second, the justification is actually provided when it *makes sense*, according to the historical context[14]. And finally, the *critical theory principle* must be respected, namely acceptance of power obtained by the exercise of power itself must not be treated as evidence of legitimacy[15]. Williams' idea develops along the following lines. First, the state solves the first political question, which is a necessary but not sufficient condition for assessing the legitimacy of the state. More precisely, it is a necessary and sufficient condition for raising questions about legitimacy, but it is not sufficient for providing legitimacy. Besides, not all the possible solutions to the first political question can be acceptable in order to confirm the legitimacy of the state: the solution to the first political question is only one of the four conditions required for meeting the BLD (Williams, 2005: 4). However, the assessment of legitimacy does not require the state to have other "virtues", such as to be a liberal state or a democratic state: "It is important, first, to distinguish between the idea of a state's meeting the BLD, and its having further political virtues (e.g., its being a liberal state). I mean that these are two different *ideas*, and in fact I think there manifestly have been, and perhaps are, LEG non-liberal states" (Williams, 2005: 4).

I won't address the complex debate that developed from each of these points; rather, I will focus on Williams' claim that the question of political legitimacy arises only when the first political question has been solved. This is the most problematic argument, because it is difficult to distinguish the concept of the political from the concept of legitimacy. Difficulty arises both because his explanation of the concept of the political is not clear and from his 'use' of Hobbes' contribution. Until here, we followed Williams' pages, but now further considerations are required.

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[13] "The idea of meeting the BLD implies a sense in which the state has to offer a justification of its power *to each subject*" (Williams, 2005: 4).

[14] "The idea is that a given historical structure can be (to an appropriate degree) an example of the human capacity to live under an intelligible order of authority. It makes sense (MS) to us *as such a structure*" (Williams, 2005: 10).

[15] "The acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified" (Williams, 2005: 6).

First, from a wider consideration of Williams' thoughts, it can be claimed that legitimacy is a further (and in some way external to) step than the political order. Indeed, it is the state that must provide a solution for the demand of order, security and cooperation. Therefore, we can conclude that, for Williams, some kind of political relationship precedes the establishment of political legitimacy[16] – even if it is not clear what a political relationship is and what is the place of the state within such a relationship. If it is the state that solves the first political question, and the state being a political entity, we could conclude that for Williams the solution to the first political question is not the foundational characteristic of the political – rather it is a characteristic of legitimacy (one of the four conditions for the BLD). In fact, Williams dedicates a section of chapter I to the concept of the political, but does not mention the solution to the first political question. Besides, he does not explain what the political is – other than the system that solves the first political question. The paragraph instead focuses on methodological issues that aim at defending political realism against moralism. And where definitions are provided – such as that of the political decision – a clear reply to the question 'what is the political?' seems to lack.

Second, Williams affirms that the solution to the first political question is the first requirement to meet BLD, but he is not clear in assessing whether the *rise* of demand is internal to the sphere of legitimacy as well as its solution, or whether it is a pre-condition external to the rise of the question about legitimacy. In other words, if legitimacy is a step beyond the political relationship, does the solution of the first political question regard either the former or the latter? If the former, then what is a political relationship? Williams does not answer precisely. He does not mention the first political question in the chapter concerning the concept of the political. On the other hand, it seems bizarre to imagine that the "first political question" is extraneous to the concept of the political. If the latter, namely if the solution to the first political question is all that is needed to define politics, then, first, we should revise Williams' reliance on Hobbes and, second, it seems redundant to identify it as the first condition for legitimacy.

Now consider Hobbes' explanation of the passage from the state of nature to the civil state and see whether Williams' discourse can actually rely on Hobbes' argument, as he claims

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[16] It might be thought as a sort of proto-political relationship, but it would be interesting to investigate more about its features, especially in relation to a "proper" political relationship. However, Williams does not seem to provide any suggestions to better define the concept.

it to do. In the state of nature individuals fight against each other and the fear of insecurity leads them to delegate their individual powers to a superior power – the monarch. The power of the monarch, then, derives from citizens agreeing on the need for an authority to protect each one from the others. So, what do we have here? First, we have a solution to the first political question, since once power has been delegated, the authority should protect citizens from each other's violence. Second, power is justified to each citizen, since citizens themselves have agreed to the authority (both in Hobbes' and Williams' it is not clear what they mean for each citizen or all citizens, so the indeterminacy of Hobbes's amount of agreement cannot be ascribed in defence of Williams). Third, the power of the monarch "makes sense" because it results from a bargain struck between obedience and security; indeed, it is actually because it makes sense that citizens devolved their individual power. And finally, agreement for the need of a superior authority precedes the creation of the authority; consequently, the agreement is not a consequence of the authority and Williams' critical theory principle appears to hold.

Now, Hobbes' state of nature is meant to be a reconstruction of what the political is. In other words, the entire journey from the state of nature to the civil state represents the genesis of the political. If this is right, we must conclude that for Hobbes legitimation is "part" of the process toward the political. On the other hand, Williams wants to show that legitimacy is more than guaranteeing security, that it is a step beyond solving the first political question. However, he seems to empty Hobbes' idea of the first political question of its "legitimating step". Therefore, while for Hobbes the legitimation of a potential power produces political order, for Williams the political order is a necessary condition for meeting legitimacy[17].

It can be of help to represent Williams' reliance on Hobbes through an image that sheds light on the different paths they describe in their theoretical developments.

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[17] One can object that while I use *legitimacy* and *legitimation* as the same concept, they are actually different and distinguishing between them would vindicate Williams' use of Hobbes' ideas. I agree that legitimacy and legitimation are slightly different, but Williams' fallacy remains. While "legitimacy" is meant to point out a characteristic of the regime, "legitimation" is intended to be the process by which the regime achieves legitimacy. However, the process of legitimation in Hobbes' analysis leads to the legitimate authority, and it is actually thanks to the process of legitimation that the authority can exist.

HOBBES   WILLIAMS

First
political
question
solved

THE POLITICAL

Legitimacy

Legitimation

First political
question
solved

THE POLITICAL

Warfare   Warfare
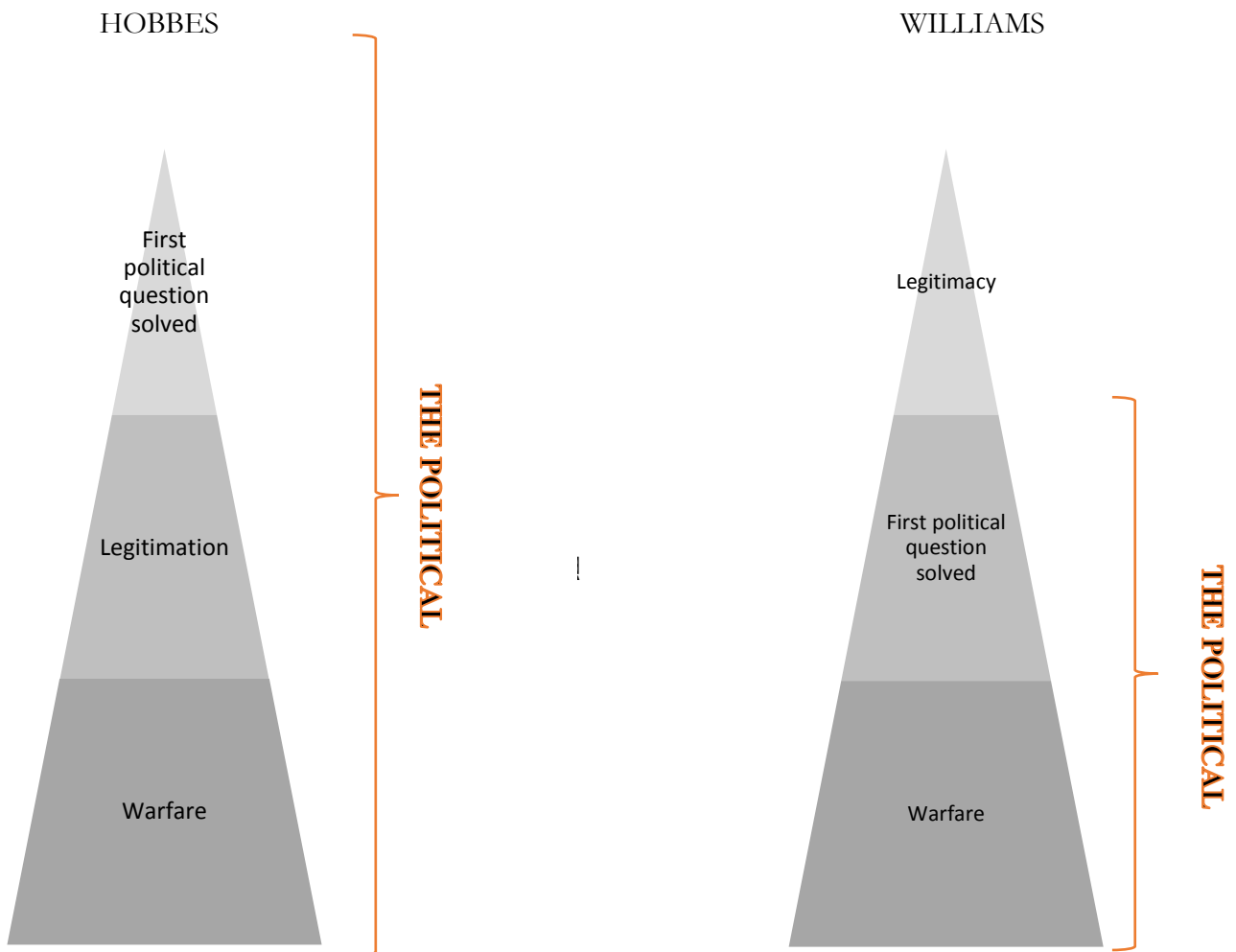
Assessing to what extent Williams' analysis depends on Hobbes is critical for my next steps. My goal is to show that the concept of legitimacy is related to, yet independent of, the concept of a political relationship; that order is a necessary but not sufficient characteristic of the political relationship; that order is also a characteristic of legitimacy but not *immediately* (as in Williams' conception), rather by the concept of the political; and that security is thought of with regard not only to other citizens, but from the regime as well.

1.3 Weber's domination and legitimacy

A second source of influence in Williams' account is Max Weber's thought. Weber conceives the two concepts of legitimacy and domination to some extent related, yet he has the merit of conceiving them autonomously. Indeed, he does not overlap the two concepts of legitimacy and political relationship. Their definition must be obtained from the comparison of different passages present in *Economy and Society*. In particular, the elaboration of two different definitions of domination shows *that it is possible to have domination without legitimacy*.

At the beginning of chapter 3 (Part One) Weber declares that different types of obedience determine the type of domination:

> "The members of the administrative staff may be bound to obedience to their superior (or superiors) by custom, by affectual ties, by a purely material complex of interests, or by ideal (*wertrationale*) motives. The quality of these motives largely determines the type of domination. […] In addition, there is normally a further element, the belief in *legitimacy*." (Weber, 2013: 212-213)

Obedience is grounded on different kinds of motives, from habit, to expediency, to belief in the validity of power[18]. For Weber, there is domination when individuals obey, no matter which is the motive of their obedience. Indeed, obedience caused by a belief in the validity of power is just one of the possible kinds of obedience, although the most reliable and strongest one. In this part of the book, devoted to the clarification of *social* concepts, we find the first definition of domination, which is described as the "probability that a command with a given specific content will be obeyed by a given group of persons" (Weber, 2013: 53).

However, the language used by Weber may lead to think that domination derives from obedience, when he says that the quality of the motives leading to obedience "determines" the kind of domination (Weber, 2013: 213). Such a derivation is not unproblematic. Indeed, questions about obedience – and legitimacy – seems to arise when we are *already* in the presence of authority, that is, when a command has been given. Besides, to what extent

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[18] For references, see (Weber, 2013: 37 and 212).

people eventually conform to the command (as Weber himself seems to assume when he defines domination as reported above) is investigated. We could maintain that the "determination" is not intended in a causal way, but is rather a classificatory procedure aimed at reaching an orderly conceptual explanation of the idea. However, ambiguity around the relationship between obedience (and so legitimacy, from what was said above) and domination occurs also (and even more markedly) in Part Two of *Economy and Society*, when Weber provides the second, and well-known, definition of domination:

> "*Domination* will thus mean the situation in which the manifested will (*command*) of the *ruler* or rulers is meant to influence the conduct of one or more others (*the ruled*) and actually does influence it in such a way that their conduct to a socially relevant degree occurs as if the ruled had made the content of the command the maxim of their conduct for its very own sake. Looked upon from the other end, this situation will be called *obedience*." (Weber, 2013: 946)

Here the role of the concept of legitimacy in defining the concept of domination is critical, even if the word "legitimacy" is not explicitly mentioned in the definition. Weber has in mind legitimacy; indeed, a few lines later adds that "the merely external fact of the order being obeyed is not sufficient to signify domination in our sense" (Weber, 2013: 946). What he says is precisely what is written in Part One about obedience, that the latter can be grounded on the most different motifs and that belief in legitimacy is just one of them. So, domination "in our sense" is only domination produced by a belief in legitimacy.

Once it is clear that Weber is actually referring to legitimacy in his second definition of domination, we can return to considering the relationship between the two concepts, leaving aside the last sentence of the definition for the moment, because it deserves careful treatment later. The internalisation of the content of the command, or, in other words, the perception by an agent of the content of the command as natural instead of commanded, produces domination. It is a process of *recognition* at stake, grounded on a conception of legitimacy based on beliefs, so that a certain structure of power is a domination if and only if it is considered dominating. Once again, the conceptual structure is problematic, as legitimacy is commonly considered a quality of a specific power structure, and not as preceding the power structure itself.

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To gain a more solid grasp of the problem just described, we can now analyse the last sentence. Having described this pattern of legitimacy "producing" domination, Weber concludes by saying that "looked upon from the other end, this situation will be called *obedience*" (Weber, 2013: 946). Here obedience-legitimacy and domination appear to be two sides of the same coin. Yet what is that coin? My hypothesis is that the coin is the *legitimate* political relationship, or, in other words, the legitimate domination. Therefore, we can conclude that *if there is legitimacy, then there is necessarily also domination.*

At this point, someone may wonder whether Weber is making Bernard Williams' mistake, namely closing the theoretical space for regimes that are illegitimate though being political entities? I would say no, because this second definition of domination is just a particular case of the first one, namely the situation in which obedience is due to the belief in legitimacy.

Then what is a "general type" of a political relationship? Does it correspond to the first kind of domination described in Part One? Weber never addresses this issue directly in *Economy and Society*, and also within the other works we find definitions of what a state is (Weber, 2004), what a social relationship is, but not what a political relationship is. My hypothesis is that we can understand his idea of a political relationship from his conception of a political community. Weber devotes the entire chapter IX of Part Two to the nature of a political community:

> "As a separate structure, a political community can be said to exist only if, and in so far as, a community constitutes more than an "economic group"; or, in other words, in so far as it possesses value systems ordering matters other than the directly economic disposition of goods and services. […] In our terminology, a separate "political" community is constituted where we find (1) a "territory"; (2) the availability of physical force for its domination; and (3) social action which is not restricted exclusively to the satisfaction of common economic needs in the frame of a communal economy, but regulates more generally the interrelations of the inhabitants of the territory." (Weber, 2013: 902)

So, what is the difference between the concept of domination in Part One on the one hand, and a legitimate political relationship on the other – namely the *coin*?

A political community includes the sociological broader concept of domination, and actually the availability of means of coercion in a monopolistic way is the characteristic of a political community. However, for a community to be political it needs to have a defined territory (inhabited by a number of citizens) where the regime imposes its power and it must regulate the interactions between citizens living in the territory. Weber stresses that the provision of economic goods is only partially the task of a political community, though he does not specify further what he means by "value system"[19]. A hypothesis may originate from the content of the other paragraphs of the chapter. For example, the insistence on the role of prestige, ideological interests and sentiments of solidarity allows us to interpret the "value system" as a set of shared convictions about the identity of a specific community. On the other hand, the difference between a political community and a legitimate political community relies on the possibility that the former can display a type of domination that is not based on the belief in the legitimacy of power. In other words, the domination included in the features of a political community is the broader concept of domination, the one in which obedience may be based on motives grounded in interests, fear or habit. Indeed, just after listing the three conditions for a political community, Weber adds that a political community "imposes obligations on the individual members which many of them fulfil only because they are aware of the probability of physical coercion backing up such obligation" (Weber, 2013: 903).

If my interpretation is solid, we can conclude that, within Weber's theory, there is room for political entities to be illegitimate while still being political. The difference between the two concepts of domination allows us to regard a legitimate political relationship as a subset of a general political relationship, so that while in the first one power is justified and obeyed because of the presence of a shared belief in the legitimacy of power, in the second case, power is obeyed because citizens fear punishment. The second definition of domination (Part Two of *Economy and Society*), in which legitimacy and obedience are treated as two sides

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[19] The similarity with Aristotle's *Politics* is marked, as he describes the city as the political configuration in which there are common offices and shared values: see (Aristotle, 1995: 105-106). The parallel is nonetheless surprising, since the two belong to very different traditions in political philosophy. Though Weber does not reject the influence of ethics within the political sphere (see the ethics of responsibility), he is still persuaded that human beings are not naturally either social or moral. On the other side Aristotle, though admitting the imperfection of the human beings, he considers them as social animal who naturally forms groups and communities.

of the same coin, shows that if there is legitimacy then there is also domination, but not the other way around (as shown from the first definition of domination in Part One). This asymmetry allows to maintain that Weber succeeds in the task of elaborating a concept of legitimacy that does not collapse on the one of domination.

1.4 The claim of solving the first political question

The comment on Williams' and Weber's contributions inspires my own concept of legitimacy as distinct from – although related to – the concept of a political relationship. I conceive a political relationship as characterized by the centrality of what Williams calls the *first political question*. However, in my view, it is not necessary that a solution is actually provided. Rather, it is sufficient that a solution is *claimed* to be provided; or, in other words, that someone takes the responsibility[20] of trying to solve the first political question to respond to a shared request. Second, I see the political as the space in which meanings and aims for cooperation are built and shared (I will address this second point in paragraph 1.6). Both these two features are necessary, but not sufficient, to define the political relationship.

With regard to the first political question the main differences between my conception and Williams' are that, first, it regards specifically the political rather than legitimacy; second, a solution does not need to be actually provided, but only *claimed* to be. In other words, critical is the exercise of power rather than the solution.

With regard to the first difference, Williams conceives the first political question as a pre-condition for legitimacy, yet he does not specifically locate it in the sphere of the political relationship. It is not clear from his section on the concept of the political what exactly are the features of the political and in which conceptual area (either PR or PL) the first political question is located. I claim that the first political question is a pre-condition for raising questions about the legitimacy of power, yet it is a pre-condition *because* it is part of the political relationship. The question of legitimacy arises in the presence of an authority and it relates to the basis of domination within a political community. In other words, it affects the

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[20] "Responsibility" here is meant to be a neutral concept, namely not related to the moral sphere. The owner of power may give an order in a morally irresponsible way, but she is still engaged with the task of providing it.

principles on which the political order is grounded and the way in which order is kept. Therefore, without any attempt to impose order, no question of legitimacy arises.

Second, I refute the claim that a *solution* to the first political question is required, and I opt instead for a *declaration* of having solved (or having tried to solve) the question. In my view, for a political relationship to exist there must be the *exercise* of power together with narratives[21] that *justify* that power, rather than a solution (which, on the contrary, assumes a certain degree of success in imposing an order). The need of a justification is rooted in the structure of beliefs at the basis of legitimacy, on which I will return in section IV of this chapter: as any belief needs some good reasons to be based on, the justification of power is the set of reasons that can support a belief in legitimacy.

What does justify the lowering of the threshold? To answer, we first need to clarify the meaning of 'first political question', which remains unclear in Williams' contribution, given the contradictions raised in his reliance on Hobbes. According to Williams, the first political question coincides with the demand for security and cooperation. We saw the difficulties of taking Hobbes' suggestion coherently with his way of addressing the issue, especially considering the 'location' Hobbes assigns to the sphere of legitimation.

So, the question here is what I mean by 'security and cooperation' for building my account of legitimacy. Since legitimacy is more than order, it must be also more than avoiding people killing each other. Besides, the idea of cooperation includes a certain willingness of a group of people to act together towards a shared goal. While security might be guaranteed merely by the use of physical coercion exercised by a superior authority, a willingness to cooperate seems to require more than the fear of being punished. In fact, it requires at least a common goal, and some assumptions about the human propensity to act in accordance with aims. Finally, cooperation occurs when all people see the goal as important, since physical coercion can convince an individual to perform *one single* action, but it has no power to convince people to work towards a goal. To make an example, I can coerce someone to devolve money to a certain organization, but coercion will not be effective to convince her that that organization is worthy being supported.

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[21] The word *narrative* does not have a technical meaning here. For now, it just refers to the provision, through discourses, of an explanation of the right to exercise power. In its common meaning, it is intended here as any kind of justification provided to individuals in order to make power acceptable.

In paragraph II, I will justify my premise that humans act in order to achieve an aim. However, my focus here is just to highlight that if the political is related to security and cooperation, and cooperation requires an aim to cooperate for, then the aims for which cooperation is performed must be related to the political (by transitive property). An important distinction is required. Aims that are worthy cooperating for are not necessarily political; they rather depend on individuals' world views. Their being political is a result of their being *public* and applied to the political context where coercion is exercised by the regime[22]. What does it mean for aims and world views to be public? To be clear, I am not referring to the contemporary debate on the importance of a public discussion in order to reach a *reasonable* solution to moral or political issues. Rather, the idea relies on two different considerations. The first one is linked to the meaning of *politics*, which is considered to be the sphere of the *res publica*, the administration of the public goods, life and interactions. So, the publicity is an inherent characteristic of the political. The second reason is related to efficacy on the practical level. We said that the individual alone is hardly able to realise her goals, and that inability explains her availability to accept to be part of a community governed by a superior power (this is typically Hobbes' route). So, when the individual, according to her conceptions of what is important, aims at realising a certain goal, she needs to create a group of people available to cooperate for that goal. The creation of a group involves the communication of the message that is at the core of the group's identity, because the more the message is publicised and shared the stronger and bigger the group supporting that goal will be[23].

Let's return to the original question, namely why we are happy with the claim that a solution has been provided, without requiring the actual provision of a solution.

First, solving the first political question means defining what the cooperation is for and, consequently, bringing about a cooperative attitude. Besides, cooperation is reached not when the outcome (aim) is realised, but when people act in order to realise that outcome, independent of their success. So, if the first political question implies the existence of cooperation[24], the fact that a certain value or aim is claimed to be the desired solution, and

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[22] For some provisional reflections on how to turn pre-political aims in political ones see footnote 39.

[23] I will fully develop this issue in chapter 4 of this work.

[24] At least according to what Bernard Williams writes: "I identify the 'first' political question in Hobbesian terms as the securing of order, protection, safety, trust and the conditions of cooperation" (Williams, 2005: 3).

this claim makes people act in accordance with that aim, cooperation has already been reached.

Someone may object that the shared goal of cooperation is security, so that there is no need for anything other than being protected. And besides, security is ultimately provided by the regime and not by citizens' willing to cooperate. I answer that: first, protection is a necessary aspect of the political relationship, but as we will see, it can have different practical aims and being evaluated according to different perspectives: even when security is the only goal of politics, what we mean for security, and so what we expect from the regime, is not univocal. Different interpretations of what we mean for security lead to different expectations and requirements to the regime. Second, the identification of security as the goal of politics happens in the public processes of discussions about goals and world views. Even in Hobbes' passage from the state of nature to the civil state it is clear that the individuals accept to delegate their power to a superior and common authority because the fear from violence is shared. Hobbes explicitly underlines that the aim is public and shared when he says that each individual is available to give up her power because she expects the others doing the same[25].

Second, as I argued before a solution to the first political question means to be successful in imposing an order. However, we depend on understanding what an order is in order to evaluate whether it is a successful (or good) order. But the idea of a good order contrasts with a realistic conception of legitimacy and, in particular, with a conception of legitimacy that is based on people's belief. In other words, to assess if a solution has been arrived at, we need to establish which truth the real solution is compared to, and to set an epistemic threshold that allows us to evaluate the potential success of the solution. Though this being a conceptual method, is far from a realist account of legitimacy.

1.5 The two fears

Although I start my analysis of authority and legitimacy from the Hobbesian state of nature, I will then favour a different direction. As Norberto Bobbio pointed out, every

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[25] See (Hobbes, 1994: 84-85).

human action in the state of nature is motivated by the fear of death, which provides a strong connection between the human dimension and the political one, as the supreme good is identified in security and peace from civil war. (Bobbio, 1989: 115-118). More precisely, it is the fear of death that injects the demand for security into individuals and consequently the acceptance of transferring their power to a superior authority. However, Hobbes does not clearly address that individuals may suffer from two fears: one of other individuals – which leads to accepting authority – and another, of the authority itself[26].

For clarity, I propose to imagine the route towards the concept of legitimacy as divided into two stages – corresponding to the two kinds of fear. In the "first"[27] stage, individuals in the state of nature fear each other and a solution is found when they accept the need for a superior authority. In the "second" stage, the authority exercises its power in order to keep order, and several solutions are available to do so. But not every solution, although political, is legitimate.

So what is the difference between stage 1 and stage 2? In other words, why is *Hobbesian* security not enough for legitimacy? I view three possible answers, and all of them go beyond Hobbes' conceptualization of security.

One possible answer is that it claims to solve the insecurity from fear of other citizens, while there is still insecurity from fear of the regime. This is the problem with Hobbes' prescription of an absolute monarch, who promulgates the laws and even decides what is morally right or wrong. This option goes beyond Hobbes because he does not try to solve insecurity from the sovereign. So, although in this case security is the only goal at stake in politics, it is seen as more articulated than the concept defined in *Leviathan*.

A second possible answer thoroughly investigates whether *security* means minimal physical security or economic security, or if not those, then what. I think the answer implies more than the fact that citizens are forbidden to deliberately kill their fellows. So, the additional requirements of a more complex conception of security include not only that the regime possesses the means to prevent possible killings, but also a shared system of values

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[26] The issue is actually controversial. On the one hand, Hobbes maintains that the sovereign is not allowed to ask subjects to kill or wound themselves, therefore implying the factual possibility that the sovereign threats or harms subjects. On the other hand, the action of the sovereign must be conceived by subjects as the action of everyone, therefore implying that the sovereign is not feared (for a subject to fear the sovereign would paradoxically coincide with to fear herself).

[27] Not temporally intended.

by which it is clear what exactly the regime's physical force should protect. Which takes us beyond 2). In other words, security, or survival, can be differently interpreted (more or less broadly), and the boundaries of the concept can be defined only appealing to principles or values that are other than (although maybe related to) security.

A third possible answer is that we want more than physical security, namely a meaning to life and events. As with the previous answer, this takes us further than merely conceiving the regime as a structure to protect our survival, and tracks the line between 2) and 3). In this case, security is a necessary but not sufficient goal required to the regime.

They all lead us beyond the Hobbesian stage of the mere acceptance of power, and force us to understand both what we want besides physical security and our assumption that power is conceived as a means to realise what we need. Indeed, even the citizen who only seeks basic security from the political relationship is concerned of the danger from other citizens, but also of the danger from the regime itself. Besides, none of the answers is exclusive, namely citizens might elaborate different requirements to the same regime. If we assume that at least part of the conferment of legitimacy to a regime is based on people's beliefs (chapter 3), then we are forced to accept pluralism in conceptions of legitimacy. Indeed, the centrality of beliefs in assessing the regime's legitimacy implies that it is not possible to individuate universal standards to evaluate legitimacy. As a consequence, it is not even possible to univocally decide which one of the three options explained above must be considered as the standard one.

1.6 The centrality of world views and aims in defining a political relationship

The analysis of the concept of security in the last paragraph led to the conclusion that any discourse on security leads us *beyond security* itself. Indeed, not all the ways in which a regime may impose an order are equivalent. Even when security as hindrance to kill each other is all that citizens want from the regime, they don't want to be killed by the regime either. So, at least security from the regime must be added to Hobbesian view of security (that is roughly intended as security from other citizens). What guides citizens to distinguish the differences among possible solutions and express approval for one of them is something beyond efficacy in providing security. In fact, it is related to the sphere of aims and world

views informing the basis of our willingness to cooperate. These views, proper of the human experience, come to be connected specifically to the political sphere via the conception of power as *power for*. I will discuss this idea of power, with particular attention to the structure of human agency that I am embracing, in the next chapter. As a specification, I think that aims derive from world views, but I use them as equivalent, because what matters here is just the fact that they both derive from the personal perspectives and convictions of individuals.

The first option I elaborated in the last chapter shows how security can be guaranteed horizontally, but not vertically. Therefore, the insufficiency of the Hobbesian conception of security is shown via pointing out that there is also a vertical insecurity that is as concerning as the horizontal one. Now imagine two different regimes, both providing devices to prevent insecurity, on a horizontal and on a vertical level, so that not only are citizens forbidden to kill each other, but the regime is also forbidden to kill citizens, even if it would like to do so to prevent violence among citizens. Would we say that, although the configurations are different, they are both legitimate because the regime is not threatening citizens? And, stepping back, would we still agree that it is not possible for a regime to fully avoid the use of physical force? Indeed, what actually protects citizens from horizontal violence is that only the regime is allowed to use violence. So, when we affirm that the regime should not threaten citizens, we may not want to say that it cannot use force at all. What we want to say is, rather, that it must use it in the right way. Or that it must limit its use of force to those situations in which coercion is the last reason. Now we are back to the first question: what does it help citizens assessing whether the regime is using force for the right reason? Is security achievable only by one possible option? The answer needs discussion on two levels. First, even if citizens' sole aim is security, it can be conceived in very different ways and so implying different uses of power. Second, if citizens want to realise values other than security, they may require the regime to use its power in favour of those values. In other words, the political order created by the exercise of that power is shaped according to those values. Before proceeding with an example, it is worthy noticing that the first option suggested in paragraph 1.5 collapses on one of the other two. This is critical as it shows again that even when security seems to be the only matter at stake, it still stimulates further considerations.

Now, we assessed that achieving security depends on how citizens view security[28]. Let's make two different cases. Subjects of regime 1 (R_1) see security as basic physical security, while citizens of regime 2 (R_2) mean economic security – because they believe that physical survival (namely basic security) requires that citizens own a certain amount of material goods[29]. In R_1 security will be guaranteed by police enforcement and a system of punishments that works as an incentive to respect other citizens' lives. In this scenario, the regime is using its power – economic, coercive and ideological power – to guarantee that citizens are safe from other citizens. It is important to notice that the regime is using its power only to satisfy this requirement, and not to increase its own power at the expense of its citizen' security (that is to say that it is not threatening citizens). On the citizens' part, they cooperate with the regime – namely they obey to the regime – because the latter is using its power to defend them from violence.

In R_2 citizens believe that the regime needs to support its citizens economically in order to guarantee their security. This means that the regime not only has to develop a police system and an apparatus of punishments; it also has to compel people to hand over a share of their money to poorer people in order to guarantee the minimum level of general welfare necessary to live under safe conditions. The regime is not compelling people to give their money to increase its own power, and so citizens cooperate – namely they obey the regime – because they consider the purpose of the regime's request worthy.

First, in both R_1 and R_2 the aim of cooperation is security as physical integrity. However, different interpretations of security lead to different outcomes in terms of requirements (requirements formulated by citizens to the regime and vice versa). Citizens of R_1 would find the request of R_2 too demanding. On the other hand, citizens in R_2 would think that the conditions of R_1 do not actually provide security. Second, both R_1 and R_2 provide horizontal and vertical security, but citizens in R_2 believe that to achieve security a welfare state must be guaranteed. What is the assumption for such a claim? It is that the natural differences among people need to be equalised. No matter how we articulate this assumption, we are faced by a moral principle, which modifies citizens' conception of

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[28] It is important to underline that whatever citizens want (more precisely, whatever is the interpretation they have for "security"), they don't want it only for themselves. Rather, they want the regime to provide security for everyone. More precisely, they want the values they consider important for the political community to be the rationale of the regime's behaviour.

[29] For the sake of clarity, I assume the uniformity of citizens' conception within the same regime.

security. To be sure, citizens in R_1 also have assumptions regarding their concept of security, even though they are non-moral. Indeed, they think that natural differences between people should not be equalised by the regime and that people are responsible for their own welfare. To say it differently, in R_1 there is a negative conception of security: security exists when people are prevented from damaging the physical integrity of other people. By contrast, in R_2 security is a positive concept, since the regime has the duty to ensure people's physical integrity.

Let's now consider option three mentioned in chapter 1.5, as it provides a further example of how different world views and aims give shape to different kinds of order within a set of people. This option illustrated a situation in which citizens want a political order that provides both physical security and the embodiment of some value. For example, suppose that in Regime 3 (R_3), citizens believe in the value of law, so that the regime in providing physical security on the horizontal level must not violate legal principles. If it violates them, it is not providing security on the vertical level even still providing security on the horizontal level. For example, a regime that prosecutes a possible killer without a process, in which evidences of their guilt are discussed by a system of legal defence and proved in court, even if it is certain, by other circumstances, that the persecuted are actually guilty.

To conclude, in this paragraph I showed that, first, security is a variable concept, and the different world views citizens hold inform the kind of order they wish to live in and, second, security exists on two levels, where the first one (even if with different interpretations) refers to the protection of citizens from each other, and the second one is related to the exercise of power aimed at guaranteeing protection on the horizontal level. Besides, the vertical level seems to be richer that the first one, and it includes world views and aims that are related to the sphere of values – so that although they are not necessarily originally political they become part of the political sphere.

1.7 Political relationship and political legitimacy

In this concluding section, I summarise what was discussed in the previous ones and, on the basis of those considerations, I suggest two examples that may explain how I understand the two concepts of political relationship and political legitimacy.

First, a political relationship is a relationship between the many and the few, in which the few are responsible for guaranteeing political order – and even a richer and more complex conception of the Hobbesian one cannot avoid this task. However, the political order displays on two levels, the horizontal and the vertical. Second, a political relationship entails the concept of cooperation, which is shaped according to aims that are individuated as public aims within the political sphere. Third, in order to assess legitimacy, beliefs play a critical role (this contrasts with approaches that see in external standards the threshold a solution to the first political question should conform to). As consequence, if a solution must be claimed and believed to have been found, an external evaluation of the success of the solution does not matter. Finally, the two concepts of political relationship and legitimacy must be distinguished so that there is room for political entities to be illegitimate without failing to be political.

Now we can try to distinguish the two cases: one of a *legitimate political regime* and the other of an *illegitimate political regime*. As declared at the beginning, the aim is to show that even regimes that lack legitimacy are still political entities. In other words, the concept of legitimacy must avoid collapsing in the one of the political relationship, although a relationship between the two is not denied. With respect to this point, we underline that both the two regimes have a right to use physical force over individuals living in a determined territory.

In the case of a *legitimate regime*, the kind of political order provided depends on the world views that citizens have. In other words, there is accordance between the kind of political order provided and the views citizens hold. The political community is the public sphere where aims for cooperation become public and shared, and they effectively shape and guide cooperation. The regime establishes a political order according to the aim of citizens' cooperation. The regime protects citizens on both the horizontal and vertical levels, because the way in which it uses forces is "right". The rightness of its uses of coercion is justified by the world views and aims subjects have and claim to reach within the political community.

It may be objected that the description of this congruence recalls the basic principles of democracy, so that we failed to elaborate a concept of legitimacy that can be used to investigate all kinds of regime. However, I do not think it is true, for two main reasons First, the congruence is displayed at the level of the beliefs, namely it regards the characteristic of any true belief of being representative of the reality. We said that to believe that a regime R is legitimate implies to believe that 1. It has the quality x and 2. The quality x is valuable *per se*. That the regime has the quality x, and therefore is legitimate, is a matter of beliefs – that are true when they actually hit the reality. So, the congruence between the values required by citizens and the actual values embedded in the regime policies regards the cognitive structure on which a belief in legitimacy is based. Other thing is to say that that congruence occurs factually only in presence of a democracy – but this will be part of further investigation. Second, the reason why the regime may have an interest in performing accordingly to individuals' values may be just a matter of instrumental rationality: if individuals are satisfied by the qualities of the regime, they are more inclined to give stable consensus. On the other side, in democracy the equal respect for citizens' requirement is a matter of values instead of expediency. One again, the fact that a non-democratic regime may behave (lightly) democratically, even if only at the aim of getting consensus, is a further piece of investigation[30].

In the case of an illegitimate regime a political order is still provided through the exercise of power and coercion – because otherwise it wouldn't be a political entity. Besides, the political community is still the place where world views are elaborated, but the political order's shape does not correspond to the aims that citizens perceive should be at the heart of their desire to cooperate. In other words, security is provided on a horizontal level, because the regime uses its power to prevent people harming one another. However, it does not protect citizens on the vertical level, which means that coercion is not only used to protect citizens, but is also used to enforce power itself[31]. After all, simply protecting citizens

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[30] See chapter 4 of this work.
[31] It might seem that a portion of the exercised power is supported by public world views and shared aims, while another portion is used for the sake of enforcing power itself. This would be too simplistic, as the same power can be used for both satisfying citizens' requirements and enforcing power. What I rather want to stress is that as long as power is serving citizens' needs, its enforcing itself simultaneously does not decrease its legitimacy. On the contrary, the regime is not legitimate when it uses power for the only sake of enforcing itself, without achieving the goals required by citizens.

from each other does not necessarily demonstrate concern for citizens' wellbeing. In fact, protection on the horizontal level means, in effect, depriving citizens of the right and the means to defend themselves. The impossibility of self-defence may be declared by the regime to be for the sake of the establishment of a superior protection from other citizens, but at the same time it exposes citizens to an unlimited violence exercised by the regime. In other terms, in case of illegitimate regimes, power does not exercise any auto-limitation on itself.

II. Why world views matter. Considerations on human nature and power

The centrality of world views in my conceptions of political relationship and legitimacy derives from assumptions I make about human nature. In the first section of this paragraph I will explain those assumptions (2.1), while in the second I will provide further assumptions about the idea of power individuals have (2.2).

2.1 A view of human nature

The connection between human nature and the configuration of the political arrangement is one of the key features of political realism. Indeed, the realist principle of prescribing feasible measures for the political order relies on a disenchanted description of the subjects living within that political community. Roughly speaking, the idea is that we can wish for a political order that is consistent with what we can feasibly expect from individuals[32]. The realist tradition in political philosophy has mostly elaborated pessimistic views of human nature. It is emblematic that Hobbes' conception of human nature has often been labelled as a 'pessimistic anthropology'. However, Hobbes is not the only one responsible for this trend. Indeed, if we go back to some precursors of political realism, such as Thucydides or Machiavelli, we get the same pessimism.

Christian political philosophy too – and more precisely what has been recently called "Christian realism"[33] – has elaborated a negative conception of human nature, although it

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[32] See, for example, (Galston, 2010).
[33] For a reconstruction of the tradition of Christian Realism, with particular reference to the thought of Reinhold Niebuhr, see (Lovin, 1995).

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has derived it from the *original sin*. However, Christian realism in some respects has provided a more complex conception, so that human beings are not univocally characterised by evil. Rather, human nature is originally composed of a mixture of good and evil, without any predisposition towards optimism or pessimism. An example of someone holding this conception is St. Augustine, who has inspired some of the most recent contributions within Christian realism (for example, Reinhold Niebuhr).

My conception of human nature is neither pessimistic nor Christian. However, accepting the indeterminacy of human nature as a key feature still allows the possibility that human nature is self-serving and attracted to power. To be clear, I assume the need of glory and honour described by Hobbes in the *Leviathan*, or the "will-to-power" depicted by Niebuhr in *Moral Men and Immoral Society* (Niebuhr, 2001: 42), as prominent examples of human behaviour. But, on the other hand, I assume also the possibility for individuals to be genuinely interested in the social dimension, to believe in altruism and to follow moral principles. To be sure, fear of death is a constant in human nature and it is probably true that this is the core of politics. However, this fear does not necessarily imply a pessimistic conception of human nature. Both psychology and anthropology have brought examples of "communitarian" or "social" reactions to that fear.

Contrary to the indeterminacy of human goodness or cruelty, I assume an invariable constant, namely the human need to have world views that "explain" events, e.g meanings[34] that give sense to life and history. The unpredictability of events influences human lives and dictates different outcomes for their actions. More radically, human weakness and the inevitability of death have contributed to a constant production of meanings to explain the inexplicable, throughout history[35].

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[34] I introduce here a third term, 'meaning', as in some way related to 'world views' and 'aims', yet how do they relate? I use 'world view' in a very basic and common-sense way, to point out the set of convictions we have about the world. They can be either very basic or very sophisticated and rich convictions, according to each individual's intellectual and emotional ability. Aims are strictly related to those views, so that, for example, if I think that altruism is a fundamental value, I will try to help people and ask others to do the same. 'Meanings' are a less proactive cognitive state of mind, although they still partially derive from personal world views. Besides, they can be linked to psychological states of mind as well. They are sorts of explanation of the events, although that explanation is far from a scientific conception of it. They depend on the individual's world view in two ways. First, the need of meanings is different to each individual and depends a lot on her need of security and certainty. Second, the specific content of such a meaning depends on what the individual thinks is important, so that people give the inexplicable series of events a meaningful shape that is consistent to what they think it is important in life.

[35] Nietzsche's *Human, All Too Human*, and *Thus Spoke Zarathustra* are just two examples of how philosophy in the 19th and 20th centuries has been resigned to reconstruct the common thread that has led from the power of

The third assumption I make relates to human agency, and connects to the sphere of meanings mentioned above. I view human voluntary actions as planned and performed according to an aim. In other words, the aim (very broadly intended – i.e. material or not) dictates the action performed by the subject[36]. But the aim depends on the subject's inclination or attitude, so that the potential morality or immorality, rationality or irrationality, of the action and the aim, depends on each individual's intrinsic qualities. This position may be labelled as *internalist*, even if the term is borrowed from the debate in meta-ethics and therefore has a specific moral connotation, and it is at the basis of the *belief-desire theory*: "any moral theory that fails to give a convincing account of this close relation between our moral commitments and our actions must be unsatisfactory" (McNaughton, 1988: 20-22). This assumption about the relationship between actions and aims connects to the previous one in two ways. First, the need for meaning contributes to the understanding of the world through teleological categories, and human actions and knowledge are part of this structure. Second, the need for meanings implies a need to confirm the truth of those meanings, so that any human action is ultimately aimed to realise them[37].

From this substantial indeterminacy, it does not follow that any effort to link human nature and politics should be set aside, otherwise we would have "politics without people". Instead the consequence is the effort to conceive a political space in which all the kinds of individuals, and the kinds of actions originating from them, are considered. More precisely, the feasibility of political prescriptions must consider the variety of possible subjects acting within that political space. This 'pluralism of human natures' approach allows an even more realist discussion on politics than the one provided by scholars that have chosen a univocal model of human beings and, for this reason, it could be more effective in arriving at a legitimate political order. A precise description of the derivations from different world views to different requests by citizens to a regime that must be legitimate will be provided in the next chapter on the different sources of legitimacy. However, fear of death inspires a

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religion to the power of science. Although in Nietzsche's contributions the constructing of meanings does not apply at the level of the individual, disorientation is felt at the individual level, as the influence of religious prescriptions on the individual availability to be subjected to power shows (in particular in *On the Genealogy of Morals*).

[36] For a philosophical reference, see Aristotle's *Politics*: "for all men do all their acts with a view to achieving something which is, in their view, a good" (Aristotle, 1995: 7). For a more sociological reference, see (Weber, 2013: 4-12).

[37] See (Weber, 2013: 4-28).

common aim, namely survival that is generally present together with the complexity of aims individuals have, according to their natures.

2.2 Power as power for

In 2.1 I made some assumptions about human nature. Invariant is the fear of death and the need for sense to explain events according to a meaningful structure. By contrast, the content of meanings and the potential goodness/cruelty of human beings does vary. This conception of human nature gives shape to my assumptions about power, more precisely, that individuals see power as *power for*.

Although individuals plan and perform their actions according to their own aims, events can lead to outcomes different from the ones expected or wanted. First, the intrinsic and equal human weakness described by Hobbes in the *Leviathan* turns into the inability of individuals to fully achieve their aims. Also, the scarcity of resources at disposal for each individual makes the achievement of the goal more difficult and uncertain. Second, actions performed by individuals can affect the success of someone else's efforts towards their goals. The influence of the other actors affects outcomes in a more marked way than the scarcity of resources or the human weakness. Indeed, while an individual can calculate the amount of resources at their disposal, or their own limits, they can hardly foresee interference by others.

Now, all these points can be gathered in one concept: human lack of power to realise aims. I assume that power, broadly intended, is seen by individuals as the means to realise their own aims, in accordance with Weber's definition of power provided in *Economy and Society*: "'Power' (*Macht*) is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (Weber, 2013: 53). Yet what justifies transferring generic power to political power?

My answer is: the inability of single individuals to realise their aim without cooperation from other individuals[38]. Hobbes provides the best example in this sense, when describing

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[38] Here it is worthy discussing two possible objections. A first one may be the following: the notion of power here included is too ubiquitous and it fails to distinguish between capacity and political power. However, I do

the *rationale* of the shift from the state of nature to the civil state. In a nutshell, the idea is that individuals have their own security as an aim, but such an aim cannot be realised but establishing a superior authority (the political power holder).

However, I want to specify what I mean by 'aim'. First, even at the individual level (namely with regard to interactions between private individuals), the aim is not necessarily material: it can be the realisation of a principle of justice, or of the city of God on Earth. Secondly, the aim does not necessarily benefit the single individual who wants it: indeed, she may want it for the sake of the entire community.

Third, the aims are related to ideas about how the community should be arranged, namely according to which principles, rules, customs, etcetera. The more general ideas on how society should be run are derives from personal world views and aims (which are broadly intended, as said above). To take two examples: an individual who believes in the importance of justice will require a just society; an egoistic individual will require a society that puts her interests first. Second, power exercised in the community to achieve an aim is public power. That is to say: when an individual sees regime's power as *power for*, she perceives it as a potential force to realise her own aim. However, even if the regime uses its power to reach that aim, it does not increase the power of the individual who wants to realise that aim.

Someone may object that this notion of political power results in making the regime no different from any institution providing benefits. However, I suggest some considerations

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not think this objection holds. First, the issue here is not to distinguish between capacity and political power, but rather between capacity and power as a general phenomenon. Indeed, political power belongs to political authority, while the lack of power I mention here regards individuals' ability to realise their aims. It is because they lack such an ability that they need to have political authority to realise them, by means of political power. There is also a second point that helps defending my position here, and replies to a second possible objection too. The objection is the following: the link between aims and political power seems not to hold, as some aims can be realised without political power (e.g. technological means). To be sure, there are some aims that, to be realised, do not require political power. However, there are some that necessarily requires it – just remind the notion of security in Hobbes' sense. It is certainly difficult to establish the threshold from which some aims turn to be political aims, and I do not claim to have a definitive solution to this problem. However, I think a possible direction for a further investigation in this sense, is to look at those aims according to some aspects. A first one is the scope of the aim: whether it regards either all the citizens of a regime, or just single individuals. For example, public goods are either accessible or not accessible for a population considered as a compact group, while private goods can be achieved by some individuals and not by others. A second aspect is the nature of the aim, whether it implies by definition that should be addressed to the entire group of people living in a regime or not. For example, if the aim at stake is equality, it is by definition an aim that involves all the individuals living in a political community. A third aspect is the costs of achieving such an aim. Indeed, there are some goods that can be guaranteed only through economic means that only states have at disposal. Finally, and mostly characterizing, aims are political when they require coordination among all the individuals to be realised. This aspect particularly involves the role of the regime, as the need for coordination in order to realise an aim is a possible way to justify the monopolistic use of coercion by the political authority.

in my defence. First, the aims which power is conceived for are not necessarily material or egoistical (as discussed above). Second, the conceptual structure in which world views, aims and power as *power for* are displayed is the same on the individual and on the collective cognitive level. In other words, the conception of power as *power for the realisation of an aim* is transferred from the level of an individual' private interactions to the level of public, political interactions: "we seek to change the views of those we believe to be mistaken on some moral issue because we wish to alter the way they act" (McNaughton, 1988: 20). Although the content and the scope of the desire may change, the link between what is desirable and the research of power to realise it is the same, no matter whether the individual acts as a subject or a private individual. As I pointed out before, I see the political relationship as the locus where world views and aims are elaborated. The formulation of world views and, consequently, of aims for cooperation is not only up to the individual. Individuals are included in a social and public dimension where world views and aims get shape. In other words, the political community contributes actively to formulating goals. Though the citizen preserves her individual dimension even when living in a political community (a private dimension), she is not prevented from the influences of living into the community itself[39]. The political community is not a container for individuals, rather it is a habitat within which their own visions and goals are formulated.

Third, as I discussed above, world views – which are translated into specific aims to cooperate for – are connected to the meanings resulting from the human need to find an explanation, or a teleological structure, to accept events. The perceived truth of those meanings depends on the degree of sharing, namely the more the meanings are recognised as valid the more truthful they are. Therefore, the political space is the locus where some kind of truth about meanings of life is produced and dispensed.

Finally, and on a much more general level, most of the contributions in political philosophy that have responded – or have been used to respond – to the anarchic challenge, have depicted the state as the entity that benefits individuals. The common thread to those responses is roughly that individuals are better off within it rather than free from any

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[39] This reconstruction does not deny that the regime itself can affect individuals' formulation of aims and meanings. This interaction, and the danger of manipulation, will be investigated in chapters 3 and 4 of this work. For now, the perspective is only the individual's standpoints, no matter her awareness of being influenced by the regime or, more generally, by the political community she lives in.

authority. Which means that the exercise of power provides them better life conditions. However, not all of those contributions have been charged for instrumentalism. For example, while the Hobbesian conception depicts the state as the source of protection for individuals, Spinoza sees the state as the locus where individuals can elevate themselves to rationality, conceived as the *real good* for human creatures[40]. Both of them conceive power as producing some kind of good, although the nature of the good is markedly different both in the content and in scope of application.

III. The minimal concept of legitimacy

3.1 Some traits

The previous sections have built the bases for my own concept of legitimacy. In my view, legitimacy is a characteristic that can be ascribed to a political regime. That ascription depends on the *perceived positive qualities* of a regime by a *subject*. Their positivity depends on what the subject considers important either for herself directly, or for the world she is living in. That positivity may involve both the *input* and the *output* side of legitimacy, though in two different ways.

With regard to input legitimacy, that positivity is related to the source of power, e.g. the regime is considered legitimate because it derives its power from a valuable source, say a dynastic tradition or a religious movement that is considered positive *per se*, no matter what it does. Another example of input legitimacy is the derivation of authority from consent (be it explicit or tacit). The main example is Hobbes' *Leviathan*, in which – as argued in 2.1 of this chapter – legitimate authority originates from consent. Hobbes gave birth to a long tradition in political philosophy, which developed according to different strands. The core idea is that once people consented to the government, then the authority is legitimate[41].

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[40] See (Spinoza, 2007: 197-198). For a discussion see (Cristofolini, 2009: 72).
[41] However, rooting legitimacy on consent presents deep difficulties, as much of the contemporary literature in political philosophy has shown. Indeed, even in Hobbes the performances of the government are not totally ignored: for example, the sovereign is forbidden to kill citizens, although the revolution is not allowed. The thicker and thicker elaboration of what the political power is allowed or not to do, which characterises the

With regard to output legitimacy, that positivity is related to performances of the regime. Since the scope of legitimacy is the phenomenon of political power exercised by a political regime (authority), and given this definition of the concept, legitimacy can be thought of as a relationship originated from a triad, which connects the *subject*, the *world* and the *political power* exercised within the regime. The subject perceives the power as the means to modify the world she is living in. In this case, assessing legitimacy involves evaluating the degree of accordance between what citizens want from the regime and what they actually achieve.

Before showing why I think this minimal concept is important for building a theoretical framework for legitimacy, I want to make some further points that have not been specifically addressed in the precedent sections. Two points are terminological clarifications. First, I deliberately use the word 'concept' instead of 'conception'[42], recalling Rawls' distinction elaborated in *A Theory of Justice*, since – as I specified above – my minimal concept is just the beginning of the story and it is intended to be the basis for more articulated and specific conceptions of legitimacy (see chapter 2 of this work). In other words, the minimal concept of legitimacy provides the unity required by the existence of multiple conceptions of legitimacy within the same regime. Second, I use the terms *input* and *output legitimacy*. The reference is to Fritz W. Scharpf, who distinguished input legitimacy referring to sources of power and output legitimacy as indicating the conferment of legitimacy based on the evaluation of the regime's performances (Scharpf, 1998)[43]. This distinction helps introducing some conceptual order in discussing issues of legitimacy, because the pure models of the sources of legitimacy can be referred to sources and performances as well. For example, a legal model of legitimacy can appreciate legality by the way the regime obtained power or by the quality of its performances, namely transparency and accountability.

I proceed now with more conceptual clarifications. First, I use the word *perception* to indicate citizens' assessment of the positive qualities of the regime. Since the term might be misleading, precision is required. Indeed, *perception* partially covers the semantic field of the

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tradition in political philosophy that linked political legitimacy and consent, shows that consent is not an effective tool to investigate legitimacy, at least not within a purely input-based approach.

[42] Here I follow Rawls' way to distinguish concept and conceptions of justice: "it seems natural to think of the concept of justice as distinct from the various conceptions of justice and as being specified by the role which these different sets of principles, these different conceptions, have in common" (Rawls, 1999: 5).

[43] For further discussion on the input and output sides of legitimacy, see (Schmidt, 2010).

word "belief", yet it also refers to an area of thoughts that are not elaborated by reasoning. Beliefs, or opinions, are usually regarded as thoughts that express a content considered to be truthful by the agent. They imply rationality in elaborating the belief, even if the comparison between different beliefs (or between a belief and a truth) may unveil failure in that presumed rationality. In other words, there is at least the conviction that the agent elaborates a rational judgement, even if the outcome of the reasoning proves to be incorrect or irrational. Yet what the word belief does not cover is the semantic space that corresponds to the 'immediate' judgment, that is, a judgement whose validity cannot be demonstrated by reasoning (something similar to an aesthetic judgement[44]). This semantic space has critical significance for my concept of legitimacy, since it grounds the possibility of what I will call a conception of *symbolic legitimacy* (chapter 3). The idea is roughly that citizens may confer legitimacy to a regime because they are fascinated by some of its characteristics, such as its prestige, strength, history, etc., or by the characteristics of a charismatic leader. In all of these cases, they might or might not provide some kind of rational justification for their support for the regime.

Second, I deliberately use the expression *positive qualities* of a regime, without giving a more specific characterisation. The reasons are several. First, I want this minimal concept to be applied to any kind of regime, not only democratic or liberal ones. Second, it consistently derives from the idea that legitimacy is based on beliefs, so that whatever is the kind of belief, it plays a role with the subjects supporting the regime. The root of legitimacy in beliefs implies, by definition, that the beliefs eligible for constituting the legitimacy of the regime are the ones of the subjects *internal to the regime* itself rather than the ones of external observers (subjects of other regimes). More details about the specific content of such a belief will be provided in chapter 2, where I will discuss the different conceptions of legitimacy. With regard to the concept of legitimacy, in the next section I will maintain that the belief in legitimacy is composed of: 1) a belief in what the regime should do/be and 2) a belief in what a regime actually does/is, being 1) the normative part of the belief, while 2) the descriptive part of it. To confer legitimacy, there must be accordance between 1 and 2, namely the

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[44] See (Kant, 2007: 203): "If we wish to discern whether anything is beautiful or not, we do not refer the representation of it to the object by means of the understanding with a view to cognition, but by means of the imagination (acting perhaps in conjunction with the understanding) we refer the representation to the subject and its feeling of pleasure and displeasure. The judgement of taste, therefore, is not a cognitive judgement, and so not logical, but is aesthetic – which means that it is one whose determining ground *cannot be other than subjective*".

situation in which the regime actually does what it should do. I will come back to the structure of a belief in legitimacy in the next section.

Finally, the term 'accordance' requires some explanation. It is not as problematic as it would be if part of a theory of legitimacy was based on conforming to external principles. Indeed, in that case we would have, for example, a principle x that is required for a regime to be legitimate, and the problematic assessment of the extent to which the principle has been respected or implemented within the real political practice. Since our conception of legitimacy is based on beliefs, the accordance is part of the content of the belief concerning the potential legitimacy of the regime. More specifically, it regards part 2) of the content. In my view, there is neither an external principle to evaluate the regime nor an epistemic threshold for citizens expressing their belief in the legitimacy of the regime. This avoids any problem of justifying a limit, yet we could still be interested in wondering what are the "reasons" at the basis of a belief in legitimacy. However, this will be discussed within chapter 2, on the different conceptions of legitimacy, and partly in chapter 4.

3.2 Advantages of this approach

In this section, I want to offer some reasons why I think it is reasonable to start from such a minimal concept of legitimacy as the basis of more articulated conceptions.

First, as mentioned above, a minimal concept does not require any specification of the positivity of the regime. As a consequence, the concept of legitimacy stands independently from the ones describing particular kinds of regimes (i.e. liberal, democratic, etc.) and it serves as a neutral model to compare to all the kinds of regimes. Therefore, it allows us to consider that a non-democratic regime can be legitimate, at least at a minimum level. With Williams' words, "there manifestly have been, and perhaps are, LEG non liberal states" (Williams, 2008: 5). On the other hand, a minimal concept does not exclude that moral reasons can be the basis for citizens conferring legitimacy. The 'positive qualities' the citizens recognise in the regime in order to declare it legitimate can derive from very different matrixes, from moral to legal, from rational to symbolic. For example, if citizens have moral beliefs as the basis of their conferring legitimacy, then the regime will (or should) tend to

have a moral nature (or at least some moral traits). However, the freedom from any *a priori* definition of the sources of legitimacy within a specific regime makes the approach genuinely realistic, without denying the possibility of ethics affecting the configuration of power.

Second, the minimal concept works as a connection between the "pluralism" of the different conceptions of legitimacy and the "monism" of the regime. As said in the introduction of this work, multiple conceptions of legitimacy may legitimise the regime simultaneously, yet it is the same regime that is legitimized from such different models of legitimacy. This does not mean that the concept of legitimacy eliminates the diversities between the different conceptions, reducing them to one single model. Rather, it shows the 'form' of legitimacy, namely the way in which it links the regime and the subjects, while the different conceptions will be the realization of the content of legitimacy, or the content according to which the form of legitimacy occurs in the reality of the political practice.

Third, the structure depicted in 4.3 will provide a tool for defending a theory of legitimacy based on belief from the accusation of being fully vulnerable to manipulation. Not only that. That mechanism introduces a tool for an external observer[45] to participate to the assessment of legitimacy. We already said that rooting legitimacy on the beliefs of individuals implies to accept the internal perspective as prior to the external one. The individual living within the regime evaluates what is the actual degree of congruence between what she asked for and what she got from the regime, and concedes or not her approval on the basis of that evaluation. This all that counts for the regime, especially when it satisfies individuals' requirements at the only aim of getting a stable consensus. Yet even the more realist approach in political theory cannot deny that external observer may formulate judgements about the beliefs of individuals living in the regime evaluated and, even if those judgements do not play (at least directly) any role in the conferment of legitimacy, they still claim to say something about that supposed legitimacy. While a realist approach could not accept an external evaluation of the kind 'that belief is not acceptable within the set of beliefs that contribute to the conferment of legitimacy', it can accept evaluations unveiling manipulation like: 'the new belief resulting from the reply of the regime to a preference is not in accordance with starting independent beliefs' or 'the supposed congruence between preference and regime behaviour is just a belief generated by the regime itself'. These propositions do not

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[45] With 'external observer' I mean a citizen of another regime, or the political theorist.

modify the status of legitimate regime – as we said that the belief in legitimacy coincides with legitimacy itself – but they can be helpful in modifying the beliefs of individuals living in the regime.

Finally, it endorses pluralism as a result of a convergent model. Indeed, given the different conceptions of legitimacy, which are simultaneously present within the same regime, the regime may attempt to satisfy them as much as possible either because it believes (morally) in the value of respect toward plural conceptions of the good, or because it is the most effective way to keep a stable power. As a consequence, this convergent model provides a version of legitimacy that, even if rooted in political realism, is not incompatible with a normative attitude. Legitimacy is valuable because it implies (or requires, according to which side we look at it) that the regime has listened to and tried to satisfy citizens' requests (according to their own conceptions of legitimacy). Conceptually, it helps by opening a space for political realism to be normative, under which respect will be specified extensively in chapter 4 of this work.

IV. Legitimacy and beliefs

4.1   Political realism and legitimacy

It is not in my intention to describe what political realism is, as it would go far beyond the task of this section and it would require a separate effort. Besides, political realism is a slippery object of research. Many scholars agree with it being defined as an attitude towards the study of politics, rather than a model or a systematic set of rules. In fact, the most different scholars have said to belong to realism[46]. The difficulties in systematizing this

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[46] Borrowing a sentence from Matt Sleat, "Several contemporary theorists have been developing similar themes and pursuing common avenues of thought which William Galston identified as 'realist' and Mark Stears has called a 'politics of compulsion'. These theorists do not see themselves as drawing upon or necessarily contributing to the same tradition in political theory, let alone one called realism (though to my knowledge only Williams and Raymond Geuss have so far explicitly called their theories realist), but nevertheless there are several 'family resemblances' which allow us to reconstruct their work to form what can meaningfully be called the 'realist challenge' to liberal political theory" (M. Sleat, 2010: 488-489); Sleat's quotations of Galston and Stears refer to W. Galston, *Realism in Political Theory*, (Galston, 2010) M. Stears, *Liberalism and the Politics of Compulsion*, (Stears, 2007).

approach in political philosophy characterize not only the first attempts of addressing the issue, namely the theorizations developed especially in the field of international relations (Morgenthau, 1948; Gilpin, 1984), or by Reinhold Niebuhr within the so-called Christian realism, but also more recent contributions focused on the national arena[47]. With regards to the latter, political realism is an approach through which questions regarding the relationship between citizens and the regime are investigated, in particular issues relating to political legitimacy. Within this recent strand, some constant features of political realism have been agreed upon and they will be the object of brief attention in this section.

In particular, I will focus on the centrality of power and conflict; the autonomy of politics from the moral sphere and the elaboration of a specifically political normativity; and a recognitional account of political power.

First, politics regards *power*: its acquisition, preservation and distribution. In other words, power is the central conceptual nucleus and practical "engine" of political realm, as well as its final arbiter[48]. This tracks the borders of politics, which is therefore intended to be an autonomous sphere, although having interactions with the others. To be sure, the centrality of power in defining the political sphere is an ancient idea and many scholars have stressed its origins in the thought of Thucydides. When analysis the causes of the war between Athens and Sparta, he declares "In my view the real reason, true but unacknowledged, which forced the war was the growth of Athenian power and Spartan fear of it" (Thucydides, 2009: 13). This non-eliminable conflictual character is provoked by the scarcity of resources at disposal, another invariable feature of the realist account, especially in those first versions related to the international arena: "Realists see political conflict as ubiquitous, perennial, ineradicable", Galston points out, quoting a passage from Chantal Mouffe's *On the political*: "By 'the political' I mean the dimension of antagonism which I take to be constitutive of human societies" (Mouffe, 2005: 9). This is maintained in a *trenchant* sentence of Max Weber's *Economy and Society*: "Politics means conflict" (Weber, 2013: 1399). And a few pages later he further specifies that "the essence of politics […] is *struggle*" (Weber,

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[47] An example of the firsts attempts may be Robert Gilpin's definition of political realism as a "philosophical disposition" (Gilpin, 1984: 289).

[48] See (Gilpin, 1984: 290): "The realist need not to believe that one must always forego the pursuit of these higher virtues, but realists do stress that in the world as it is, the final arbiter of things political is power". For the different ways according to which the autonomy of politics has been conceptually elaborated, see (Galston, 2010: 390-394).

2013: 1414). In more contemporary versions, the conflictual character of politics has been deduced from an irreducible disagreement about values, both moral and political[49].

The autonomy of politics from the moral sphere as an axiom does not imply that political realism is just a descriptive approach, a good account of reality although totally silent when facing questions like 'what should we do with power?'. This is exemplified even by Weber's account: although he is considered to belong to political realism, the wide conceptualization of idea like the ethics of responsibility shows that the moral sphere is not refused *a priori* by scholars sharing a realist attitude. In fact, several authors have expressed this point explicitly:

> "Political realism is aware of the moral significance of political action. It is also aware of the ineluctable tension between the moral command and the requirements of successful political action. […] Realism maintains that universal moral principles cannot be applied to the actions of states in their abstract universal formulation, but that they must be filtered through the concrete circumstances of time and place." (Morgenthau, 1997: 12)

This remark includes two different aspects. First, political realism is not indifferent to the moral sphere, although it claims the supremacy of the political over the moral. On the contrary, what realism wants to avoid is to import, within politics, what is conventionally intended as morality. Notwithstanding this refusal, political realism is not only a descriptive approach; rather, it develops its own normativity. This is how it distinguishes itself from what is commonly called *Realpolitik*, although so facing some inevitable difficulties: while *Realpolitik* is characterised by a form of political realism that "gives primacy to military power and national interest"; on the other side, "in appealing to the values and beliefs of any given context, realism is able to sustain a normative account of legitimacy and in doing so differentiate itself from the crude *Realpolitik* position" (Sleat, 2014: 10; Sleat, 2014: 14).

The elaboration of an autonomous normativity can be interpreted in two different ways. A first direction is to think a normativity related to non-moral values, or, in other

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[49] See M. Sleat, *Legitimacy in Realist Thought: Between Moralism and* Realpolitik, in "Political Theory" "Disagreements also arise because all societies will contain a plurality of competing political traditions, as well as a series of rival accounts of the values and goods necessary for political legitimacy" (Sleat, 2014: 14-15).

words, purely political values. This kind of normativity can be thought of as *light*, or *contingent*, in the sense that prescriptions are not valid *per se* independently of the specific situation. The specific contingency of political prescriptions is clearly stated in Machiavelli's *The Prince*, where – in chapter XV of the book – he declares the intent of the writing: "the intention of my writing is to be of use to whoever understands it […]. Since there is so great a discrepancy between how one lives and how one ought to live, whoever forsakes what is done for what ought to be done is learning self-destruction, not self-preservation" (Machiavelli, 2008: 255-257). The contingency of political realist prescriptions is particular, because political realism does not renounce to treat utility, or efficacy in acquiring and preserving power, as values that should be realized. The contingency would then rely on the means needed to realize such values. This is a common trend among all political realists, although it is presented in more or less sophisticated and "moral-affected" versions. For example, for Machiavelli the dependence of the prescriptions on the contingent context is the situation in which the value of the leader emerges. Indeed, the supreme virtue of the prince relies in his capacity to transform the contingency in his favour, turning fortune by his side. Every specific virtue, such as courage, civic conscience, and honour, is therefore aimed to turn events into occasions and no ready prescriptions can fit the aim. While in Machiavelli there is no space for ethics, or what at his age was considered the ethics *par excellence*, namely Christian ethics, more contemporary authors, like Morgenthau, have left more room to it. To be precise, the exclusion of ethics from the range of prescriptions does not entail that ethics does not have a role in politics. Indeed, Machiavelli does not prescribe to the prince to *be* good – as ethics would ask – but he still prescribes him to *appear* good: "A prince, therefore, need not actually have all the qualities I have enumerated, but it is absolutely necessary that he seem to have them" (Machiavelli, 2008: 283). He needs to prescribe it because he is aware of the role of ethics for power, namely that power needs to be accepted by the ruled: "the best possible fortress consists in not being hated by your people" (Machiavelli, 2008: 327). However, the common idea is that without stability it is impossible to raise any moral question, and this fact works as a justification for the supremacy of the political over the moral.

A second option is to consider politics as the sphere in which it is still possible to realize moral values, but up to a restricted and partial degree. This position is sharply summed up by Hans-Jörg Sigwart:

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"Political realism itself nonetheless is not to be understood as an amoral, a strictly fact-oriented, a "value-free", or even a cynical perspective on politics, but rather as a perspective that itself is ultimately founded on a philosophical conception of political ethics, if a quite peculiar one. […] realism asserts that there is a specifically *political* morality, or that "normativity", as far as political theory is concerned, rests on a distinct form of ethics that applies only to those moral questions which arise within the sphere of politics and its specific rationale of collective action or "corporate agency." (Sigwart, 2013: 409-411)

Another common trend in political realism is the preference for a particular account of power – we can call it *recognitional* or *reputational* – according to which an individual has power as far as other individuals consider her as having power[50]. The image of power elaborated by an individual or a group, within her social background, contributes to determine her behaviour. In this sense, power reputation constitutes one of the possible sources of power. To be sure, this does not mean that the entire phenomenon of power can be explained with reference to individuals' beliefs about power. Rather, it means that material, countable and institutionalized aspects of power (economic resources, position of power, etc.) may reveal to be insufficient in order to explain the phenomenon of power[51].

Political realist approaches to the question of legitimacy are affected by all these features, namely the absence of external moral standards and the influence of a 'political normativity' that is autonomous from the moral sphere. This means that to assess legitimacy it is not necessary to 'prove' that some requirement has been fulfilled – requirements like, for example, accountability, participation, freedom of speech and so on. Legitimacy depends on people conceptions of what is right and wrong, desirable and undesirable, according to their systems of values. This position implies that moral considerations are not *a priori*

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[50] It is illustrative the wide reflection Machiavelli devotes to the role of the Prince's reputation and the importance of subjects believing in his qualities, instead of him having those qualities. The entire discussion of the Prince's qualities (Chapters XV-XIX) is addressed looking at the how those qualities are perceived qualities, rather than at how they actually manifest. For example, in chapter XVII he declares that "everyone realizes how laudable is for a prince to keep his word and to live by honesty, not cunning. Nevertheless, we see from contemporary experience that those princes who have done great deeds have held their word in little esteem; they have known how to bewilder men's wits through cunning, and in the end have gotten the better of those who relied on sincerity" (Machiavelli, 2008: 279).

[51] I will deepen this issue in the last chapter of this work.

excluded from the range of values influencing the legitimacy of a regime, but not even automatically included among the considerations affecting the evaluation.

4.2   With Weber, beyond Weber

A common attitude in political realism, when addressing the topic of legitimacy, is to ground it on people's beliefs. This trend derives from political realism attitude of avoiding any universal external standards and of conceiving power as a by-product of recognition mechanisms. One of the most prominent account is Max Weber's, although some philosophers have followed the same pattern, much before Weber himself. A famous example is David Hume's *Political Writings*, where he affirms that "It is […] on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the freest and most popular" (Hume, 1994: 16). Very roughly, the idea is that a regime is legitimate if it is considered as such by people living in it.

In Weber´s account, this idea has deeper roots than just an empirical attitude toward the topic. Indeed, it derives from Weber´s notion of disenchantment: the absence of God and the consequent return of a polytheism of values makes any new hierarchy of values to be the result of a subjective decision (D'Andrea, 2005)[52]. It is therefore not surprising that legitimacy gets to be the *belief in the validity of the source of authority*. This is a useful, although non-exhaustive, way to sum up Weber's concept. Indeed, proceeding with the reading of *Economy and Society*, we discover different hints of the concept.

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[52] It is significant the way in which D'Andrea reads Weber´s thought, as he provides an image of the German thinker that is philosophically grounded into a reflection about what I would call a 'philosophy of history', in which individuals experience the loss of traditional meanings and the search for new ones. Interestingly, this image does not results only from the insistence on the normativity of Weber´s thought, especially present in *Politics as a vocation*. Rather, D'Andrea connects Weber´s political account to the 'metaphysical' dimension of his reflection, where a philosophy of history is at stake: "Il nucleo centrale della riflessione weberiana è costituito, a mio avviso, dalla questione del senso della vita in un'epoca senza Dio e senza profeti. L'assenza di Dio rimanda in Weber alla dissoluzione dell'universo religioso del monoteismo Cristiano e della fede nell'esistenza di un mondo oggettivamente dotato di senso" (D'Andrea, 2005: 12). I argue that the polytheism of values that characterises Weber´s 'philosophy of history' flows into his political reflection and provides the ground for a conception of legitimacy that cannot be based anymore on objective standards. Indeed, as D'Andrea spells out, polytheism of values has three nuances: first, it means conflict among irreducible normative models; second, it means impossibility to objectively ground choices among values or among different interpretations of values; and finally, it means existence of plural spheres of values and of life's normative orders (D'Andrea, 2005: 174-175).

The topic of legitimacy is addressed both in Part One and Two of the text, and the several definitions often present variations. Having a look to the main ones is useful both to have an idea of the complexity of the concept and to understand the need of moving beyond Weber.

In chapter II of Part One, legitimacy is described as "the prestige of being considered binding" and as the validity of an order (Weber, 2013: 31-38). A few pages later, Weber classifies types of legitimate order and maintains that the legitimacy of an order "may be guaranteed in two principal ways: I. The guarantee may be purely subjective, being either affectual […], value-rational […] or religious. II. The legitimacy of an order may, however, be guaranteed also (or merely) by the expectation of specific external effects, that is, by interest situations" (Weber, 2013: 33). As legitimacy is based on beliefs, Weber suggests a classification of the origins of those beliefs in section 7 of the same chapter:

"The actors may ascribe legitimacy to a social order by virtue of:

(a) *tradition*: valid is that which has always been;

(b) *affectual*, especially emotional, *faith*: valid is that which is newly revealed or exemplary;

(c) *value-rational* faith: valid is that which has been deduced as an absolute;

(d) positive enactment which is believed to be *legal*." (Weber, 2013: 36)

A second nucleus of thoughts about legitimacy occupies the entire chapter III of Part One, entitled "The types of legitimate domination". The first section of the chapter is devoted to "The Basis of Legitimacy", where he provides the famous tripartition of the "three pure types of authority" – considered as equivalent to legitimate domination:

"There are three pure types of legitimate domination. The validity of the claims to legitimacy may be based on:

1. Rational grounds – resting on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands (legal authority).

2. Traditional grounds – resting on an established belief in the sanctity of immemorial traditions and the legitimacy of those exercising authority under them (traditional authority); or finally,

3. Charismatic grounds – resting on devotion to the exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority)." (Weber, 2013: 215)

In the notes following the tripartite classification of types of authority Weber specifies that legal authority is the most contemporary and the most stable form of authority. Indeed, rationalization and bureaucracy won over the prestige of tradition and charisma and produced a type of domination that is not anymore related to the person of the leader or to a powerful and revered family, yet rather supported by a structure of rules and procedures that seem to best guarantee the solidity and rightness of power.

Section 7 of chapter I seems to address the same topic of chapter III, but the two classifications appear quite different: first, in section 7 more stress is put on affectual reasons; second, the classification presents four sources of authority and, third, the value-rational one is conceived as a 'faith'.

In Part Two of *Economy and Society* the topic of legitimacy is addressed from the perspective of domination, with a particular (and almost unexpected) reference to the concept of justification:

> "We have encountered the problem of *legitimacy* already in our discussion of the *legal order*. Now we shall have to indicate its broader significance. For a domination, this kind of justification of its legitimacy is much more than a matter of theoretical or philosophical speculation; it rather constitutes the basis of very real differences in the empirical structure of domination. The reason for this fact lies in the generally observable need of any power, or even of any advantage of life, to justify itself." (Weber, 2013: 953)

Yet even stronger, a few lines later he affirms that "the continued exercise of every domination (in our technical sense of the word) always has the strongest need of self-justification through appealing to the principles of its legitimation" (Weber, 2013: 954).

It is not clear whether this necessity has a moral origin, or if it is just for the sake of stability. In fact, it is generally difficult to state Weber's precise position with respect to the dichotomy descriptive-normative and to the influence of ethics within the political sphere.

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For example, in *Economy and Society* he classifies the three types of legitimacy according to their ability to produce stability, so assuming that stability is something valuable at least for the regime. On the contrary, *Politics as vocation* insists on the need of integrating an ethics of responsibility with the ethic of conviction (Weber, 1994: 367-368).

Notwithstanding the several difficulties in interpretation – and the aspects from which we will take some distance – there is a substantial reason why Weber's account of legitimacy is so popular among political realists and will be the starting point of this investigation. The reason is that he refuses to root legitimacy on a universal, external standard or truth – nor moral neither of other types. What does count for legitimacy is just the belief held by individuals living in that regime, without any constraint derived from moral or epistemic thresholds. This does not deny that some of those beliefs may be biased by feelings like fascination (charismatic type): in elaborating charismatic legitimacy, for example, he admits that not all the beliefs stand at the same epistemic level. However, all of them have potentially the same role in assessing legitimacy. The reliance on people's beliefs has the advantage of 'letting people speak', that is, it takes seriously the experience of each individual's being subjected to political power and coercion.

Although Weber's contribution remains one of the inspiring sources of this work, some reasons lead me beyond the account of the German thinker. First, he is not clear in assessing if the beliefs in legitimacy must be considered either as evidences of legitimacy or as legitimacy itself. This makes a huge difference in terms of requirements to gain legitimacy. If legitimacy corresponds 'ontologically' to the belief in legitimacy, then for a regime to get legitimacy it only needs to exist a belief in legitimacy – how much shared it must be is a further question. On the contrary, if the belief in legitimacy is just an evidence of the regime being legitimate, then there is a gap between the ontological status of the regime and the epistemic status of people assessing the legitimacy of the regime. Consequently, to determine whether a regime is legitimate, we need some standards which the regime is compared to, and an epistemic threshold that indicates if the beliefs of people are true or false. Although Weber is not explicit in this sense, I would tend to affirm that he intended the relationship between legitimacy and beliefs in the first way. In any case, I will embrace the first interpretation as an assumption for my own view. Generally speaking, my claim is that even a beliefs-based account of legitimacy can provide some standards to be applied to beliefs

themselves. In fact, the discussion I will elaborate in section 4.4 aims at elaborating a standard (I will speak of a *coherence test*) in a way that does not assume any engagement with external moral requirements.

Second, as mentioned above, chapter I and chapter III provide different accounts of legitimacy, and variations regard the emphasis put on affectual motives, religion and faith. In chapter III, the scope of charisma seems to be narrower and restricted to the personality of the leader. Although Weber in other passages of *Economy and Society* and, most of all, in the *Sociology of religions* and *The Protestant Ethics and the Spirit of Capitalism* acknowledges the huge role played by religions and moral convictions in shaping the political community, he does not include them in any of his three categories of authority. In my view, charismatic authority should be enlarged to any kind of authority that is related to some sort of fascination, considering that fascination can be towards a person as well as toward an idea – that is just instrumentally represented or embodied by a person.

Third, we saw that, within a wider evaluation of Weber's contributions, there is a confused attitude towards political investigation. Weber's intent is overtly descriptive in the most of his analysis. However, quite a huge space is devoted to normative concepts – for example the ethics of responsibility or the role of those "shared values" in the definition of a political community. Do they play a role in the definition of the concept of legitimacy? A definitive answer is hard to be given, as Weber is not a systematic thinker and his production is very huge. However, we need to clarify our approach and to underline to what extent it claims to be normative or descriptive.

Forth, Weber elaborates a classification of the sources of beliefs, but he does not engage with an explanation of the structure of those beliefs. More precisely, he does not wonder what it means to have a belief in legitimacy: indeed, he affirms that the belief in legitimacy does not necessarily have a rational basis, that the belief in legitimacy is a sort of value-judgement. However, Weber's reader might have the feeling that all the non-rational basis of legitimacy (traditional, charismatic) corresponds to a non-rational state of mind of the individual elaborating thoughts about legitimacy, as if an individual conferring legitimacy on a charismatic basis remains silent when asked why she is assessing the legitimacy of the regime. The lack of a clarification in this sense makes the theory fail in letting people truly speak, as the real problem (especially for the policy-making) when people confer legitimacy

on a non-rational basis is that, when they are asked why they assess the legitimacy of a regime, they do reply *justifying* their belief according to some (at least apparent) good or rational reasons.

To acknowledge this fact implies to admit the need of a more solid theory about the structure of a belief in legitimacy. Generally, to believe that p means to believe that 1. p is true and 2. there are good reasons to believe that p is true. Those reasons can be good or bad according to their congruence with the truth. Given this definition of the belief, I now try to translate it in the specific language of political philosophy, with particular reference to the question of legitimacy. In my view, the structure of the beliefs on which the conferment of legitimacy is rooted has this structure: 1. R is legitimate because it is/does x and 2. x is a positive quality for a regime to be legitimate. 3. Therefore, the regime is legitimate. The importance of underling this structure is due to the fact that even Weberian charismatic legitimacy – although being a value judgement extraneous to any rationalizing process – it is rational at least in the eyes of who utters the conferment. More precisely, even when an external observer has evidences of the fascination at the basis of an individual's conferment of legitimacy, that individual will provide an explanation for having such a conviction. In other words, even when we are able to realize that someone's conferment of legitimacy is a product of irrational fascination toward the leader, the person assessing the legitimacy of a regime provides *reasons* to explain their support.

However, there are at least two problems with this way of proceeding. First, what is the kind of truth involved in beliefs regarding the political sphere? Second, are beliefs and preferences are involved in the conferment of legitimacy? The second question arises from the reflection of the status of a belief, which is intended, very roughly, as cognitive status of the individual produced by the encounter of his mental faculties and the external reality. This implies that there is a reality – or a truth – about the legitimacy of a specific regime and there is a belief about that truth or reality. However, this is very far from Weber intentions: his use of the word "belief" was meant to actually indicate the opposite conception: namely that there are no external standards or truths that guide us in the assessment of the legitimacy of a belief. Should we then abandon that terminology?

4.3 Beliefs and preferences

Given the structure of this work as described in the Introduction to this dissertation, the regime has an active part in the process of conferring legitimacy. We will see it in detail when describing the four conceptions of legitimacy (Chapter 2). For now, we just need to point out that the action of the regime is conceived according to individuals' requirements: for example, if they embrace a conception of legitimacy that is based on the value of law, then the regime will have an interest in behaving legally, in order to get legitimacy; on the other side, individuals will concede legitimacy to regimes that satisfy their claims (to what extent is a matter of further discussion). Therefore, subjects' beliefs (and their relation to truth) have a role in the relationship between subjects and the regime. The aim of this section is to specify what it means to have a belief in legitimacy. To do this, I will adopt a *coherentist* view of truth, according to which the criterion of truth is to be consistent with a core of convictions/values/notions held in a specific society[53].

This structure puts in question the validity of the use of beliefs as a basis for the conferment of legitimacy, suggesting that it might be more correct to base legitimacy on individuals' preferences instead. The problem arises from the fact that, on one side, Weber wants to root legitimacy on beliefs, so that he does not need to formulate external standards to assess legitimacy (namely, he does not have to necessarily rely on values, according to the realist tradition); on the other side, though, a correct use of beliefs would imply exactly what Weber wants to avoid, namely the reference to an external truth. However, the avoidance of the reference to some kind of truth contrasts with the nature of a belief: "The notion of truth is intimately connected with that of belief. Beliefs aim at truth; they are true if they hit their mark, false if they miss it. […] Whether or not our beliefs are true depends on something independent of them, namely reality: the way things are, the way the world is" (McNaughton, 1988: 7). The concept of belief is critical in meta-ethics, as it ideally traces the lines between two different approaches: very roughly, on one side, moral realists are persuaded there is a moral reality independent of our moral beliefs; on the other side, moral irrealists think that there is nothing like an external moral reality. Besides, a further division in meta-ethics claims that, on one hand, knowledge of moral reality depends on our cognitive activity

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[53] See (Rorty, 1990: 24-37).

(cognitivism); on the other hand, moral views are not the results of a cognitive process of knowledge of such a reality, but rather the result of attitudes: "what is distinctive about moral views is that they contain […] an element from the feeling or emotional side of our natures. [..] To adopt an attitude is not to form a belief about the facts but to evaluate those facts" (McNaughton, 1988: 9).

Basically, the difference between belief and preference is a matter of relationship with the external world: while the former is a cognitive status that is supposed to represent some characteristics of the external reality, the latter is an attitude aimed at the modification of the external world[54]: "there seemed to be no model to which the non-cognitivist could appeal in constructing a rationally acceptable decision procedure in the case of moral disagreements. We do have procedures for resolving disagreements in beliefs, in which an appeal to empirical evidence plays a central role. But the non-cognitivist cannot appeal to such procedures as a model because he considers moral attitudes to be primarily desires or preferences" (McNaughton, 1988: 171). Ultimately, while beliefs must be abandoned when proved to be false, preferences cannot be said true or false because they do not depend on an external truth.

However, the difference between beliefs and preferences is neither so sharp – for it is acceptable to say both that beliefs influence preferences and that preferences influence beliefs – nor mutually exclusive, for moral reasoning can include both preferences and beliefs within its process. One of the cornerstones of non-cognitivism to explain disagreement as consistent with pluralism is that "some disagreements in attitude may be based on disagreement in belief" (McNaughton, 1988: 31).

The mutual influence of preferences and beliefs can be more technically explained through the concepts of adaptive preferences and self-fulfilling prophecy[55]. Different

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[54] Someone may object why a preference should include the willingness to modify the external world. While on a theoretical level the objection is correct, it is less plausible when considering the practical dimension of a political community where actions take place. If I claim that I´d prefer a political order that realises justice over freedom, I´m also claiming that what my regime should do is to realise justice. In this sense, the values expressed within a belief in legitimacy are preferences in a double sense. The first one is that, given the lack of any external truth about values, when I specify the value according to which the political community should be shaped I am expressing a preference of a value over another one. Secondly, when I specify such value I make a normative claim, which means not only that I prefer the value x, but also that the value x should be realised. The normative call of my claim necessarily implies the desire, or willingness, to modify the world according to x.
[55] See, for example, (Elster, 2016).

contexts may provide examples, for our *limited rationality*[56] entails the constant revision of our beliefs and preferences[57]. An example can be the following one. I prefer avoiding coffee because I believe that coffee is bad for my health (and I have good reasons to believe that, because I read some scientific articles and talked with a doctor). Later, I discover that in my case coffee is good, because I have very low blood pressure and I am inclined to have very bad headaches, to which coffee is a natural remedy. Since the new discovery about coffee properties, I have to modify my belief about the outcomes of coffee on my health, and I now prefer assuming coffee over drinking tea. Abstracting from the example, what happened is that my initial belief proved to be false and so I adapted my preferences to my new beliefs.

How do beliefs and preferences interact in the process of conferring legitimacy to a regime? Starting from the structure of a belief in legitimacy mentioned in 4.2, I will integrate it with some considerations derived from the discussion developed in this section.

To say that 'I believe that the regime R is legitimate' means to perform this kind of reasoning:

R has the quality x (B_1)

X is a positive quality for a political regime to be legitimate (B_2)

So, R presents positive qualities (B_3)

For these reasons, R is legitimate (B_4)

Good reasons to believe B_4
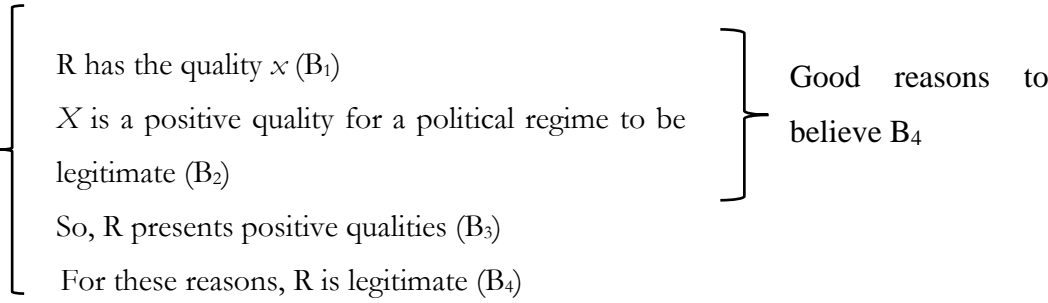
First, B_3 is an inference or, in other words, B_1 and B_2 are the good reasons that support the belief B_3[58]. However, B_1 and B_2 are beliefs as well, but their relationships with the truth

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[56] For a discussion of the limits in agents' rationality, both in terms of knowledge and computational capacity, see (Simon, 1990).

[57] We could wonder if abandoning a belief implies necessarily to abandon the related preference. Rationality requirements necessarily implies that there must be consistency among beliefs and preferences. However, limited rationality and the influence of desires and emotions may affect the outcome. Therefore, normatively speaking we are required to abandon preferences based on false beliefs; descriptively speaking, we may end up preserving old preferences and new beliefs that are inconsistent with each other.

[58] Here I show the more extended version of the reasoning, to stress the link between the positivity of the regime and the availability of the individual to acknowledge the regime's legitimate. From now on, I will elide B_3 as implied in the overall expression of the belief. A further specification is needed. Someone may wonder why, in shaping the belief in legitimacy, I do not follow the usual syllogistic structure, where the major premise (universal) is followed by the minor (particular). The reason is that, here, the effort is to give an idea of the

are different. The potential truth of B_1 is verified by the observation of reality and the social world. To verify if R actually has the quality x, we need to compare the content of the proposition with the external reality described into the proposition. To be sure, this is a simplistic way to describe the relationship between propositions and facts; however, my only aim here is to stress that the locus where the truth is to be found is the external world. On the contrary, B_2, to be verified and approved as a good reason – or a true belief – makes reference to a different kind of truth, which I assume to be the world of principles and values that are embedded into a community.

Yet which is the kind of truth supporting beliefs like B_2? The conception of truth which I refer to is the one elaborated by coherentist versions of ethics, according to which the validity of a truth depends on its being consistent with a core of shared beliefs/values/convictions that characterize a specific group (society, community, etc.). Let's then ask a question: given my refusal to accept moral realism, do I have to renounce to beliefs and truth at all? No, I don't. Yet it is necessary to clarify which kind of truth is implied in this case, and why it seems lighter than the one involving beliefs such as B_1. I intend truth in the sphere of moral principles as shared or accepted by the specific society we are referring to. In this way, a belief is a true one – or one supported by good reasons – when it expresses values that are consistent with the system of shared values typical of a specific society S in which the regime R is settled[59]. Although it is a truth that claims to be universal and superior to the contingent facts, it is nonetheless vulnerable to changes in space, time, and cultures. According to this kind of truth involved, B_2 is a true belief if the conviction that x is a value *per se* resists to the comparison with the values recognized as valuable within the specific society.

However, the choice for a value x over a value y is ultimately a matter of preferences. In fact, even when the individual is shown that her choice for x is in contrast with her society's hierarchy of values, she may still support her preference for x. Besides, the fact that B_2 refers to a non-sortable system of values implies that the problem of the beliefs' truth stands only for beliefs included in B_1. It is also worthy noticing, though, that, although being

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ordinary language in which such a belief is expressed. It seems, therefore, to be more realistic to start with the premise that describes what the individual has 'in front of her': she will begin with an evaluation of the regime she is facing (the regime has the quality x), and then proceed with the premise that contains an evaluative claim (x is a positive quality).

[59] It recalls Williams' "make sense" category (Williams, 2005: 10).

the choice for a value x just a matter of preferences, the individual will still claim the universality of the validity of x.

To make an example, if within the society S, both justice and freedom are considered moral values and it is not possible to sort them hierarchically, the individuals rooting their beliefs on freedom and on justice *have both true beliefs*. Then why the individual γ will want a regime that promotes freedom (value F) more than everything, and the individual λ will ask for a regime that promotes justice (value G) more than everything?

It seems to be a matter of preferences. Assuming even the best-case scenario in which both γ and λ recognize the acceptability of the other's belief, each of them will ask for a regime that acts according to respectively F or G.

For this reason, we should conclude that B_2 is not a simple belief. It is a belief about the validity of a certain value, yet it has a preference-component when the individual claims that *that* value must be at the basis of a practice. Besides, this is consistent with a non-cognitivist account, that admit the interaction between beliefs and attitudes as a result of the inevitable fusion between evaluative and descriptive statements: "Evaluative terms standardly have descriptive as well as evaluative meaning. It follows that we should not think of evaluating and describing as exclusive activities. […] What distinguishes a purely factual opinion from an evaluative one is that the former is solely a belief, whereas the latter involves having an attitude as well as holding a belief" (McNaughton, 1988: 27). To make an example let's compare these three sentences:

S_1: "Freedom is a value" (belief)

S_2: "Freedom must be an inspirational value for the regime" (preference)

S_3: "The regime should promote freedom before than justice" (preference)

S_1 is a belief because the "direction of influence" is from an external truth to the individual: there are some shared convictions (that are the truth for a specific society), and one of them is that freedom is a value that should be acknowledged as such by individuals having true beliefs.

S_2 is a preference because the sentence aims to modify the world. Who utters the sentence wants to influence the world and have an active position with respect to a status of things.

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S₃ is a preference because among a set of values that can be equally rightly believed true, it expresses the choice in favour of one of them over the others.

S₃ leads us to a last point. We may wonder why an individual would engage in a choice of a value over others. This may happen for three different kinds of reasons. First, the individual's beliefs that the values promoted by other individuals are not actually valuable, that, ultimately, they are not values. For example, individual γ supporting value F claims that individual λ does not have good reasons to believe that G is a value and that λ should abandon that belief. Second, the individual, although recognizing the validity of other values, believes that it is possible to sort them hierarchically and that the other values are less significant/valuable/important than the one she is promoting. For example, individual γ does acknowledge that individual λ has good reasons to believe that G is a value, but she also thinks that value F is objectively superior to value G. Third, given the characteristic scarcity of resources available to political institutions, the individual acknowledges that it is not possible to promote all the values belonging to the community, and therefore it is necessary to express a contingent preference. For example, individual γ does acknowledge that individual λ has good reasons to believe that value G is a value, and that it is not possible to assess objectively that value F is more important/valuable than value G; however, she may think that trying to realize value F is more likely to succeed, or it is less expensive in terms of money or effort required to people, or even more convenient for herself, and for this reason she claims that contingently the regime should give priority to the realization of value F over value G. The difference between the second and the last kinds of reasons is that, while the individual in the second case is convinced that there is an ontological hierarchy among values, the individual in the third case formulates a *contingent* hierarchy – which is, furthermore, not necessarily guided by moral reasons, rather by practical ones such as the probability of success in realizing a certain status, the costs, etc., or even by egoistic reasons.

B₂ revealed to be a mix of beliefs and preferences, a "socially-affected" conception of how the world *is* and *should be*. It is a belief to the extent that the individual believes that a certain feature *x* is valuable, and this belief derives from an analysis of her social reality. As we are influenced by the social world in elaborating our values, the latter are at least partially the result of a cognitive process of investigation of our social realm. On the other side, even within the same society, or when we look at other societies, we experience a huge variety of

values and we are often not able to detect a definitive, clear and objective classification. On the other side, preferences, although characterized by an influence direction that goes from the individual to the world, are not totally autonomous and independent from the social context in which the individual lives. This means not only that, in choosing between two options, the individual may be influenced by other individuals acting in her social context, but also that any preference is generated starting from a system of beliefs to which the individual is exposed (as we said before, beliefs are convictions directed from the world to the individual). On a more abstract level, the relationship between belief and preference (as displayed in B$_2$) provides an example of how descriptive and normative tasks interact. Any preference includes the willing of affecting and modifying the world (*normative aim*), but no preference can be generated out of some beliefs about the status of the external world (*descriptive basis*).

To conclude, and as a result of this discussion, I will sum up my position according to the meta-ethics vocabulary. First, I embrace an *irrealist* and *non-cognitivist* approach to values. Second, I do not want to restrict values to *moral* ones, because I do think that not only moral reasons play a role in the process of assessing legitimacy. However, any other kind of *value* – so intended as *something valuable* – do still suffer the lack of a definitive and clear external reality to be compared to. Beliefs are still present in my account, but they refer to a more 'watery' notion of truth.

The last step of this section aims at integrating the concept of legitimacy with the structure of a belief in legitimacy as analysed in here. We imagined an individual, surrounded by a social background, elaborating beliefs about the world as it is and should be, and expressing preferences. On the other side, we imagined another interlocutor, a regime, which both receives individual's requirements and is able to affect individual's beliefs. Ideally, the individual elaborates a preference and requires the regime to do/be according to that preference; the regime reacts and contributes to the creation of new beliefs by the individual. When there is accordance between preferences and beliefs the regime seems to be legitimate. However, this process may end up being a circle, and a very vicious one, as forms of manipulation can totally distort the evaluation of the potential accordance between what individuals want and get. We therefore need a notion of independent belief – namely a belief that is not directly produced (at least ideally) by the regime. I suggest that there is legitimacy

when the accordance involves not only preferences and beliefs generated within the relationship individual-regime, but also beliefs belonging from the wider sphere of the individual's existence. If we now go back to the structure of a belief in legitimacy depicted here, we can appreciate that B_2 is the set of beliefs including both 'independent' and socially dependent ones. The relationship among them – and the implications for the concept of manipulation – will be addressed in the next chapters.

Finally, a criticism may be charged. I will face it in the next chapter, but I think it is useful to introduce it now, as it derives from the structure of a belief in legitimacy I have suggested in this chapter. I argued that, first, the legitimacy of a regime coincides with the belief in its legitimacy[60]; second, that the same regime may be legitimized simultaneously from different conceptions of the world; third, that those conceptions represent, for each citizen, the *good reasons* to believe in the legitimacy of the regime. This seems to suggest a model of convergence, according to which subjects starting from different perspectives end up sharing the conviction that the regime is legitimate. Here the problems. First, if the belief in legitimacy coincides with the legitimacy of the regime, one may paradoxically conclude that *one* belief is enough to assess the legitimacy of the regime. This sounds very controversial, but, on the opposite, imposing the majority rule as a standard may be viewed as a democratic requirement that biases the concept, or it may be charged of being a reduction of the concept of legitimacy to the one of electoral support. Second, let's imagine an individual A rooting her belief in legitimacy on the good reasons *x,y* and individual B rooting her belief in legitimacy on the good reasons *j,k*. Suppose that the individual A criticises B for her conception of the world, from which *j* and *k* derive. In criticising *j* and *k*, A is claiming that the good reasons B thinks to have are not good reasons. However, denying the 'goodness' of those reasons entails to deny the validity of the belief – that is the belief in legitimacy. Yet A believes in the legitimacy of the regime as well, so in criticising B she is actually criticising a belief that she herself shares. The only way to get out from this impasse is probably to claim that we do not matter which are the good reasons supporting a belief; rather, what matters is that each individual is persuaded to have good reasons. Although consistent with the account I am suggesting here, this position may seem very costly. Here the necessity of

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[60] This derives from the minimal concept of legitimacy, where the latter is a characteristic perceived by the individual evaluating the regime.

some king of standards emerges strongly. I propose the concept of *coherence* as having a role in selecting the beliefs at stake. In next section, I will claim that beliefs, to be counted as valid for the overall assessment of the regime's legitimacy, need to pass the 'coherence test'.

4.4 The concept of coherence and its normative relevance

The last step is to show the intrinsic normativity of a beliefs-based account of legitimacy. Roughly, the idea is to show how an apparently descriptive approach as the one based on beliefs cannot help being normative, at least in a light way, when the belief in legitimacy is analysed.

Let's go back to the definition of the belief. We said that to believe that a regime R is legitimate means to believe that: 1) the regime is legitimate is true; 2) there are good reasons to believe that 1) is true. The expression 'good reasons' must not be intended as referred to any moral standard that would specify the term 'good'; rather, it must be intended as a belief that is justified to be held. In Raz's words, "to say that a belief is justified is to say that it is epistemically permissible to hold it, that there is no epistemic defect in holding it" (Raz, 1995: 280–281), according to the epistemic account of coherence. Raz criticises this account for its circularity (Raz, 1995: 281). This description coincides with the technical notion of coherence, intended as a further development of the common sense of coherence, namely intelligibility (Raz, 1995: 280). Raz is right in criticising the weakness of an epistemic account of coherence, and the relation between coherence and justification. However, he is right as long as we think of the concept of justification in its relation to the concept of truth, or, at least, to some kind of objective standard. Here, instead, the weaknesses of an epistemic account of coherence are operational in describing the situation of people expressing their beliefs about the legitimacy of the regime. I make myself clearer. In my view, legitimacy is a bottom-up standard, built from the belief expressed by each subject to power: the regime is legitimate as long as people believe the regime possesses positive qualities that justify the belief in legitimacy. The content of that belief – that is, the value they put as central in their reasoning – is not limited by any standard to a restricted set of acceptable values (B_2 in the scheme above). Besides, for the conferment of legitimacy to the regime, it is just marginal if

people are objectively right in believing that the regime truly possesses those positive qualities (B_1 in the scheme above).

In sum, coherence is just a formal characteristic of the reasoning, requiring that a conclusion ('the regime is ill/legitimate') must be inferred from some premises.

Let's now make some examples to illustrate coherence and incoherence in people's beliefs. An individual I_1 formulates the following reasoning:

The regime implements justice
I think that justice is a necessary feature for a regime to be legitimate
Therefore, the regime is legitimate

I_1 is coherent because her premises (the possession by the regime of a certain feature and the importance of such a feature for declaring a regime legitimate) leads to the consistent conclusion that the regime is legitimate.

Let's now imagine a second example that helps clarifying the relation between morality and legitimacy according to this account. The individual I_2 expresses her belief as following:

The regime implements justice
I think that justice is not a necessary feature for a regime to be legitimate
Therefore, the regime is legitimate

I_2 is incoherent, because the conclusion does not follow from her premises. Therefore, her belief cannot be counted as relevant for the assessment of the legitimacy of the regime.

A third example illustrates the relation between morality and legitimacy according to my account. Imagine an individual I_3 expressing the following belief:

The regime exterminates people who hate philosophy
I think that exterminating people who hate philosophy is a necessary feature for a regime to be legitimate
Therefore, the regime is legitimate

I_3 is coherent, although deeply immoral in her premises, and therefore her belief must count in the overall assessment of the legitimacy of the regime.

Someone may wonder why an individual should be coherent in elaborating her belief. Where does this prescription come from?

First of all, the individual has a duty toward herself in being coherent, because if the individual confers legitimacy to the regime on the basis of some inconsistent reasons, she will support the regime's legitimacy and will end up being victim of an illegitimate power, according to her own beliefs. Secondarily, if we admit that the beliefs expressed by external individuals (e.g. individuals living in other regimes or a hypothetical political theorist) can influence, on the practical level, the regime´s performances, than there is another sense in which the individual has a duty to be coherent. Indeed it is only if the belief is coherent that it will be counted as valid from the political theorist to get to the final judgement about the regime legitimacy. To be sure, this must not be intended as a duty of the individual toward the political theorist: indeed, the individual may be indifferent to the political theorist's need to elaborate a general assessment of the regime's legitimacy. It is still a duty toward the individual itself, but this case takes into consideration the possible influence of external opinions on the internal political situation[61]. Let's make a clarifying example. Imagine and individual I_4 expressing the following belief:

The regime does not implement freedom
Implementing freedom is a positive quality for a regime to be legitimate
Therefore, the regime is legitimate.

According to her belief (two premises), the individual should conclude that the regime is illegitimate. Concluding, in contrast, that the regime is legitimate entails to support a regime that is arbitrarily ruling the individual.

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[61] In section IV of Chapter 2 I will argue that the interaction among internal and external individuals matters in terms of assessing the regime´s legitimacy. For now, I just sketch some point that helps clarifying my position here. I will envisage four situations, where internal and external individuals might either agree or disagree about the regime´s legitimacy and I will claim that in the two cases where they agree (both think the regime is either legitimate or illegitimate) we will conclude to be in front of an either 'surely legitimate' or 'surely illegitimate' regimes; in contrast, when they disagree, we will have a regime that is either 'provisionally legitimate' or 'provisionally illegitimate'. Reasonably, individuals in situations where there is an agreement about the judgement, tend to feel less the need for a debate (namely, the need for checking the coherence of their judgement) and to be happy with the status quo. In this sense, contributing to the regime´s support – without actually sharing the bases of such a support – results in the reduction of the chances to bring up concerns and new perspectives.

Now someone may ask: since beliefs can be coherent but false, and since beliefs must be abandoned when proved to be false, how do we get to a definitive objective judgement?

Unfortunately, we do not. Any belief is both synchronic and diachronic, and, therefore, provisional. However, it is not as bad as it may seem. In the last section, when comparing the judgement of the individual and the judgement of the theorist, I acknowledged the normative dissatisfaction provoked by an external judgement about legitimacy that limits to count people's beliefs. However, I also stressed the merit of this concept for its ability of truly letting people to speak.

Let's now analyse some more specific points. The concept of coherence provides the terrain for the increase of the normative charge of this conception. Indeed, the individual has in any time the chance to change her mind about the legitimacy of the regime and, thorough the discussion with other individuals, to revise the beliefs (or supposed good reasons) that support the final belief about the regime legitimacy. For example, an individual at time t (I_a) may think that the regime implements freedom (B_1) and that freedom is a positive quality for a regime to be legitimate (B_2), therefore, the regime is legitimate (B_f). She has good reasons that support B_f (B_1 and B_2), and good reasons that support respectively B_1 and B_2. For example, she may have convictions about rules and restrictions implemented in her regime, according to which she believes that the regime does not violate the right to freedom of its citizens. Suppose that in time $t+1$ she speaks with another individual that inform her about an unknown fact. The individual I_b tells her that internet contents are blocked in their regime. At that point, I_a, to be coherent, must revise her belief B_1. Once revised B_1 (the new belief will be: the regime does not implement freedom), I_a, to be coherent, must revise her final belief B_f, concluding that the regime is not legitimate. Indeed, in order to be coherent, which is the only requirement to individuals, they have a duty to get and sift information.

One may object that the requirement to get information my turn into a very demanding requirement, if with getting information we intend the requirement of autonomously look for wide and independent information. It may be also objected that it is unrealistic, especially when thinking of autocratic or totalitarian regimes. However, here the prescription is not to be informed, but just to check the coherence of the reasoning, with respect to the information at disposal, particularly when new information is communicated or acquired. The distinction may be very blurred in practice, yet the idea is that there is a duty to be

critical, not to be informed. This is consistent with the duty to be coherent, as being coherent coincides with checking the logical connection between beliefs (namely, check our beliefs), not to enrich the premises (e.g. increasing the number of beliefs in B_1 and B_2). Furthermore, the prescription of being coherent encourages the creation of a public space or debate, where information is exchanged and included in evolving systems of beliefs.

To be sure, it is not just a matter of facts-checking. Indeed, B_2 can change as well, and lead to the revision of the final belief. Let´s imagine a situation where an individual at time t (I_a) may think that the regime implements freedom (B_1) and that freedom is a positive quality for a regime to be legitimate (B_2), therefore, the regime is legitimate (B_f). She has good reasons that support B_f (B_1 and B_2), and good reasons that support respectively B_1 and B_2. However, by speaking with another individual, she realises that her regime is very bad in treating citizens equally and convenes that equality should be increased at the expense of some 'portion' of freedom. To be coherent, she will correct her final belief, affirming that the regime is not legitimate because it is not implementing equality, which is a positive quality for a regime to be legitimate[62].

To conclude, someone may object that, if the belief in legitimacy, thought of according to this structure, says something about the individual experience of the individual living in the regime, it does not eventually provide any tool to make a final and univocal judgement about the legitimacy of the regime itself. In other words, we may wonder what is the connection between the individual's cognitive state of mind (expressed by the individual's belief) and the objective feature of a political entity (the regime legitimacy): in other words, how do we get to the final judgement about the regime legitimacy from the individuals' beliefs?

To reply we need to distinguish the two perspectives of the individual living in the regime and the political theorist looking from outside. From the latter's perspective, I claim that the legitimacy of the regime depends on the beliefs of the majority: so, if at least the

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[62] Someone may object at this point that what makes the belief to change is still a process of facts-checking, as the individual changes her mind about the importance of equality when getting to know some facts about the unfair behaviour the regime performs. However, I argue that this is not true, as the individual may acquire these new information about the inequality displayed in her regime, but still consider it less significant than the implementation of freedom the regime provides. In this case, what makes the individual change her mind is not the acquisition of new information, but her system of values according to which the new information gets to be either significant or not.

51% of individuals living in R think that R is legitimate, the theorist must (at least *provisionally*[63]) conclude that the regime is legitimate. This answer assumes a convergent model for explaining how to reach the final judgement. Indeed, it does not matter how, and according to which value, the individuals believe in the legitimacy of the regime. What matters is that, starting from their beliefs about values (that is, starting from the different content of B_2), they conclude that the regime is legitimate. In contrast, from the perspective of each and one individual, R is legitimate only if the individual thinks that R is legitimate. This sounds pretty unsatisfactory, but I will underline some advantages and draw some possible further implications of this idea in the next section. Besides, this provisional judgement will be combined with the external individual's belief about the internal individual's coherence (chapter 2). However, I think it presents an advantage too, because it does not ask to the individual believing in the illegitimacy of the regime to say the regime is legitimate only because the majority of her fellow citizens think it is. With a slogan, it actually lets people speak and provides the ground for the elaboration of bottom-up standards for a regime to be legitimate.

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[63] The provisionality of the conclusion reflects the provisionality of the individual's judgement. This will be clearer in next section, where the concept of coherence and its normative role is addressed.

Chapter 2. Conceptions of legitimacy

The distinction between *concept* and *conception* derives from John Rawls' *A theory of justice*, where he uses it to distinguish the general idea of justice from justice as fairness[64]. Here, I use that distinction as a tool to investigate the idea of legitimacy, although making some adjustments. First, Rawls' distinction is displayed within the moral sphere; on the contrary, I do not adopt an *a priori* moral approach to legitimacy. Therefore, moral legitimacy is just one of the possible conceptions of legitimacy, while the concept of legitimacy is neutral with respect to ethics. Second, the different conceptions depend on the specific beliefs and visions individuals hold. This implies that they do not have a universal, objective character.

In this chapter, I will first explain what we should deduce, in terms of a definition of legitimacy, from what I said about having a belief in legitimacy. Second, I will explain the role of the regime as a recipient of individuals expressing their conceptions of legitimacy. In the third section, I will illustrate three conceptions of legitimacy – legal, rational and moral – and draft a forth one – symbolic – which will be deeply investigated in chapter 3 of this work. Finally, I will anticipate something about the normative importance of a public debate on issues relating the beliefs in legitimacy.

I.   Concept and conceptions

The aim of this section is to further develop the idea of legitimacy drafted in the previous chapter. The provision of further elaboration is a result of the analysis of some specific aspect of my minimal concept of legitimacy, that is, the centrality of coercion in the political context and the distinction between concept and conceptions.

In chapter 1 (4.3) I described the structure of a belief in legitimacy. I argued that to believe that a regime R is legitimate means to believe that:

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[64] See note 41 of this work.

R has the quality x (B_1)

X is a positive quality for a political regime to be legitimate (B_2)

Therefore, R is legitimate (B_3)

I added that any belief, to be believed, needs to be supported by good reasons; and B_1 and B_2 are the good reasons that support the belief in the legitimacy of the regime (B_3). This structure of reasoning is inserted into what I called a 'minimal concept of legitimacy', according to which legitimacy is a characteristic that can be ascribed to a political regime, and the ascription depends on a subject believing in the possess of positive qualities by the regime. Their positivity depends on the subject's vision of the world, included a conception of power as means to realize that vision.

Here some consequences of this idea of legitimacy. First, it is different from electoral consensus, as having an understanding of why a regime can be justified by individuals do not necessarily implies the availability to support it. This is particularly evident when we investigate the legitimacy of a specific government: the fact of understanding why an individual is justified in supporting a certain party does not necessarily imply that we will vote for the same party. For example, I may be an egoistic individual and think that it is legitimate to ask citizens to contribute to the collection of money to guarantee a minimum welfare state, but still vote for the party that aims at reducing the amount of taxes envisioned for that aim. On the contrary, I may think that a party does not have the *positive qualities* necessary to be considered legitimate, but judge it the less bad and, therefore, vote for it at the elections.

Second, legitimacy is different from obedience, as I may think that the regime is legitimized in asking me to act in a certain way, although I may decide to disobey. On the contrary, I may obey the regime without acknowledging it legitimacy: remind Weber's lesson that obedience may be due to the most different motifs, from fear to expediency, to the belief in legitimacy[65].

Within the structure of the belief and, in particular, among the good reasons supporting B_3, B_2 is the set of values and principles according to which the individual assesses the legitimacy of the regime.

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[65] See (Weber, 2013: 37 and 212).

Yet what is the scope of the belief in legitimacy? To answer this question helps add further pieces to the picture of legitimacy. According to what assessed up to now, the belief in legitimacy regards the possession and use of political power, and, in particular, of its specific means, namely the physical violence exercised monopolistically. Therefore, the scope of application – which can be generally indicated as the political relationship – does not restrict the object of investigation to a specific kind of political power: we may want to investigate the legitimacy of a political regime, of a government, or of a leader. Indeed, all the three of them can be said to exercise political power and physical coercion[66]. The grounding principle for the assessment of legitimacy is the same in all the three cases[67].

Up to now (and from now on), I mostly referred to the legitimacy of a *regime*. Now, the kind of political regime displayed has critical consequences in determining the kind of belief in legitimacy we face in each specific regime. When the political regime is a democracy – or at least a political system in which electoral competition is fairly guaranteed – to debate the legitimacy of the political regime is different from debating the legitimacy of a government. Indeed, democracy envisions the alternation of different governments. I may think that the regime (democracy) is legitimate, but not the government that is in charge at the moment[68]. On the contrary, in case of autocratic or totalitarian regimes, there is no

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[66] To be sure, we may want to investigate also the legitimacy of a specific measure or law; however, the case is different – and the belief in legitimacy would be something different from the one displayed in these three cases, as in the latter there is a person – or a group – that coerces other people, while a law is not coercive in the same way of an individual or a group of people.

[67] Very roughly, in all the three cases to believe in the legitimacy of the political relationship means to believe that it has positive qualities that justify the support. However, some differences may occur. First of all, it is critical to determine what we mean for leader, government and political asset. With *leader*, I mean the chief of a political party that governs in a regime; with *government*, I mean the set of people ruling a country; with *political regime*, I mean the set of institutions that regulate the struggle for power and the exercise of power, together with the values that give birth and guide those institutions (e.g. democracy, autocracy, etc.). Within contemporary literature about regimes and classification, a political regime is defined as the "set of rules that identifies: who has access to power; who is allowed to select the government; and under what conditions and limitations authority is exercised" (Kailitz, 2013: 39). It is interesting to cite the definition provided by Bobbio when describing legitimacy, as his view of the political regime includes the reference to values that are embedded into the political institutions: "Il regime è l'insieme delle istituzioni che regolano la lotta per il potere e l'esercizio del potere e dei valori che animano la vita di tali istituzioni. I principi monarchico, democratico, socialista, fascista, ecc. definiscono alcuni tipi di istituzioni, e di valori corrispondenti, sui quali si fonda la legittimità del regime" (Bobbio et al., 2006: 334). In this conceptual direction it may be interpreted Fishman's account: a regime is the "formal and informal organization of the centre of political power, and of its relations to the broader society" (Fishman, 1990: 428).

[68] It is not an objection that if the government has been chosen democratically, and I support democracy, I necessarily accept the government as well. This is wrong for two different reasons. First, objecting that would imply the assumption of a merely procedural account of democracy, while I could have a thicker idea of it, which is not fully embodied by the government in question. Second, a democratic procedure does not guarantee

difference between the regime and government in charge. More precisely, while any democracy is guided by the same fundamental rules and principles, no matter which is the government in charge, authoritarian and totalitarian regimes – although having characteristic features – are more variable in terms of institutions, principles, freedom conceded, etc. Consequently, to debate the legitimacy of the government is the same as debating the legitimacy of the political regime.

The reference to the availability of physical force enriches the concept of legitimacy: a belief in legitimacy is a belief that the political relationship created by the regime is not coerced. This does not mean that, according to the individual, the regime does not (or cannot) use coercion. It rather means that asking whether a regime is legitimate means to ask if the regime has a right, *not produced itself by coercion*, to coerce people. A first specification is needed, as the word "right" may evoke a legal or a moral background, so that legitimacy would end up being the same as legality or morality. What I mean here is that coercion is accepted *and* justified in eyes of the individual conferring legitimacy. In my view, both acceptance and justification are needed. Indeed, on one hand acceptance might be caused just by prudential reasons: the fear of the regime may induce the individual to accept the regime force, so that obedience would originate just from fear. On the other hand, justification may be a good one, but the individual may not accept it, so that it would not support a belief in the legitimacy of the regime. Therefore, I claim that an *accepted* – and not just acceptable – *justification* for coercion is the content of a belief in legitimacy.

Now, given the structure elaborated in the previous chapter, where do we find concept and conceptions? And how this distinction helps defining better the idea of legitimacy? The concept coincides with the overall bracket, namely the elaboration of a reasoning that justifies the support to the regime. The passages of the bracket tell us something further about what is legitimacy, namely that *it is a belief in having good reasons to support the regime*. Or, looked from the other side, *it is a belief in the regime having positive qualities that justify the individual's support to the regime*. Indeed, for the legitimacy of a regime coincides with the belief in its legitimacy, rather of being something ontologically different and just reflected by the belief, the structure of the belief reported above coincides with the structure of legitimacy itself[69].

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[69] This concept summarises the idea an individual may have of legitimacy and follows from the attention to the ordinary language emphasised in the structure of a belief in legitimacy. This concept will be flanked by an external definition of the concept, provided in chapter 4 of this work.

A conception of legitimacy includes the set of values and principles in which the individual roots her own vision of how things should be (B_2), the qualities that the regime is supposed to have according to the individual's values and the assumption that the presence of those qualities justifies the support to the regime.

Then what is the difference between the concept and the conception? That the conception specifies which is the value according to which the regime's nature/performance must be evaluated. To make an example, if an individual is persuaded that justice is an irrevocable value in society, then she will confirm the regime legitimacy only if she believes that the regime behaves fairly. In other words, the concept sheds light on the *functioning mechanism* of the conferment of legitimacy; the conception indicates the specific conditions under which legitimacy is confirmed. Less abstractly, the concept indicates that for a regime to be legitimate there must be individuals that believe in the positivity of some of the regime qualities and connect such positivity with the availability to acknowledge the regime's legitimacy; the conception sheds light on the *conditions* of that positivity, namely why and when the quality x is considered positive and able to root a positive assessment of legitimacy.

The positivity of the qualities owned by a regime will be modelled according to two variants: on one hand, four kinds of conceptions will be elaborated around four different values (rational, legal, moral and symbolic conceptions of legitimacy); on the other hand, the four conceptions will be declined according to their input and output side. For we root legitimacy on the positive qualities owned by the regime according to the individuals living in it, we may intend them either related to what the regime does or to how the regime is like. This is the reason why I use an input/output system of classification: the input side sheds light on how the regime is like, that is its source of power; the output side gives measure of the regime performance. For all the different conceptions of legitimacy, can be displayed both on the input and the output side. Indeed, the value around which each conception is elaborated shed lights both on what the regime should do (performances) and the regime's nature.

Let's conclude with some criticisms and advantages of this way to conceive legitimacy. A first objection may arise from my distinction between input and output sides of legitimacy. One may say that the nature of a regime dictates its performances, so that it is redundant to develop the two sides as separate. This is not always true. Indeed, time and circumstances

may modify the nature of a regime; besides, the source of power does not necessarily entail a specific nature of the regime. A regime may have acquired power from a democratic procedure and then act not democratically. The quality of its performances does not change *a posteriori* the fact of its democratic source.

This example also suggests that a conferment of legitimacy agreed in time x may be denied in time x_1. However, the variability over time opens up a question about legitimacy: how long does a regime need to be justified in order to be considered legitimate? Even if the question seems to entail the problem of defining a threshold, the rooting of legitimacy on individuals' beliefs save us from the hard task of defining (and justifying) the threshold. Indeed, any time we wonder if a regime is legitimate, we can rely on people's beliefs at that time[70].

However, the rooting of legitimacy on beliefs does not prevent us from establishing another kind of threshold, namely how many people that believe in the legitimacy of the regime are needed in order to acknowledge legitimacy to power. Let's better formulate the question. I said that the belief in legitimacy is the legitimacy of a regime, which means that the legitimacy of a regime is the fact of some people believing that they have good reasons to support the regime itself. Now the problem is that from this definition we may infer that if at least one individual believes in the regime legitimacy then the regime is legitimate. On the contrary, if we find some way to rise the threshold so that the belief of that single individual is not enough to affirm the legitimacy of the regime, we would end up in the paradoxical[71] situation of saying that the regime is illegitimate although some individuals believe it is legitimate. I do think that this an irresolvable weakness of an approach that refuses to elaborate any external universal standard, as it is a beliefs-based account[72].

The distinction between concept and conception lead us to a last significant point, that is, legitimacy is different from justice. The priority of the former on the latter is a way to explain the preference for a political realist account of legitimacy, or, looked upon the other end, to refuse moralism. As Rossi points out: "upturning the relationship between justice and legitimacy affords a normative notion of authority that does not depend on a pre-political

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[70] As I will address more specifically in chapter 3, the assessment of legitimacy in my account is an endless process.

[71] Paradoxical for a conception based on beliefs.

[72] For a discussion about how to get to an overall assessment of the regime's legitimacy, see section 4.4 of chapter 1.

account of morality" (Rossi, 2012: 150). As it will be clear in the next section, although sharing the conviction that legitimacy must be prior to justice, I will elaborate such a supremacy in a different way from Rossi's one. In section III of this chapter, I will argue that a moral conception of legitimacy is necessarily based on pre-political moral beliefs, but it is thanks to a prior *concept* of legitimacy that a moral *conception* of legitimacy can be one of the possible perspectives held by subjects. In other words, the fact that conceptions of legitimacy – as embodiments of a concept of legitimacy – can be either moral or not would demonstrate that a realist concept of legitimacy is prior to a moral conception based on justice[73].

II.   The regime as a recipient

My idea of legitimacy involves the relation between individuals' conceptions and the regime performance, namely the set of rules and procedures according to which the political asset is shaped. This relation may take the most different forms, and its variability depends on the level of congruence between what individuals want to have realized and what the regime realizes. Theoretically, the interaction may be seen as following. On one hand, the individuals living in the regime territory have some conceptions of the world, according to which they claim the regime should be in a certain way, or do certain things. On the other hand, the regime has its own interests as a regime – or power holder – and a further specific interest related exclusively to the possession of power, namely keeping it.

Before proceeding, it is worth specifying that what I have in mind here is a 'neutral' regime, that is, a regime that I do not already characterize as democratic, autocratic or totalitarian. The correspondence between the individuals' interest and the regime performance is usually likely to occur in democracies, while it is not in the other two kinds of regime. Besides, the same mechanism through which individuals assess the legitimacy of the regime is valid also for individuals assessing the legitimacy of a certain government, when displayed within a democracy. It is worthy noticing also that the regime assumes a more personalized character when it is the case of autocracies and totalitarianisms, while it is more

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[73] I will turn back to this point in chapter 4, where I will discuss whether my concept of legitimacy has a normative character.

formal when it is the case of democracies. Therefore, when I use the expression 'interest of the regime' it can be intended as both the system of principles and rules and the governing elite. Finally, the reference to a regime's interest may imply that I intend the regime as an entity ontologically different – and superior – to the set of citizens living within the regime territory. In my view, the regime is the set of people subjected to power *plus* the set of people exercising power. However, there might be a gap – real or perceived – between the regime's and the individuals' will and influence of action, and it depends on the kind of regime at stake.

The interest of the regime is heterogeneously composed. I will call *political* interest the one in keeping power stably, or, in other words, in solving successfully the "first political question". The regime may want to keep power either because power is conceived as a means to realize other interests or because of power itself. I will call those interests *pre-political*, as they derive from a value-system that is independent of the political sphere and it enters in it only when political power is used as a means to achieve those goals. Even in this case, the regime needs a minimum of support by individuals, as physical coercion does not usually produce stable power. Therefore, the regime has at least a minimum interest in accomplishing individuals in order to keep power stably. Consistently with this need, the regime will try to reply to each conception of legitimacy and produce an outcome – in terms of performances (i.e. promulgation of laws, measures, etc.) – that is the result of a compromise between the individuals' interest and the regime interest – that may include other aims beyond the maintenance of power.

The specific interests of the regime depend on the regime's nature. On an ideal continuous line that goes from a self-interested regime to a responsive one the interest will change according to the regime propensity to use power just for the increase and centralization of power itself, up to the exercise of power in order to realise individuals' conceptions of the world. The two extremes of this continuous line may be thought as following. On one side, we have a responsive regime, namely a regime whose aims are other than the increase and centralization of power. In this case, we may say that the regime has a *moral* interest, in the sense that it conceives itself at the service of citizens. This case includes at least the conviction that the respect of people´s views and autonomy is a necessary value

for a political relationship[74]. To be sure, this regime cannot be totally disinterested in power, as power is the necessary means to realize aims within a political community. In fact, political and moral interests are not mutually exclusive. It is a threshold-problem to establish at which point the possession of power as a means turns to be an aim. On the opposite side, we find a self-interested regime. It is a regime that is just interested in acquiring more and more power, and in centralizing it. As said, these are just the two extremes of a line on which more or less moral regimes are displayed. It will be interesting to analyse carefully one type of self-interested regime, that I will call the *rational* self-interested regime. It is a regime very close to the purely self-interested one, as it is not interested in using power to serve citizens' conceptions, but it is 'rational' enough to understand that, in order to keep power, it needs to at least partially satisfy subjects' requests. I will come back on it later.

As my concept of legitimacy aims at being applied to all the kinds of regimes, I will assume just a *minimum* interest that is acknowledgeable to any regime, as it is implied in the definition of a political relationship. In chapter 1, I defined the political relationship as characterized by 1. the *claim* of having solved the first political question and 2. a space where meanings and aims are built and debated. Therefore, I individuate the regime's minimum interest in the *existence of a shared belief confirming that the regime has actually solved the first political question*. How does this interest change along the line between a self-interested and a responsive regime? A self-interested regime will probably be happy with the simulation of having solved the first political question. More precisely, it achieves order, but, in a way, that is not consistent with aims elaborated by individuals. Typically, it is the case when order is achieved only by coercion, but the regime managed to make it appear as an order consistent

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[74] To be sure, the term 'moral' can be misleading, mainly for two reasons. The first one regards the 'ontological status' of the regime, as defining it as moral implies some kind of personalisation of the regime itself. Although the problem persist, I conceive the regime as the set of people in charge of exercising political power, e.g. taking decision, promulgating rules, exercising coercion, claiming for obedience, etc. The second objection may be formulated as following: how do we define the morality of a regime, in an account of legitimacy where the normativity of legitimacy itself depends on citizens´ beliefs instead of on an external standard? To reply I need to clarify a distinction: one thing is the morality of the regime's intentions, another is the normativity of the regime´s legitimacy. The purpose of my distinction between a political and a normative interest of the regime is to highlight the practical consequences of the regime´s attitude. When we live in a regime that is exclusively self-regarding, we will expect from it to fulfil citizens' requirement instrumentally to the minimum extent that allows the regime to keep its power stably and soundly. On the contrary, a regime that believes in the duty of respecting people´s visions of the world and values, will comply people´s requirement as much as possible, compatibly with the resources at disposal. Although it might be difficult theoretically to track a threshold between the two cases, I claim that such a difference is perceived, on the practical level, by the individuals interacting with the regime and building their beliefs about its legitimacy.

with individuals' world views and aims. On the contrary, a responsive regime will have an interest in creating an order that is *actually* consistent with individuals' values.

Given what I said up to now, the reader may wonder whether a self-interested/responsive regime necessarily entails that individuals are egoistic or moral. More radically, the question is whether for a regime to be responsive necessarily means to accomplish individuals' requirements or if it can have 'its own' moral values. Yet this question involves a deepest one, namely whether, for a regime to be legitimate, it necessarily needs to be moral. Let's represent the problem in tables.

	Responsive regime	Self-interested regime
Moral individuals	PO_1	PO_2
Egoistic individuals	PO_3	PO_4

PO= political order

PO_1 is a political order consistent with individuals' meanings (it is a responsive regime) and those meanings are ethically valuable (they are moral individuals). For example, they support a moral conception of legitimacy and require the regime to care for the disadvantaged; the regime promulgates laws according to which individuals are obliged to pay taxes to support the welfare state and uses money to actually guarantee that minimum welfare state. Besides, the regime complies with the individuals' requirement because it believes both that individuals have a right in determining the world they are living in[75], and because it shares the conviction that a minimum welfare state must be implemented. In this sense, there is a *convergence of moral interests*.

PO_2 is a political order inconsistent with individuals' meanings (it is a self-interested regime). Individuals' share a moral conception of legitimacy but the political order imposed

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[75] This connects to what I will claim in chapter 4, where I link the definition of legitimacy to the concept of autonomy.

by the regime is not shaped according to a moral vision of the political community. Therefore, coercion is not justified in the eyes of citizens and there is *divergence of interests*.

PO_3 is an ambiguous case, as it can be declined according to two different cases. First, the regime is moral in the sense that it believes in the right of individuals to choose how the world they are living in should be. In this case (PO_{3a}), the political order is shaped according to the individuals' aims (it is a responsive regime), even if the individuals support egoistic aims. A second interpretation ends up in being an interesting case of *divergent interests*, as egoistic individuals are not interested in the implementation of any moral value but the regime has its own moral values and it shapes the political order according to those values. In this case (PO_{3b}), we face a paternalistic regime creating a political order that it is inconsistent with what individuals want. In this last sense, it is an egoistic regime, although it acts morally when tries to implement some moral values.

PO_4 may seem a second case of convergence of interest (both the individuals and the regime are self-interested) but actually it is not, as individuals and the regime have different aims and they are just interested in their own advantage. Besides, only the regime has access to violence as a means, so the regime prevails over the individuals. The political order is imposed without any care of what individuals wanted or not, so that it becomes even irrelevant if they were moral or egoistic.

Let's know consider the variant legitimate/illegitimate with respect to the regime's morality.

REGIME	moral	self-interested
legitimate	R_1	R_2
illegitimate	R_3	R_4

As clear from the choice of the variables in table, I do not believe that a regime needs to be moral in order to be legitimate. This is the starting point and the permanent feature of this investigation of legitimacy. However, it is interesting to see what happens with the two variants interacting.

R_1 is a regime where the first political question has been solved in a way consistent with individuals' requirements, namely the cases PO_1 and PO_{3a}. The regime is legitimate and it is moral, namely the political order created is consistent with individuals' requirements (responsive regime) because the regime genuinely believes that the individuals have a right to choose the world they are living in.

R_2 is legitimate, but the regime complies the individuals' requirements just because compliance is instrumental to the maintenance of power. It still does what individuals require (responsive regime), but there is no convergence of interests. To realize this situation, it would be sufficient the *appearance* of compliance. Indeed, if individuals believe that the regime is complying their requirements they will guarantee stable support to the regime. This case may be labelled as the *rationally self-interested regime*.

R_3 is the regime supporting a political order PO_{3b}: it implements some moral values, but they are not shared by individuals – therefore, individuals do not acknowledge its legitimacy. A typical example is a regime that wants to implement a welfare state but individuals are strictly libertarian.

Finally, R_4 is the case of *irrational egoism*, as the regime does not satisfy individuals' requirements even to the minimum level required to have stable support.

The spectrum range of the qualities eventually held by a regime allows me to defend my account from the charge of ending up implicitly in a democratic view of legitimacy. The charge would sound as following: if the factor used to assess the legitimacy of a regime is its implementation of political practices that respect (or are consistent to) subjects' requirements, then the regime is asked to be a democracy in order to be legitimate[76]. In my defence, I provide two arguments. First, according to the concept of legitimacy based on subjects' beliefs, the regime is legitimate as far as subjects believe it is. Therefore, the regime may just simulate compliance to subjects' requirements and, if it manages to convince them, the regime is acknowledged as legitimate. To be sure, comparing accurately this concept of legitimacy to a democratic one would require an accurate account of democratic legitimacy. However, even without such a thick theory, we would probably all agree that a regime manipulating subjects' beliefs is not a democracy. Second, the regime may comply to subjects' requirement just because compliance is necessary to keep power stably. In this case,

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[76] I will further discuss the relation between my account of legitimacy and democracy in chapter 4 of this work.

the regime *ends up* being a democracy – at least in an emptied way – but this does not imply that *I* am assuming a democratic concept of legitimacy.

III.   Three (plus one) conceptions

3.1 Legal legitimacy

Government of law or government of men? This is one of the deepest and most intriguing questions of political philosophy. Plato wrote:

> "If I call those who are usually known as rulers 'servants' of the law, this is not purely in the interests of coining a new title, but because I think it is on this, more than anything else, that the safety, or otherwise, of the city depends. In the kind of city where law is subordinate, and lacks authority, I see disaster just around the corner. Where the law is master over the rulers, and the rulers are slaves to the law, there I see salvation, and all good things the gods can grant to cities" (Plato, 2016: 156 [*Laws*, IV, 715d]).

Very roughly, the substantial nucleus of legal legitimacy is the idea that the law is a value. Therefore, the regime, to be legitimate, is supposed to embody law and be subjected to it. How it must be done depends on which side of legitimacy (input or output) we consider. In this section, I will analyse the main features of a legal conception of legitimacy, paying particularly attention to the elements B_1 and B_2 in bracket. Secondly, I will analyse the interaction between individuals holding a legal conception of legitimacy and a regime that aims at being legitimate.

To start with the representation in bracket, we can imagine legal legitimacy as the product of the following reasoning:

R is a *legal* regime (B_1)
Legality is a positive quality for a political regime to be legitimate (B_2)
Therefore, R is legitimate (B_3)

Let's now analyse more in detail the components of the bracket. First, B_1 may involve both the *input* and *output* side of power, namely both its source and its outcomes in terms of performance. According to the former, the regime might be considered legal because it acquired power legally: for example, it respected the established rules that regulate the election of a new leader. This idea is well summed up in the maxim elaborated by the medieval thinker Henri Bracton, recalled by Bobbio. As the latter pointed out, it could not be possible to affirm more strongly the idea of the supremacy of law: it is not the king that makes the law but it is the law that makes the king (Bobbio, 1987: 142). However, it is worth paying attention that this does not necessarily coincides with democratic procedures, although they are the easiest practical example of legal correctness. Let's imagine a regime that establishes the following rule for the election of new leaders: the new leader must be the one that wins the horse race. Now, if the winner does not cheat in the competition – for example, taking a shortcut – then she is legally the new leader of the regime, so to say: her power is legitimate, at least considering input legitimacy, according to a legal conception of legitimacy.

Some difficulties may affect the conceptual building of legal legitimacy on the input side. First, legitimacy coincides with the belief[77] in legitimacy held by individuals living in the regime. This entails that it is the individual that *judges* whether the acquisition of power by the regime occurred according to legal procedures. This judgement requires at least a basic knowledge of the system of law (specific to the regime analysed) regarding rules for the acquisition of power and a minimum amount of information regarding how it actually acquired power[78]. However, we also know that a realist account of legitimacy does not impose any epistemic threshold. Out of abstraction, any belief of an individual internal to the regime is valid as producing legitimacy, provided that it passes the coherence test, until an external observer can prove the fallacies in the individual's reasoning. Let's make an example. The individual living in the regime (IO, *internal observer*) judges her regime as legitimate because she believes that, according to the rules of her country, a regime takes power when the majority of people voted for it and she believes that the 51% of the

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[77] Belief intended as the mixture of beliefs and preferences as explained in the previous chapter.
[78] In chapter 4, I will discuss more the role of the experts as sources of authoritativeness.

population actually voted for it. To IO, therefore, the regime is legitimate. However, an individual living in another regime (EO, *external observer*) knows for sure that the election was fixed and, therefore, she considers the regime illegitimate. Let's suppose that EO is right: what should we say about the regime's legitimacy? According to a realist account, the regime is legitimate because it is believed legitimate by its inhabitants. However, the gap between the IO's and the EO's beliefs provides the terrain for a possible change. The EO can try to convince IO to abandon her belief proving its falsity, therefore re-opening the process of the legitimacy assessment[79]. This is a case of gap created by misinformation, namely there is a truth (a fact that happened) and two individuals, one of the two that is unaware of what actually happened. Ultimately, if it is possible to objectively demonstrate the falsity of B_1, the individual's belief is declared to be incoherent and, consequently, it does not count as a valid belief in the overall assessment of the regime's legitimacy.

From the output perspective, on the other hand, a regime is legal when it acts according to the law, namely treats citizens according to what the law prescribes. Also in this case, it is critical to understand that this requirement does not coincide with a democratic or liberal behaviour by the regime: if, for example, the law establishes that the regime must, let's say, provide a certain amount of cakes per month to each citizen, then the regime will be legitimate, as far as it provides cakes.

Out of abstraction, the output side of legal legitimacy provides the terrain for deeper complications, as legality is generally related to the appropriate use of physical force. We may maintain that the regime performance is legal if it uses physical force only when and to the extent prescribed by the laws, but what is the content of the law and what does it depend on? We know that the system of laws varies from country to country: one example of this contingency is death penalty. In countries where death penalty is not legal, its exercise represents a violation of legality and, consequently, a lack of the basis on which to ground legitimacy. However, the problem of the legal use of violence by the regime is a slippery issue, especially when applied to those intermediate degrees 'before' death penalty. As we accept that it is inherent to the definition of a political relationship that the holder of power can punish those that does not respect the laws – and that the last *rationale* of a political entity

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[79] To be sure, the other way around is possible too. Indeed, both the internal and the external participants to the dialogue have an equal possibility to convince their interlocutor about the correctness of their belief, that is, none of them has in principle, or *a priori*, a superior epistemic position.

is to exercise rightfully and monopolistically violence, the problem is exactly to define the terms of 'rightfully', which takes us back to our initial question. In other words, we cannot say that whenever the physical integrity of an individual is harmed by a representative of the regime acting as representative of the regime, the legality of the regime itself is denied, because we accept violence as one of the means at disposal of a regime. The problem is rather to assess when that means can and must be used, namely when it is legal (and therefore legitimate) to harm people by the regime.

This takes us back to an issue faced in the previous chapter, namely the definition of security as a goal of the political community[80]. Given that the regime has a duty to provide security and that, in order to realise that aim, it is allowed to use physical force, the problem relies on the definition of what security is. The justification of the use of violence strictly depends on the definition of the aim to which violence is a means. Let's make an example. According to the law of the regime, citizens must pay an amount of taxes that cover the expenses for security. The IO thinks that security must be intended in a broader way as the warranty of survival, and therefore she agrees with the payment of an amount of taxis that cover the expenses of a minimum welfare state. According to IO, R_1 is legitimate because when it punishes people for not having payed the amount of taxes required, it does it legally, namely according to what the laws says about the right of imposing taxes. On the other hand, an EO has a more libertarian conception of the relationship between the regime and citizens, and thinks that taxis should only cover the expenses for physical protection (army, police, court). According to EO, it is not legal to ask a higher amount of money in order to guarantee survival to the poorer, because security must be intended at a minimum level. Once again, the regime is still legal, and therefore legitimate, because it is believed as such by individuals living in it. However, the different perspective of EO may provide the terrain for a discussion and revision of the conditions for assessing legitimacy. Differently from the previous example, this gap is the result of a difference in conceiving the aim of a political community that informs the content of the law.

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[80] Someone may object that I am sliding toward a different conception of legitimacy (namely, the rational one centred on the notion of security), for legality and the content of the law are two distinct issues. In defence, I claim that to check the validity of B_1 in this case, namely to check whether the regime acts legally, we need to know the content of the law.

A third problem affects both the input and the output side of legal legitimacy, and opens another possible gap among interpretations. It is the practical consequence of a huge theoretical problem, namely the complexity of interpreting a law or, in other terms, the difficult relationship between the model and reality. Let's first make a general example. The law says that is it forbidden to kill and that the killer must be punished with jail. Let's imagine the situation in which I convince my friend suffering from a terrible headache to use my efficacious remedy: a new pill that is very effective in treating the pain. He is persuaded by my opinion and takes the pill, but, after a bad allergic reaction, he dies. Should I be considered a killer and punished with jail? The answer clearly seems negative, as not only I didn't kill him voluntarily, but neither harmed him voluntarily (although not with the intent of killing him). However, my action of persuasion ended up in his death. Now, similar complexities occur many times when we need to assess if a law has been respected or not. An example in the political context may sound as following. Let's say that, according to the constitution, a regime must guarantee to all of its citizens the possibility to participate to the government, so that if an individual is prevented to run for election then the regime acts against legality. Let's now suppose that a government elite A is holding power and, being it at the end of its mandate, wants to run again. A has a competitor, B, that wants to run for the first time and challenge A. Let's imagine that A, being in power, has public resources at disposal and uses it to compete with B, which uses its own resources instead. Formally, B is not prevented to run, but it could be argued that it is actually, as the competition is not fair in terms of resources at disposal. This gap is the result of different interpretations of the scope of the law.

A further development of this last issue, that heavily affects the political practice and therefore a model of legitimacy that is based on legality, arises from the following question: is the modification of law legal[81]? To be sure, a discussion of the topic would require a separate work. I will leave aside the theoretical paradoxes related to the issue and focus just on the practical outcomes. Again, the gap between IO and EO arises and opens up the space for a debate that may lead one of the two party to abandon their beliefs in favour of the other's.

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[81] I will come back to this point in chapter 4, where I discuss the relation between a legal conception of legitimacy and the notion of trust.

Someone may suspect that in a political realist account of legitimacy this space for the debate is a weak surrogate of a thicker perspective according to which there must be a truth, notwithstanding we are able to know it or not. On the contrary, this gap has a normative significance even in a political realist account of legitimacy and it is the proper locus where to evaluate the coherence of individuals' beliefs. The deepest implications of this space will be fully clear when symbolic legitimacy will be treated. However, we can anticipate some reflections since now. First, we saw that beliefs aim at truth and, therefore, they must be abandoned when proved to be false (at least if the individual behaves rationally). While B_2 is a mix of belief and preferences, so the individual may have an interest in keeping her convictions, B_1 is mostly made of beliefs that are descriptions of the external world. According to what I claimed about coherence, the individual should have an interest in verifying her beliefs in B[82]. So, in a first sense, this space is normative significant because it allows the individual to verify the validity of her own beliefs. In a second sense, this space is significant because it assigns an important role to the external observer. Indeed, although the EO is not directly responsible of the assessment of legitimacy, she has a critical role in the development of the different conceptions of legitimacy. More broadly, the public debate space consists the actual space where meanings and aims of a political community are built and discuss – in which terms will be addressed in the next two chapters.

Up to now we have discussed some issues related to B_1. Let's now proceeds with some reflections on B_2. Very roughly, the idea is that we must obey to the command expressed by the law because it is law, no matter if we agree or disagree with its specific content. As we are within the model of legal legitimacy, all the individuals sharing this conception also share the idea that the law has value *per se*. However, individual may differ in justifying their belief in the validity of law *per se*.

One may wonder why legality should be valuable for a political regime to be legitimate. The answer to this question sheds light on the content of B_2. The validity of law may have very different origins. Some of them may refer to the tradition of the 'government of men' so that the law has value not actually *per se* but via the value of those who promulgated the

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[82] However, in terms of empirical analysis, it is not completely accurate to affirm that individuals actually have that interest. Indeed, there are some phenomena, investigated sociologically and psychologically, according to which the individual tends to preserve her own convictions about the world because it would be expensive psychologically to re-adapt herself to a different reality. However, this phenomenon seems more significant in B_2 than in B_1, as in B_2 beliefs are strictly related to preferences.

law. The supporter of this idea justifies it underling the abstractness of law, so that the too general character of its content makes it non-applicable to the complexity of reality. Yet the value of law can be also a by-product of what I could call the 'government of God': the sacral origin of the law is represented by Moses receiving the table of laws from God and making them commands that the people have to respect. In this case, differently from the 'government of men', the content of the law cannot vary, as there is not any leader taking decision time by time in each situation. Therefore, the value of the law is never denied and the command must be respected in any circumstances. A second example of the value of law as a by-product of some other value may be traditional validity, so that the law is valid because it is consolidated along times, as a by-product of tradition. However, this is a source of validity for specific laws, but it does not say anything about the value of Law as such. In these two examples, it is the legitimacy of the authority that gives legitimacy to the law. In this sense, law is nothing but the command of an authority.

On the contrary, when law is considered valuable *per se* in the sense of the 'government of laws', the origin of its validity is related to its ability to eliminate arbitrariness. As Bobbio analyses, the prevention of arbitrariness favours equality, security and freedom. First, the generality of the norm does not allow neither privileges nor discriminations, at least among the set of people toward whom it is addressed (Bobbio, 1984: 155). Second, security is the product of the abstract character of law, namely the fact that it links a specific consequence to a specific type of action (Bobbio, 1984: 155). Finally, the link between law and freedom is more complicated and it depends on the definition of freedom, if intended as positive or negative. If law is intended as positive, it is considered the expression of the general will, so that obey the law means to obey to our own will. On the contrary, if the law is intended as negative, Bobbio underlines that we need to "manipulate" the concept in order to show the link (Bobbio, 1984: 156-157).

A second task of this section is to analyse the interaction between individuals holding a legal conception of legitimacy and a regime that wants to be legitimate. I affirmed that a regime has an interest in keeping power stably. If it is a self-interested regime, that interest is the only concern the regime has; if it is a responsive regime, the interest of keeping power is conceived as a means for the realization of other aims that should benefit subjects. In other

words, power can be primarily either an aim or a means[83]. If the regime is self-interested, the trade-off between its interest and the individuals' is displayed in terms of efficacy in accumulating and centralizing power. Indeed, the authority of law as an external, objective and impersonal source of indications for political behaviour implies not only that there are some rules that must be respected by everyone, but also that those rules are the by-product of a process of deliberation that is generally impartial and aimed at the realization of a common benefit. In this sense, the implementation of a system of law tends to deny the arbitrariness of the single individual or the single power, where that arbitrariness is functional to the centralization of power.

In contrast, if the regime is a responsive one, the eventual trade-off depends on the specific aim the regime considers at the top of the list of aims to be realized by power. In this case, the trade-off is not between power centralization and legality, but rather between conservatism versus progression. This point involves the issue of the legality of modifying law. Indeed, being consistent with the law means being consistent with something that was already in the set of the possible options. In other words, it is out of the law not only what is *against* the law, but also what was not regulated or conceived when the law was established[84]. The compromise consists of the possibility of modifying the law according to legal procedures, namely the elaboration of procedures that allow modifications of parts of the constitution in order to provide more effective tools for the realization of urgent and new aims. To be sure, the case of a responsive regime is the easiest of the two, as both individuals and the regime conceives power as a means to provide benefits for the community. In this sense, leaving aside the specific compromise of creating new laws that better fit new political situations, the regime agrees to act legally when required by citizens holding a legal conception of legitimacy, because the regime believes in the right of individuals to have their vision of the world realized.

On the other hand, the case of a self-interested regime is more problematic, as in that case there is a real trade-off between the interest of the regime and the interest of the individuals. The trade-off derives from the fact that – as Bobbio pointed out – the value of law relies on its ability to eliminate arbitrariness and abuse of power. Therefore, even a self-

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[83] Of course, the distinction means/aim is not so sharp, as any means that is necessary to achieve a goal is an aim in itself.

[84] Empirically speaking, this issue is further complicated when regimes do not have a written constitution.

interested regime, if behaving rationally and so complying with individuals' conceptions, must look for a compromise between its maintenance of power and a legal behaviour. The compromise takes the shape of an auto-limitation of power, which would favour the regime itself in the long distance in terms of stability of power and support[85].

3.2 Rational legitimacy

According to this conception, the interpretative key of the relationship citizens-regime relies in the *rationale* of existence of the regime, namely the function for which it exists[86]. In particular, the authority is justified in terms of its being the source of security and the relationship is seen as an exchange of obedience-protection[87]. In this sense, it is also rational to obey the power, for, more generally, it is rational to have a political authority. The regime has a duty in providing security for individuals living in its territory and this duty is inherent to the definition of a political relationship. In this sense, the rationality of the individual who obeys the power and the *rationale* of the authority are just two sides of the same coin.

In this section, I will firstly analyse the content of B_2, displayed on both the input and output sides of legitimacy. Secondly, I will analyse B_1 and the difficulties related.

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[85] On the incentives to auto-limit power, with particular focus on the international arena, see (Ikenberry, 2001).
[86] Given this sense of rational, the adjective will be distinct from the use of the adjective 'rational' when addressing – both in chapter 1 and 3 – the rationality/irrationality of a conception of legitimacy, when linked to symbolic aspects.
[87] Someone may object that if the rational conception of legitimacy is based on the provision of security, it is the only conception that meets Williams' basic legitimation demand and, therefore, it stands on a different level than the other conceptions. To reply, I need to clarify my position with respect to Williams' claim that the solution to the first political question is a pre-condition for raising questions about the legitimacy of a regime. As I pointed out in section 1.2 in the first chapter of this work, it is not clear whether the provision of a solution to the first political question belongs to the definition of either the political relationship or political legitimacy. In that chapter (section 1.4) I argue that the solution to the first political question belongs to the definition of the political relationship, and that a *claim* of having solved the first political question, instead of a successful provision of that solution, is sufficient to create such a relationship. Therefore, a rational conception of legitimacy pertains security in a very specific way, that is, it regards the evaluation of the kind of security that is displayed by the regime and the extent to which the regime´s claim of having provided security is actually successful. Besides this, it is worthy reminding that I assume – for the sake of clarity – that each individual embraces one conception of legitimacy. However, I admit that this restriction works only for explicatory purposes, yet each individual probably holds more complex visions of the world, in which more than one conception of legitimacy takes place. Finally, although it seems reasonable to think that people want to have security most, it is possible to imagine of individuals that would be available to sacrifice their own life for the realization of a value they strongly believe in, especially in regimes where there is a high symbolic component in figuring out the shape of the political community. In this sense, a rational conception of legitimacy does not stand on a different level with respect to the others.

Using the scheme of reasoning elaborated previously, rational legitimacy appears as characterised by the following passages:

R provides security (B_1)

Security-provision is a positive quality for a political regime to be legitimate (B_2)

Therefore, R is legitimate (B_3)

Let's analyse the content of B_2. The connection among life, security and politics is firstly formalized by Thomas Hobbes; as Bobbio points out, everything in the *Leviathan* is connected to a central core, which is the fear of death. However, in Hobbes' theory, the respect of life has an individualistic, or egoistic, value; on the macro-level, it is just the expression of an individualistic concern shared by all the human beings. However, a conception of the political relationship as a security-keeper does not necessarily have an egoistic hint. Indeed, the provision of security involves the entire population as an object. Furthermore, rational legitimacy is not a purely instrumental conception. Indeed, security is intended as the inherent and characteristic task of a regime as a political entity. In other words, it is inherent to a political entity, by definition, to provide security for its citizens. This is clear even in cases where security is conceived in its most basic terms as prevention of harm. The Hobbesian model is explicative in this sense and it gave birth (more or less consistently) to many contributions in the field of political realism in philosophy. As I claimed in chapter 1, Bernard Williams acknowledges that the provision of order and security, together with the setting of mechanisms of cooperation, is the "first political question" that must be solved before being allowed to ask for legitimacy.

Rational legitimacy has both an input and output side. On the output side, the regime is legitimate because it actually protects individuals living in its territory. However, we will see the difficulties related to the verification of the actual provision. On the input side, the regime source of power still involves the provision of security, although via the "stipulation" of a contract. A huge set of different accounts in political philosophy may be connected to the input side of a rational conception of legitimacy. More specifically, consent theories provide excellent examples of this rational origin of power[88]. Be it explicit or implicit, the

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[88] For a reconstruction of those theory see (Riley, 1982).

idea is that the authority is legitimate because people have consented to it, and this consent is typically based on a conception of the relationship between the regime and the individuals as the former providing security for the latter. Rational individuals would always consent to the authority, once considered their natural condition. Hobbes is not the only example in this sense; yet also in less radical contributions – like the Lockean one – rationality has an instrumental hint, namely it is the ability to rationally calculate which is the best means to defend personal interests. In Locke's *Second Treatise on Government* we read that:

> "If man in the state of Nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name—property" (Locke, 2010: 39).

The trade-off with the regime interest assumes an interesting hint. Indeed, apparently it seems that both the individuals and the regime have the same interest: security, survival. However, the double fear experienced by individuals living under a political power (1.5, chapter 1 of this work) may suggest that the survival of a regime may be obtained through the threat of individuals, or, at least, that it is all but guaranteed that the interest of the ruled and the interest of the rulers converge.

Indeed, a regime that defends individuals from each other may do it according to an interpretation of security that is not consistent with the one shared by individuals. In that case, the regime is illegitimate, in the eye of individuals. As an example, suppressing rebellion through the exercise of physical force in the name of individuals' security favours the regime survival but not the individuals' one. On the other side, protecting individuals from the 'second' kind of fear means, by the regime, to partially give up to its power. In this second

case, the security of individuals is guaranteed at the possible expenses of the government survival. However, it is not a zero-sum game. At least not necessarily. Some literature in international relations have tried to show that it is in the interest of the regime to reduce the amount of physical force in order to increase the chances of maintaining power[89]. I will go in the direction of saying something heavier, namely that a government, or a regime, has an interest (at least instrumental) in being democratic. But this will be the end of my analysis and will be treated deeply in chapter 4 of this work. For now, it is sufficient to underline that first, there is a trade-off between the regime's security and the individuals' security, and second, a compromise is possible (and realistically feasible).

I underlined that, in some circumstances, to speak of a regime or government legitimacy may change drastically the terms of analysis. The "paradox of democracy" is an example of trade-off between individuals' security and regime security. In democracies, the value of security has a thick meaning. Security is usually not just the warranty of not being harmed, but it involves the *person* integrity as far as the body integrity: security means to be treated as equal, to have right to vote, speak, dissent, participate. Although unlikely on the practical level, democracy does not have any tool to prevent the candidature of someone whose political program is to destroy democracy or, at least, to deny some of the fundamental democratic features.

The content of B_1 presents some difficulties. The first complication is due to the fact that, to check if the regime is actually providing security, we firstly need a clear definition of security itself[90]. However, we saw in chapter 1 that the concept of security can be differently interpreted and it is not extraneous from normative considerations: the interpretation/assessment of what we mean for security necessarily relies on some principles that are pre-existent to the political sphere and not fact-related. The different conceptions of security give shape to different answers to the question 'why security matters?'. I argued that a first idea of security implies the protection of the only physical integrity from harms provoked by others. In this case, security matters because life matters; the underneath principle is that we have a duty to respect other people's lives. This conception is shared by Thomas Hobbes in his *Leviathan*. A second idea of security implied the provision of a certain

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[89] See (Ikenberry, 2001).
[90] This is a problem affecting all the kinds of values included in the different conceptions of legitimacy. I will address the issue of the definition of those values in chapter 4 of this work.

amount of goods because security is intended in a positive sense, as the *warranty* of physical survival. In this case security matters because life matters and because justice matters; the underneath principle is that we must level natural differences that does not depend on personal merits or demerits. A third idea of security implied the preservation of people's integrity considered as complex persons with desires, projects, preferences. In this case security matters because life matters, justice matters and also auto-determination and respect matter. The underneath principle is something very similar to the Kantian Categorical Imperative: "*act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means*" (Kant, 1997: 38).

The second difficulty relies in the fact that, whatever is the interpretation of security, individuals that want to verify its actual provision need to abstract from their own security. Although this should be done for all the values embodied in the different conceptions, in case of security it requires a more demanding effort, because security is not a value that inherently entails a universal application by definition. In other words, it is inherent to the definition of justice to be just with everyone; on the contrary, it is not necessary for the definition of security that everyone must be safe. To be sure, as in all the other cases, an individual may confer legitimacy to her regime on a rational basis conception of legitimacy because she feels that her own security is guaranteed, without any care for the others' security. As the regime legitimacy is based on individuals' beliefs, we do not have tools to affirm that the regime is not legitimate. However, this point may be object of discussion in public debate and be a clue on which other individuals (internal or external) can ground their objections.

A third problem depends on the fact that security is intended in a double way: toward other individuals and toward the regime. While it is relatively easy to judge if there is protection from other individuals' violence, it is far more complicated to assess if we are protected from the regime violence, for the monopolistic use of violence is the characteristic means of any political relationship. Although a universal threshold is not needed, as legitimacy is based on people's beliefs, any individual needs to identify and justify her own threshold in order to decide whether the regime performs according to her own conception. Indeed, as any beliefs is supported by good reasons to believe in it, the justification of a threshold about the level of accepted coercion exercised by the regime is needed at the aim

of having a belief in the regime's legitimacy. The threshold is individuated in relation to the conception of the world held by the individual: according to what she wants from power, she will treat the regime exercise of coercion as a means to have that good, and, consequently, she will assess if the regime used coercion rightly, or whether it abused its power.

The provision of security as an inherent characteristic of a political relationship poses a further question, namely whether the support to the regime motivated by prudence can be considered as a valid basis for legitimacy. The answer is no, given the structure of a belief in legitimacy[91]. Indeed, we could exemplify the reasoning supporting the compliance to the regime for prudential reasons as following: "I comply to the regime because I am afraid of being punished/harmed". First, no reference is made to the supposed positive qualities possessed by the regime, qualities that we saw to be critical in the reasoning that characterises a belief in legitimacy. Second, the kind of justification provided does not have the regime power as an object, but the individual's behaviour as an object. In other words, the kind of reasoning provided through a belief in legitimacy aims at justifying the regime exercise of power with some narratives (or explanations) like: *the regime* is justified to exercise physical coercion because it has the positive quality *x*. Other is to say: *I* am justified to obey because the regime can use physical force on me and I care of my survival or physical integrity.

A last difficulty arises when considering the person of the free-rider and whether its form of rationality undermines the rationality that supports this conception of legitimacy. We said that on the output side authority is justified in terms of an exchange protection-obedience, so that it is rational to obey because that is the means to have protection. However, as security is a *public good* and, as such, when supplied it is provided to everyone within a certain territory, the free-rider obtains the good 'security' without needing to obey. Although we cannot sustain that the free-rider is not rational – at least according to a purely instrumental idea of rationality – her behaviour does not undermine the basis of this conception, because the condition of existence of the free-rider and, most of all, her rationality in being a free-rider, strictly depends on the other individuals' non-free-riding. In

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[91] Weber himself, although not looking at the inherent meaning of a belief in legitimacy, excludes prudence from the scope of legitimacy. Indeed, in Part One of *Economy and Society* (as underlined in Chapter 1 of this work, section 1.3), he explicitly affirms that obedience, or compliance, may be based on the most different motifs, from fear to expediency to the belief in legitimacy, so assuming that the belief in legitimacy is something structurally different from the fear of being punished or harmed.

other words, only if almost the totality of the individuals living in a regime respect the exchange protection-obedience, the free-rider is rational when free-riding.

3.3 Moral legitimacy

The basic idea of this conception is that morality is valuable for a political regime to be legitimate, and therefore it has to guide the political sphere. That morality is a positive quality for a regime to be legitimate means that ethics is superior to politics and that it is the former that has to structure and guide the latter. Supporters of a moral conception of legitimacy are persuaded that politics is the locus where to realize moral values or that politics is the sphere where the conflict among values is reduced to order (although precarious)[92].

In this section I will proceed as following. First, after showing the reasoning in bracket, I will argue that this conception overturns the relation between politics and ethics, so that the latter becomes prior over the former. Second, I will analyse the structure of the belief in legitimacy as developed according to two options, a structural and an enactment models. Third, I will investigate the input and output sides of B_2 and finally, I will underline some difficulties.

According to a moral conception of legitimacy, the regime is legitimate if presents the moral values believed fundamental by individuals living in the regime.

R is a *moral* regime (B_1)

Morality is a positive quality for a political regime to be legitimate (B_2)

Therefore, R is legitimate (B_3)

The priority of ethics over politics has been declined in different ways, and variably labelled in recent philosophical contributions as "political moralism" (Williams, 2005: 2), "ethics first" approach (Geuss, 2008: 9) or "practice-independent" theory about principles of justice as justifications of political practices (Sangiovanni, 2008: 3). Sangiovanni aims at

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[92] From this, it is derived the idea that political theory regards the understanding of what is the good (Berlin, 1999: 157).

showing that "existing institutions and practices […] should play a crucial role in the *justification* of a conception of justice rather than merely its *implementation*" (Sangiovanni, 2008: 1).

I do think that the distinction between practice-dependent and practice-independent theories is prominent in showing the value of a realist approach to legitimacy. However, I will elaborate a different argument, although following Rossi and Sangiovanni in several assumptions.

First, Rossi argues in favour of a political realist account against moralism, as the latter is circular when trying to the determine the scope of justice, because such a scope is derived from pre-political moral values: "if justice is to be the fundamental test for whether a political system stands or falls from the normative point of view, on pain of circularity the principles guiding judgements of justice should not be shaped by the nature of their subject-matter" (Rossi, 2012: 152). In some way, he agrees with – and reworks – Sangiovanni's support of practice-dependent theories of justice as provider of normative standards for politics. Second, he maintains that starting from a realist account of legitimacy means to start from "an account of what politics is for in a given context" (Rossi, 2012: 157), so that "the question of where political power can legitimately reach should precede that of what principles should guide its exercise (call this the priority of legitimacy thesis), and it should be answered – at least in part – through a empirically informed account of the meaning and purpose of politics in the relevant cultural and historical context" (Rossi, 2012: 157).

Sangiovanni maintains, first, that any normative aim needs to be grounded on a description of how the political realm actually is. This is one of the *leitmotiv* of political any realists account, present even in the classics today linked to this approach – one for all Machiavelli's declaration of the need to know the "real truth" in order to prescribe "useful" tips to the Prince (Machiavelli, 2008: 255): "For a practice-dependent conception, the critical stance, to be successful, must itself depend on the character of the institutional system as it actually is, and hence on a description *cum* interpretation of it" (Sangiovanni, 2008: 8). Second, he distinguishes two types of interpretations: cultural conventionalism and institutionalism: "for the conventionalist, first principles of justice vary according to the societal culture they are meant to guide; for the institutionalist, justice varies instead with institutional form" (Sangiovanni, 2008: 10). Third, as opposed to conventionalist method,

institutionalist begins "with institutions (rather than ending with them)" (Sangiovanni, 2008: 25).

In this section, I will elaborate a conception of legitimacy that substantially agrees with Rossi's and Sangiovanni's, but will take a different direction with regard to some points. I agree with Rossi about the need of "upturning the relationship between justice and legitimacy" (Rossi, 2012: 150), but I will try to do it in a different way. I share with Sangiovanni the idea of an approach to politics that must be composed of both description and interpretation, but I will opt for something more similar to a conventionalist approach.

The reason why I reject institutionalist method is precisely that it starts with institutions instead of with subjects' beliefs. Before proceeding with an analysis of the structure of a moral conception, I think it is worthy clarifying this point.

Sangiovanni's conception of cultural conventionalism is inspired by both Walzer's *Spheres of justice* and Kymlicka's *Multicultural Citizenship*. The interpretative activity is structured as following: the interpreter should understand the "meanings of social goods" (Sangiovanni, 2008: 8) typical of a "societal culture" (Sangiovanni, 2008: 10), and use them "to generate the criteria" for justice (Sangiovanni, 2008: 8). As declared in note 21 of Sangiovanni's article, the concept of *societal culture* is derived from Kymlicka, who meant "a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on a shared language" (Kymlicka, 1995: 76).

Now, the institutionalism – starting from institutions instead of bottom-up beliefs and meanings – disperses the individual dimension of those values and meanings. To be sure, they don't have only an individual dimension; nonetheless, it cannot be denied, if considering both the 'public and private spheres' involved in such meanings. Therefore, a first point in defence of a conventionalist approach is its consistency with an account of legitimacy based on individuals' beliefs. Second, that approach is consistent with a conception of politics as devoted to a purpose. To affirm this, I rely on Rossi's conception of an empirical account of the meanings and purpose of politics, plus a Weberian conception of individuals' beliefs. To keep together both Rossi's and Weber's perspectives is prominent in order to show

realistically a connection between the subjects living in a political community and the meanings that can be said to belong to that community[93].

As "the question of *legitimacy* […] concerns the *purpose* of the exercise of political power in a given polity" (Rossi, 2012: 157), I argue that to implement justice (or any other moral value) might be one of the possible purpose for which political power must be exercised. In this way, legitimacy stands prior to ethics, because moral meanings and purposes are just one option among several other purposes, such as the implementation of law, security, etc. Second, in this way we don't need to renounce to the original universality of any moral conception: when an individual assesses that the political power must be exercised in order to implement justice, she is assuming that justice is an indisputable value, a value *per se*, namely a pre-political value. Or, at least, she might assume it. In chapter I of this work (section 4.3), we saw that the choice of a value (neutrally conceived) over another may be the result of either a personal hierarchy of values – which would be pre-political moral values in the language of Rossi – or for practical considerations. This way to assess the priority of legitimacy over ethics keeps the possibility open for beliefs/preferences of the first type, namely for individuals that confer legitimacy to a regime on the basis of a conception of life that is strongly rooted in some pre-political values assumed as valid *per se*.

Does this mean that the practice-dependence perspective loses sense? Of course not. Indeed, one thing is to analyse the status of an individual's belief and another is to assess the objective practicability of an individual's requirement (based on beliefs). The second aspect – and the eventual modification of the individual's belief as a result of careful consideration of the practicability of a requirement – is object of analysis in the public debate space, on which I will come back in the next section.

Finally, this neither means that institutionalist interpretations must be wholly abandoned. Indeed, I do share the central idea that institutions influence the elaboration of meanings and purposes. However, this regards, first, the relationship between subjects and the regime, especially when 'dialoguing' in the public space; second, the influence of institutions is appreciable from an external objective point of view, but not necessarily from the internal one. I will return on this in the next section.

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[93] The significance of the connection between individuals' meanings and the values of the community is distinctly pointed out by Walzer's *Interpretation and Social Criticism*. See, in particular, (Walzer, 1987: 21-23).

Let's now analyse the reasoning in brackets. I said that it affirms the priority of ethics over politics, and that this priority may take different direction in terms of how to structure the moral content. The content of B_2 may vary according to both the specific moral value on which the conception is centred and the way in which it has to influence the political sphere. On one hand, to make an example of the way in which ethics can affect politics, we may think to Bernard Williams' distinction between *enactment* and *structural* models and apply it to bracket: while according to the former "political theory formulates principles, concepts, ideals, and values; and politics (so far as it does what the theory wants) seeks to express these in political action" , according to the latter "theory lays down moral conditions of co-existence under power, conditions in which power can be justly exercised" (Williams, 2005: 1). Williams observes that "they both represent the priority of the moral over the political. Under the enactment model, politics is (very roughly) the instrument of the moral; under the structural model, morality offers constraints (in TJ, very severe constraints) on what politics can rightfully do. In both cases, political theory is something like applied morality" and he quotes Utilitarianism and Rawls as examples of the two respectively (Williams, 2005: 2). The reasoning in brackets would then take the following forms. In case of the enactment model, the individual would appreciate the fact that the regime is guided by ethics in choosing its objectives:

(*a*)

R aims at realizing moral ideals and values (B_1)

Realizing ethical principles is a positive quality for a political regime to be legitimate (B_2)

Therefore, R is legitimate (B_3)

According to a structural model instead:

(*b*)

R respects the moral conditions for the exercise of power (B_1)

Exercising power according to moral rules is a positive quality for a political regime to be legitimate

(B_2)

Therefore, R is legitimate (B_3)

On the other hand, the morality displayed in both the models includes a huge set of moral values that can replace the generic "moral" and "morality" in brackets: justice, freedom, respect, etc., are all values that can be at the basis of the conferment of legitimacy, although resulting in different practical assets. What characterizes this conception is that the regime, to be considered legitimate, must be a moral one, namely must be guided, in its political practice, by moral principles. However, the fact that several moral values can determine the conferment of legitimacy entails that there can be disagreement even among people sharing the same conception of legitimacy.

This kind of disagreement poses a tricky question, due to the fact that the definition of morality goes beyond each single moral principle that could fit into the reasoning in brackets. Out of abstraction, morality is not limited to justice, or to any other moral value. Let's imagine an individual ∂ supporting a conception of moral legitimacy based on justice and an individual π supporting a conception of moral legitimacy based on freedom. Should the regime implement primarily freedom over justice, would ∂ negate legitimacy according to a moral conception? If yes, we should conclude that freedom is not a moral value. If no, we should say that morality depends on the implementation of any moral value, no matter which one, which seems to empty the value of morality as a guide of the political practice[94]. As with the other conceptions, given that legitimacy is rooted in individuals' beliefs, while the paradox still exists on the theoretical level, it is sorted out on the practical one through the empiric assessment of individuals' position, time by time in specific contexts. However, the ambiguity on the theoretical level and the space for embracing different moral values, opens up the space for the dialogic dimension.

Let's now analyse the content of B_1. In case (*a*), once decided which is the specific value on which the conception is built, the individual will look at the regime behaviour in order to assess if it aimed at realizing that specific value. Imagine an individual persuaded that the protection of freedom must be at the basis of a political community: she will formulate her judgement observing if the regime actually guarantees freedom to citizens in a relevant number of aspects. Also in this case, the threat of the threshold appears as soon as

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[94] The trickiest of the difficulties of finding an agreement about the value that should be implemented regards the claim of individuals who support religious ethics as forms of morality. Let's imagine an individual *x* who wants to implement Christian ethics within society and an individual *y* who supports a laic moral conception.

we face the fact that the regime cannot let people be free at least on one respect, namely obedience to the law. No regime can accept (it is the regime interest!) that citizens are free to obey its command. The problem is actually in defining the threshold beyond which the regime is claiming obedience on issues on which individuals should be let free. As for the other conceptions, the identification of a threshold – although the need to elaborate good reasons supporting the belief – is up to the individual, and it is object of discussion in the public debate.

This model potentially involves both the input and output side of legitimacy, but their developments depend on the nature of the specific value at stake. On the output side, the morality of a regime is investigated according to the moral character of its policies; for example, how it redistributes benefits, or how much money is devoted to social care. On the input side, the morality involves the source of power. In fact, if a moral conception of legitimacy is specifically rooted on justice, it seems that only the output side is involved. Indeed, it would sound weird to affirm that the source of power is justice.

On the contrary, regimes where the religious and political spheres are strictly connected, namely where there is no separation church-state, are typical example of moral conceptions affecting the input side of legitimacy. In those cases, the regime power is legitimate because it is assumed to be wanted by God himself, or it is a worldly version of the reign of God, or the leader has been invested by God or some of his worldly delegates to guide the population. For example, if we were to replace moral with Christian, on the output side we would look at Christian principles guiding the policies of the regime, while on the input side we would appreciate that power derives from God himself or from the Pope.

However, more secular versions of this conception have been elaborated with an eye to the input perspective. In these cases, the morality is not related to the source of power itself; rather, the morality of a leader, or a group, or a certain kind of regime is the justification for its having power. For example, the belief that a certain leader has certain moral qualities can be a reason to justify why she should have a position of power within a certain community, without taking care of her program or without knowing the quality of her future

performance[95]. This is theoretically pretty different from the religious case, because the input side is actually a sort of guarantee with regard to the performances: for example, the individual f has moral qualities, and this is why she should get a position of power; I justify his power because I *trust*[96] that he will develop policies according to the moral qualities she possesses.

The trade-off with the regime is displayed both on a general and a specific level. On the specific level, as the survival of a regime depends (at least partially) on the material resources at disposal, the implementation of a certain value may entail the use of an amount of resources that is incompatible with the amount of affordable expenses. Issues such as benefits, social care, equal opportunities involve moral principles on one side, and resource to realize the aims postulated by moral principles on the other. The scarcity of resources that is characteristic of any political institution (although in very different degrees) undermines the satisfaction of those moral aims required by individuals that conceive the community as a moral one. On a more general – but radical – level, the satisfaction of a moral conception coincides with *the moral overlooking the political*[97]. This does not happen, on the contrary, with the other conceptions. For example, according to the rational model, the requirement of providing security is inherent to the definition of a political relationship; therefore, it does not require the political to abdicate to its nature. Even more paradoxically, the dominance of the moral over the political occurs thanks to the political. Out of abstraction, when the regime complies the requirements of individual holding a moral conception of legitimacy, it abdicates its political autonomy.

Two further difficulties affect the theoretical development of this conception. First, while with the other two conceptions what is required to the regime is a characteristic that cannot be predicated of an individual, morality is a feature that can be both of individuals and the regime. Therefore, the question is whether individuals requiring to the regime to be moral must be moral as well[98]. From a merely descriptive point of view, they can be immoral

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[95] This is more likely to happen in autocratic regimes, where the distinction between regime and government is blurred.

[96] The interaction between a moral conception of legitimacy and the notion of trust will be addressed in chapter 4 of this work.

[97] This point has significant implications for the potential normativity of my account of legitimacy. I will fully discuss it in chapter 4.

[98] This question is linked to the reflection I propose in chapter 4 on the responsibility of individuals for the quality of their regime.

but ask for a moral regime. To be sure, it is more convenient to face a moral regime than an immoral one. From a normative point of view, immoral individuals asking for a moral regime would empty the moral content of this conception, reducing the moral requirements to mere strategies in order to have better conditions. Once again, this can be an issue to be debated in the public debate.

Finally, genuinely moral individuals supporting a moral conception ask for a genuinely moral regime. Yet can the regime satisfy moral requirements for egoistic reasons, namely for instrumental motives? Let's make an example. Imagine a regime that respects individuals' requirements just because it has an instrumental interest in doing that, without acknowledging any citizens' right to be respected or any moral value in respecting them. With the other conceptions, the instrumental motives at the basis of compliance by the regime do not seem as problematic as in the moral conception case. Indeed, the kind of morality performed by an egoistic regime would be totally empty of any genuine moral attitude, so that we would have a formally moral, but actually non-moral, regime. The acceptance or not of such an empty morality is the diriment point to assess or not legitimacy and it is another matter of discussion in the public debate space.

3.4 Symbolic legitimacy

A symbolic conception sheds light on symbolic mechanisms leading to the conferment of legitimacy, characterized by some sort of fascination of the individual conferring legitimacy. The individual may be fascinated by the leader (Weber's charismatic legitimacy) or by some ideas and symbols that are central in shaping the community (nationalism, science, etc.). What characterises this conception is not the content of the fascination, but *the fact of being fascinated.*

However, as stated in chapter 1 of this work, even the most fascinated individual will provide some answer to reply the question 'why do you think the regime is legitimate?'. In other words, even a fascinated individual can elaborate beliefs that pass the coherence test. It is true that the fascination is an element clear only in the eye of an external observer, while the fascinated individual is not aware of the irrational character of her belief, who instead

produces reason to support her own vision. However, differently from the other conceptions, the kind of reason provided by the individual is hardly specific on a single aspect, but it rather involves wide and general ideas. The notion of *trust* and *care*, implicit or explicit, is critical to this conception.

I will analyse this conception in depth in the next chapter; however, it is worth illustrating some of its basic features with respect to the model of reasoning in brackets used before. As a general structure, the reasoning may be exemplified as following:

R is my regime (B_1)
Therefore, R is legitimate (B_2)

The role and power of feeling part of a group, the sense of membership, is markedly relevant. However, it is more easily acknowledged and noticeable from an external observer. The internal one would just express the affinity with the regime and, when asked why she feels the regime is her regime, or, in other words, when she is stimulated to pass the coherence test, would provide a version of the belief as the followings:

R is a trustworthy regime (B_1)
Being trustworthy is a positive quality for a political regime to be legitimate (B_2)
Therefore, R is legitimate (B_3)

Or:

R does my good (B_1)
Doing citizens' good is a positive quality for a political regime to be legitimate (B_2)
Therefore, R is legitimate (B_3)

Both the two versions rely on a content of 'positive quality' that is far more general than the one implied in the other three conceptions. The content of B_2 varies widely, and it can be represented by everything that is able to raise fascination. The content of B_2 is usually a good that has been invested of symbolic significance. In other words, not just religion, political ideologies or charismatic reasons can be the core of a process of fascination that

leads to the conferment of legitimacy according to a symbolic conception. On the contrary, science and technology are very effective symbols in contemporary societies.

Both the two versions are based on values that are very vague, which paradoxically makes the model very attractive. Indeed, elaborating a specific conception of the world, based on well determined values, require quite a big effort in terms of reflection and information. On the contrary, delegating the definition of a desirable conception of the world entails a weak involvement of the individual. This is probably one of the reasons why trust can be classified as a value. Indeed, although very roughly, trust is positive because it allows us to delegate an effort to someone else.

The content of B_1 is extremely problematic, especially in the second version in brackets. Indeed, it seems difficulty to determine a conception of the good and, in some cases, this conception is in the hand of the regime itself, so that the regime would be responsible both of the definition and the verification. Finally, it seems hard to find a proper trade-off between the individuals' and the regime interest, especially when the definition of the common good is entrusted to the regime itself.

IV. The relevance of a space where to debate

I claimed before that the political community, when involved in the process of conferring legitimacy, creates the space for a public debate, which is functional also to create the conditions for verifying the coherence of the individuals' beliefs. This space is occupied by three different types of interlocutor: 1. individuals living in the regime, 2. individuals living outside the regime, and 3. the regime itself, intended as the governing elite. The set of topics debated may regard three different order of questions: first, the importance of the specific values supported by individuals in the process of conferring legitimacy; second, the actual enforcement of a certain value by the regime through its policies or the actual possession by the regime of certain qualities; third, the definition of an acceptable compromise between the individuals' interest (namely the enforcement of their visions of the world) and the regime interest.

All the three types of questions may involve either just internal individuals or internal and external. The debate has relevance with respect of different aspects. First, I explained that individuals try to show the coherence of their beliefs and validity of their own conception of the world – more radically, they tend to show it as a truth. The reason is that the higher is the number of people sharing that conception, the higher the probability to have it realized. In this first sense, the space for debate creates the platform on which different conceptions of the world can compete and get support. Second, individuals have the chance to verify the validity of their own beliefs.

The first set of issues generates a debate that regards the importance of the values chosen as the core of a conception. As addressed in chapter 1, the individuation of a certain value as critical for the community is a matter of preferences related to a world of values that are not hierarchically sortable in an objective way. In this case, the external individual can still express her own preference and try to convince the internal individuals of the rightness of her suggestion; however, there is a high risk of paternalism, if not of disrespect of others' right to determine their own conditions of life. The second kind of question is a matter of belief and it involves the reference to the external world. For example, individuals may be persuaded that a regime is actually ruling legally – as they required according to their conception of legitimacy – but an external observer may notice that there are some illegality spots in the regime performance. Internal individuals may have been manipulated and make to believe that the regime has the characteristics they asked for.

The third topic regards the interaction between internal individuals and the regime, as it creates the tools to evaluate whether the regime is ultimately legitimate or not. Indeed, once the regime has elaborated an outcome that holds together the individuals' requirements and its own interest, it performs a political action that is as well object of evaluation by individuals to assess if that action is consistent with their requirements. Once again, the shadow of a threshold problem appears, as individuals need to determine to what extent the compromise is still acceptable. Grounding of legitimacy on beliefs prevent us from the definition of a threshold, because what matter is, in each specific situation, what individuals consider sufficient to guarantee support. Yet also the definition of a provisional and context-based threshold is matter of discussion within the public space.

Besides, the interaction between the regime and the individuals entails that also the regime can influence the elaboration of values by individuals. It would be too simplistic to think that there are individuals with their convictions on one side, and the regime, on the other, that functions as mere recipient of requirements. Rather, the process of creating convictions in the public space is always affected by the interaction with the regime as well. To be sure, the degree of influence varies from the simple fact of the regime as an interlocutor, to a manipulative behaviour performed by the regime itself.

This interaction may result in a compromise considered acceptable for many different reasons. First, because the regime genuinely tried to satisfy subjects' requirements and *they believe* it did it as much as possible according to a practice-dependent evaluation. Second, it may happen that the new political configuration is far divergent from the one initially required by subjects, but the regime interacting with subjects in the public dialogue space has influenced their beliefs and make them to converge with the regime's ones. Third, it may happen that the regime genuinely tried to satisfy subjects' requirements, but subjects do not recognize the regime policies as consistent with their values and requirements.

We need to look at this situation from a double perspective – the one of the regime, and the one of an external observer –, using Walzer's and Sangiovanni's accounts of interpretation. When Sangiovanni comments Walzer's position, he distinctly underlines the mechanism of recognition standing between individuals and the 'interpreter', and the 'success' of the latter. The quotation is particularly useful to explain my suggestion: "The criterion of success is, as Walzer tells us, that the participants should ultimately be able to recognize themselves in the conception of justice the theorist introduces, even if, at first, it is unfamiliar. The conception should represent what they already believe about justice in distribution, and it is for this reason that they should be able to affirm it" (Sangiovanni, 2008: 149; Walzer, 1987: 21-23). Although he refers to the success of the interpreter, we may consider that such a success is in the interest of the regime as well, according to what I said in section II of this chapter. This quotation is at the same time the basic mechanism of my conception of a belief-based account of legitimacy and (dangerously) the starting point for manipulative behaviour by the regime. With manipulation, here, I refer only to the case where the regime is not complying subjects' requirements, but it makes them to believe it does. In contrast, I do not refer to the case in which the regime manages to change people's meanings

and purpose: although it is still the result of a modification of people's beliefs, it is not necessarily the result of a manipulative attitude (although it is still a possibility).

The analysis of the three topics shows that the public debate does not have a marginal role. The tendency to have her own conception treated as a truth pushes the individual to actively participate in the debate, so that the public space becomes the locus for the construction of political meanings inherently characteristic of any political relationship.

Although the beliefs of internal individuals remain the main reference to assess the legitimacy of a regime, also the external observer has something to say. Let's represent four different cases in table.

	IO	EO
	Yes	Yes
Legitimacy	No	No
	Yes	No
	No	Yes

IO=internal observer (individual living in the regime)
EO=external observer (individual living outside the regime)

The first two cases show agreement between the internal observer and the external observer. I maintained that there is no an external truth to compare beliefs to. However, I also supported the idea that there is no absolute absence of truth, and indeed any political society incorporates a shared, context-based and provisional truth to which the beliefs aim. Following from this, I will say that cases 1 and 2 can be said *surely legitimate* (1) and *surely illegitimate* (2), where the degree of legitimacy or illegitimacy derives from a double proof of the validity of the belief: indeed, both the IO and the EO believes that the regime is either legitimate or illegitimate[99]. The judgements about legitimacy in cases 1 and 2 have successfully passed the *test of the public debate*, as their content is the outcome of a solid agreement on beliefs. To pass the text does not mean that the IO embraces the EO, but rather that – through debate – one party successfully manage to show the others the rightness, or justifiability, of its position. This does not mean that the other party is persuaded to support

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[99] To be sure, the degree of certainty is compatible with a truth that is provisional and context-based; it is not a universal truth.

the same reasons, but rather that it is available to understand and accept the other's reasons as justifiable.

Cases 3 and 4 seem more problematic. Case 3 is the situation when the IO believes that her regime is legitimate, while the EO thinks it is not. To deny IO's belief, EO needs to say either that the value at the basis of the IO is not relevant, or even that it is not a value; or that the value is relevant, but it has not been actually implemented by the regime, even if the IO thinks it has. As ultimately the internal perspective is the diriment one in order to assess the legitimacy of a regime, I will admit its legitimacy; however, I will call it *provisionally legitimate*, as the judgement about the regime legitimacy has not passed successfully the test of the public debate. Indeed, the reasons supporting the conferment of legitimacy by IO are not accepted as understandable or justifiable by EO.

The same is true for case 4, where the IO is persuaded by the illegitimacy of its regime, while the EO supports its legitimacy. It is a *provisionally illegitimate* regime.

However, cases 3 and 4 do not seem symmetric. In fact, case 4 seems more intrusive. The reason why 4 is worse than 3 is that the belief in the illegitimacy of power is accompanied with the negative feeling of being arbitrarily ruled. Such a painful experience is just ignored by an external individual affirming that the regime is legitimate when internal individuals think it is not. In contrast, when an internal individual is told that her regime is not legitimate, the claim of the external observer is not ignoring, or even denying, a situation of sufferance. In other words, the fact of being the one subjected to power implies that the experience and feelings related to being subjected are prerogative of the internal individuals and cannot being ignored or denied when elaborating claims about the legitimacy of the regime.

This asymmetry generates the need for rules on how to behave in the public debate. Basically, the idea is that internal individuals can debate both on beliefs and preferences about values, because they are all subjected to the same power, while external individuals should limit the judgement to the belief-components (B_1) of the reasoning leading to the conferment of legitimacy. Indeed, for the preference-component does not make reference to any external and universal truth, but at most to a socially-constructed one, the external individual does not have any more solid knowledge of which values should be at stake.

Two objections will probably emerge. First, I admitted that the distinction between preferences and beliefs is not so sharp, so it gets difficult to assess when an external individual

is going too far in judgement. Second, we may want to maintain that there are some few values to which we are not available to renounce and that seem evidently valuable, for example the respect of life and freedom. To the first objection, it seems to me that there is no solution that can guarantee the non-interference of external individuals on values matters. What can be said, although quite unsatisfactory, is that as far as the external individuals do not coerce internal individuals in order to change their positions, there is no violation of any right of internal individuals to freely decide the community they want. To reply the second objection, I claim that if we embrace the idea of an absence of universal truth, then the respect of life and freedom is at most a highly shared value, but it cannot be treated as a truth. Values such as the respect of life and freedom will be probably the first topic in the agenda of an interaction with individuals belonging to democracies, and object of the strongest efforts.

To regulate the regime intervention[100] in the public debate is far more difficult, as the specific features of any regime make the range of possible influence quite wide. Besides, differently from external individuals, it has means of violence at disposal. While coercion is accepted as the specific means in a political relationship at the aim of keeping order, it cannot be accepted in the public debate. In other words, the regime should not use coercion to convince people of the rightness of its own vision.

Yet does it have any incentive in avoiding coercion? I said that the minimum interest of the regime is that internal individuals believe it solved the first political question in an acceptable way. We therefore maintain that it does not matter, in the eyes of the regime, in which way the regime has this interest satisfy; in other words, if coercion is an effective way to make people believe that, why should the regime choose the more difficult and probably longer way to actually convince individuals? The answer is: because external individuals participate to the public debate as well, and if the regime can use coercion on its own citizens, it is not able to exercise it on external individuals. External individuals may always show internal individuals that their belief about the successful provision of order by the regime is actually false, so challenging their beliefs' coherence. Besides, the denied support of the external individuals makes the regime just *provisionally legitimate*.

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[100] Here the regime is intended as the group of people that hold and administrate political power, and not the set of rulers and ruled.

So, the debate space has a deep relevance. First, it is the space of creation of meanings specific of any political community. In other words, it is the space where the *identity* of a community is shaped[101]. Indeed, individuals have the chance to verify, enrich and share their own conceptions of the world[102]. Second, it is the locus where the regime comes to know how the individuals conceive the political community as desirable[103]. Finally, it is the space of elaboration of policies, as it is where the aspects of the compromise between individuals' and the regime interests are discussed and agreed.

Yet what does it guarantee the existence of that space? Someone may object that a self-interested regime has an interest in preventing the existence of such a space. However, I said in the previous section that the regime has at least an interest in people believing that it solved the first political question. However, while coercion – especially physical violence – is effective to oblige people to *perform an action*, it has no power to make someone *believe in something*. At most, it can produce the external appearance of a support. To make an example, I can coerce an individual to behave publicly as if she believed in God, but I cannot coerce her to actually believe in God. To obtain a shared belief the regime needs to actually convince individuals about it. This does not mean that the regime has to actually produce a successful order though! It rather needs people to believe in it. In this sense, even the most egoistic regime – if rational – has an incentive in guaranteeing the existence of a public debate space.

To conclude, let's go back to the problem underlined previously, namely the fact that if we just say that a belief in legitimacy is (coincides with) the legitimacy of the regime, then we would end up saying that, as long as there is at least an individual believing in legitimacy, then the regime is legitimate. As paradoxical as this consequence is, the same would be the opposite one: if we elaborate some standards that raise the threshold at which we acknowledge legitimacy to the regime, we would end up saying that the regime is illegitimate even if many individuals believe it is legitimate. As I said before, I do think that this is an irresolvable weakness, so the adjustments I am going to suggest do not claim to be a satisfactory solution. First, the belief must be shared at least by the majority of the individuals

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[101] I will address the topic of the identity, in relation to symbols, in chapter 4 of this work.

[102] It must be considered also that I attributed one conception to each individual just for the sake of clarity in explaining the mechanism of my view. However, the individuals usually support a conception that is the product of a mix of rational, legal and moral convictions. Therefore, the debate space gets even more importance at it becomes the locus where to establish a hierarchy – although strictly personal – among different requests.

[103] The link between beliefs and standards required to the regime is discussed in chapter 4 of this work.

living in the regime. Second, they must be able to indicate which are the positive qualities they see in the regime and that those qualities are the reasons why they do not perceive to be coerced (that is, passing the coherence test). These are the two basic requirements for a provisional legitimate regime evaluated from an exclusively internal perspective. Indeed, any further requirement may be in contrast with the internal individual objecting 'well, I still do consider my regime legitimate'. However, the elaboration of further standards helps shaping correctly the external judgement, which has a critical role in conferring a thicker legitimacy. First, the external observer cannot deny legitimacy just because it is based on values that she does not share. For example, let's imagine that the majority of people living in a regime acknowledged legitimacy to it on the basis of their shared moral conception of legitimacy and asserting that the regime is legitimate because it guarantees freedom. An external observer cannot deny legitimacy on the basis of a supremacy of, let's say, justice over freedom. In other words, she cannot say: your regime is not legitimate because it is not just and justice is superior to freedom as a value on which to ground a political community. Second, the EO can evaluate if the compromise suggested by the regime in terms of practical policies is consistent with the individuals' requirements. For example, she can say that the regime is not ruling legally, when individuals support a legal conception of legitimacy.

Chapter 3. Symbolic legitimacy

The expression 'symbolic legitimacy' is not frequently used in political philosophy. We find a more common usage of that conceptual category in political science, where the concept is applied to interpret forms of legitimation in peculiar cases, frequently authoritarian regimes or political configurations where the religious element is intrinsically part of the political structure[104]. To be sure, the presence of symbols in politics – and their role in shaping the social and political community – is not extraneous to the philosophical awareness. However, the language is more inclined to use expressions such as 'ideology' and 'charisma'. Besides, most of the literature has charged those concepts with a negative connotation, so that ideology and charisma end up coincide with manipulation, or at least with some forms of distortion. This is quite common both in philosophy and political science – just think of examples such as Marx' criticism of ideology[105]. Although some contributions have tried to free the concept of ideology from an *a priori* negative connotation (Mannheim, 2013), it is still not a very frequent attitude[106].

The task of this chapter is not to reconstruct the fragmented debate on symbolic legitimacy and ideology: such an aim would require a separated effort, given the heterogeneity of approaches, language, and goals of authors addressing the topic. The task is neither to reconstruct and comment the contributions of the authors I will mention. Rather, I aim at elaborating some provisional elements that may help individuating the symbolic mechanism within legitimation processes. Although the task is nevertheless ambitious, I do not want to

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[104] See, for example, (Ahram, 2008), (Daloz, 2009). Wider characterization of the concept can be found in Stoppino, with regard to symbolic power

[105] In this work, I will not address Marx's thought, because his understanding of ideology assumes a deliberated distortion of reality by the owner of political power. As will be clearer through this chapter, I argue that such a distortion, which results from symbolic mechanism, is neither necessarily manipulative nor exercised by people holding power only. As Kalyvas underlines when connecting charisma and religion "for Weber religious worldviews were not simply ideologies – in Marx's sense of the term of distorted, inverted, or false representations of social reality" (Kalyvas, 2008: 49).

[106] An example is Ricoeur's comment of Mannheim's work (Ricoeur, 1986). I take Graeme Gill's definition of ideology as close to what I have in mind when placing ideologies among the set of symbolic mechanisms that lead to legitimize a regime: "ideology is a coherent body of values, assumptions, principles, and arguments which contains a view about the way in which historical development takes place, and includes both an assessment of the deficiencies of the past (and possibly the present) plus some guidance about what needs to be done in order to reach a more desirable state of affairs. Ideology thus involves both a philosophy of history and usually some sense of teleology" (Gill, 2011: 2).

provide a systematic definition of symbolic legitimacy, but just a sketch of what I refer to when I speak of 'symbolic legitimacy'. To do so, I will lend some concepts both from philosophy and political science, and try to extrapolate a common conceptual denominator.

In the next sections, I will recall some authors that investigated – in different ways – those forms of power that are not directly related to material resources, e.g. coercive and economic power. The effort is to pick up the different contributions and funnel them into a bigger picture, that is, my conception of symbolic legitimacy.

As a starting point, I make some premises. First, my effort is to investigate the concept without any moral connotation. I want to look at symbols with neutral eyes, that is, without condemning them to be necessarily the bearers of some form of manipulation. Here, Ricoeur's reading of Mannheim's and Geertz' works is an exemplary lesson, and I will devote a section to their thought. Second, the set of symbolic mechanisms of legitimation I will consider includes some of the concepts already mentioned above: charisma, ideology, but also nationalism, tradition, religion. The effort is to extrapolate their common symbolic core.

As declared, the aim of this chapter is to elaborate a conception of symbolic legitimacy and to show that it is misleading to interpret symbolic mechanisms as necessarily manipulative. To do that, I need first to clarify what I mean with 'symbol' and 'manipulation'. For my argument here, I will not engage with the complex literature devoted to those two concepts. Rather, I need to provide a basilar definition that helps clarifying the purpose of this section. With *symbolization*, I intend the crystallization of some traits present in the realm, at the aim of forming a unique simplified concept. In other words, the complexity of real phenomena is condensed in a conceptual nucleus. Such a nucleus substitutes the whole set of phenomena and stands in lieu of those phenomena in a consolidated way[107], so that, every time the symbol is mentioned, it automatically evokes a certain reality. In this sense, a statue can become the symbol of a nation, because it represents the victory that gave birth to the nation. In that sculpture, all the events, feelings and values related to that victory are

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[107] It is fruitful to see how Cornelius Castoriadis defines symbols in relation to imaginary: "the imaginary has to use the symbolic not only to 'express' itself (this is self-evident), but to 'exist', to pass from the virtual to anything more than this. […] But, conversely, symbolism too presupposes an imaginary capacity. For it presupposes the capacity to see in a thing what it is not, to see it other than it is" (Castoriadis, 1987: 127). He uses this 'nucleus' of imaginary and symbols to speak of a social imaginary, that is at the basis of any institutions-building, together with a functional approach to institutions: "Beyond the conscious activity of institutionalization, institutions have drawn their source from the *social imaginary*. This imaginary must be interwoven with symbolic, otherwise society could not have 'come together'" (Castoriadis, 1987: 131).

condensed. Characteristic of symbolization is that the choice of some traits over others does not depend on any objective rule. The appointed artist can choose any aesthetical form for the statue, and give emphasis to any of the events, feelings and values that occurred in that victory. The only constraint the creator of a symbol has is to elaborate a symbol that is able to evoke the reality which the symbol stands for. Finally, symbols are not a prerogative of the political realm; rather, any sphere of human experience is potentially object of symbolization, e.g. religion.

Manipulation is also not necessarily related to the political, but it is more restricted in scope. It can be defined as the voluntary, but not declared, action of an individual, performed at the aim of modifying another individual's beliefs and will. Inherent to manipulative phenomena is that the manipulated individual is not aware of being manipulated; rather, she thinks that the change of her beliefs or actions depends only on herself. To be sure, there is a link between manipulation and symbols. As I will explain, symbols constitute a fertile terrain for manipulation. However, they are not themselves necessarily sources or results of manipulation.

As a result of my understanding of the authors I will comment on, I claim that symbolic legitimacy is a set – with undefined boundaries – of conceptions of legitimacy that have some traits in common. First, the elaboration of the corresponding beliefs presents very high emotionality, especially in the individuation of the content of the belief. In contrast, they are rational in the form of reasoning, namely, they can pass the coherence test. Second, symbolic conceptions are sensitive to non-material dimensions of power. Third, the level of awareness of the individual about the reasons why she confers legitimacy is usually lower than in the other conceptions (legal, rational, moral). Forth, the feature x at stake is usually vaguer than in the other conceptions.

I. Weber's 'symbolic puzzle'

Weber's works devote wide space to those elements in societies that contributed to affirming, developing and consolidating different types of domination. Among them, some can be classified as economic or coercive powers, but some other are not easily includable in

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those categories. Although Weber focuses on the forms of domination and legitimation especially in *Economy and Society*, I claim that also the other works add some precious elements to the picture. Therefore, I will divide this section in two. In the first part, I will comment charismatic and traditional forms of legitimation, treated in *Economy and Society*. With regard to this two categories, Weber is very clear in charging them of legitimizing power. In the second part, I will collect some observations on religion presented in the *Sociology of religion*. My view is that Weber recognizes to religion a legitimizing power, but he does not include it in any of the three categories of legitimation elaborated in *Economy and Society* (e.g. rational-legal, traditional and charismatic legitimacy (Weber, 2013: 215)). In this section I will also discuss the notion of nationalism as presented in Weber's main work. Ultimately, the task is to show that, in Weber, there is, implicitly, a symbolic category of legitimation that includes charisma, but also religion, nationalism and tradition[108].

1.1 Charisma and Tradition as grounds for legitimacy[109]

Charismatic authority is treated both in Part One and Two of *Economy and Society*. In Part One, Weber focuses on the characterization of the pure ideal type of charismatic legitimacy, and on its instability, which results, in reality, in the confluence of charisma in one of the other forms of legitimation (legal-rational and traditional legitimacy). From the reading of this sections, I extrapolate some keywords that are relevant for Weber's concept of charismatic legitimacy and for my general task of building a concept of symbolic legitimacy. First, charismatic legitimacy is characterized by a sense of the "extraordinary"

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[108] Some scholars argued that the Weberian notion of charisma is wider than what he actually claimed to be. I take this position as a different way to say that there is a bigger category, the symbolic, that includes charisma and other forms of legitimation. See, for example, (Shils, 1965, 201): "Scientific discovery, ethical promulgation, artistic creativity, political and organizational authority (*auctoritatem*, *auctor*, authorship), and in fact all forms of genius, in the original sense of the word as permeation by the 'spirit', are as much instances of the category of charismatic things as is religious prophecy. The extended conception of a charismatic property […] refers to a vital, 'serious', ultimately symbolic event, of which divinity is one of many forms".

[109] It is significant to notice that many scholars claimed that charisma is the grounding principle of any process of legitimation in Weber's thought. See, for example, (Parsons, 1968: 669): "Legitimacy is thus the *institutional* application or embodiment of charisma"; (McIntosh, 1970, p.909): "charisma […] for Weber is the legitimating principle behind all authority […]. Charisma is a universal human experience and, in principle, the secularization of charisma need involve no more than a *change in the vocabulary in which this experience is expressed and described*" (emphasis added). The emphasised sentence particularly fit with the structure of my argument in this work: as I will show in the next chapter, even rational, legal and moral conceptions of legitimacy speak a language that is linkable to the symbolic one.

(Weber, 2013: 241)[110] that envelops the figure of the leader, who owns qualities that "are not accessible to the ordinary person" (Weber, 2013: 241). This extraordinary personality establishes a relationship with subjects who are "followers" or "disciples" (Weber, 2013: 242), rather than subjects or parts of a contract. Second, the authority is validated by mechanisms of recognition, which are, on the psychological level, characterized by phenomena of devotion (Weber, 2013: 242). Third, the charismatic community is based on "an emotional form of communal relationship" (Weber, 2013: 243). So, *extraordinary*, *devotion* and *emotional relationship* give the measure of charismatic authority, which is in neat contrast with the rationality of legal-rational legitimacy: "since it is 'extra-ordinary'. Charismatic authority is sharply opposed to rational, and particularly bureaucratic, authority […]. Bureaucratic authority is specifically rational in the sense of being bound to intellectually analysable rules; while charismatic authority is specifically irrational in the sense of being foreign to all rules" (Weber, 2013: 244).

In Part Two of *Economy and Society*, Weber devotes a chapter to "Charisma and its transformations". Here, he focuses on the instability of charisma and its inevitable transformation into a systematized structure of power. However, he mentions another word I want to put emphasis on, that is, *loyalty*: "both charisma and tradition rest on a sense of loyalty and obligation which always has a religious aura" (Weber, 2013: 1122). This passage allows me both to introduce traditional legitimacy and to give a sense of why I include it in the group called 'symbolic legitimacy', together with charisma, despite the fact that he treats them separately.

In Part One, Weber introduces traditional legitimacy as following: "authority will be called traditional if legitimacy is claimed for it and believed in by virtue of the sanctity of age-old rules and powers" (Weber, 2013: 226). The superiority of the person over the rules as the source of authority is the same as in charismatic legitimacy. It is interesting to notice the similar language, when Weber mentions "personal loyalty", "comrades", "common upbringing" (Weber, 2013: 227). As in charismatic legitimacy, traditional legitimacy does not lay on "formal principles" that guide the action of the authority (Weber, 2013: 227); in contrast, traditional legitimacy is concerned with economic power, especially in the form of

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[110] It is interesting to underline the similarity of language between Weber and Schmitt. Indeed, when the latter defines the concept of sovereignty, he claims that "Sovereign is he who decides on the exception" (Schmitt, 1985: 5).

an exchange between obedience and some kind of protection[111]. The partial similarity with charismatic legitimacy is shown also by one of the two ways in which a command is legitimized. Indeed, while in one way the commands are legitimized when the action is performed according to some limits determined by tradition that "cannot be overstepped without endangering the master's traditional status" (Weber, 2013: 227), there is also space for "master's discretion in that sphere which tradition leaves open to him; this traditional prerogative rests primarily on the fact that the obligations of personal obedience tend to be essentially unlimited" (Weber, 2013: 227).

What matters for my purpose here is that charismatic legitimacy does not derive its authority from any rational exchange of protection/resource and obedience[112]. The concept captures the situation where power is considered authoritative for ineffable motivations, be them fascination, prestige, admiration. The leader who has such a prestige is identified with the hero, in virtue of the "specific gifts of body and mind that were considered 'supernatural'" (Weber, 2013: 1112).

In a sense, the mechanism of recognition of the hero involves a symbolic mechanism, as recognition does not coincide with the acquisition of information. In other words, it is not a cognitive process through which the individual rationally acquires information about the qualities of the leader. According to Weber, recognition passes through the individual's affectual state of mind, which eventually produce the idea of the hero. In Weber's words:

> The power of charisma rests upon the belief in revelation and heroes, upon the conviction that certain manifestations – whether they be of a religious, ethical, artistic, scientific, political or other kind – are important and valuable. […] The decisive difference – and this is important for understanding the meaning of 'rationalism' – is not inherent in the *creator* of ideas or of 'works', or in his inner experience; rather, the

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[111] It is interesting to underline Weber's description of specific types of traditional domination, that is, gerontocracy, patriarchalism and patrimonialism. Typical of the former and the second one is "the belief of the members that domination, even though it is an inherent traditional right of the master, must definitely be exercised as a joint right in the interest of all members" (Weber, 2013: 231).
[112] It is fruitful to see the way in which Kalyvas describes charismatic movements in Weber's thought: "What makes them charismatic is that they struggle for the control of the symbolic foundations of political authority through the formation and reformation of those axiological and mental structures that determine whether and when power is exercised 'rightly' or 'wrongly' within a bounded historical and territorial community" (Kalyvas, 2008: 27).

difference is rooted in the manner in which the ruled and led experience and internalize these ideas. (Weber, 2013: 1116)

In contrast, traditional legitimacy is not 'as irrational as' charismatic one, although it does benefit of the same 'amount' of rationality involved in rational-legal legitimacy. The explanation of such a difference seems to be partially related to the link between traditional forms of legitimation and economic power, which is totally lacking in charismatic forms of authority (Weber, 2013: 1111).

As a pure type, "authority will be called traditional if legitimacy is claimed for it and believed in by virtue of the sanctity of age-old rules and powers. […] This type of organized rule is, in the simplest case, primarily based on personal loyalty which results from common upbringing" (Weber, 2013: 226–227). Obedience is due to the person having authority, rather than to the system of rules. Moreover, the command is legitimized in two ways: "partly in terms of traditions" and "partly in terms of the master's discretion" (Weber, 2013: 227). The use of terms as "sanctity", "personal loyalty", "common upbringing" and "master's discretion" gives the measure of the difference between the rationality characterizing the rational-legal type and the traditional type. In fact, although reduced in its scope with respect to charismatic legitimacy, the affectual dimension still plays a role in producing the recognition of the authority. Similar to charismatic legitimacy, I claim that also in this case there is a symbolic mechanism underlining the recognition of the authority. Although not with these words, Weber would seem available to acknowledge such an interpretation, if we consider the way in which he describes the functions of the master. Indeed, he affirms that "there is a conflicting series of tasks and powers which at first are assigned at the master's discretion. However, they tend to become permanent and are often traditionally *stereotyped*" (Weber, 2013: 229). For instance, we may think that the prestige of a family that traditionally had power results from the stratification along time of ideas about the qualities owned by such a family, where some traits of their governing have been crystalized and others have been obscured.

What mainly differs in charismatic and traditional legitimacies is that, while the former – at least in its pure type – is characterized by a revolutionary call or mission, the latter involves the everyday needs (especially economic ones) and is less idealistic. However, this stronger link to the everyday life does not imply that the emotional side of the recognition

of power is ruled out. In Weber's words, "the traditional everyday needs in politics and religion are met by the patriarchal structure, which is based upon habituation, respect for tradition, *piety* toward parents and ancestors, and the servant's personal *faithfulness*" (Weber, 2013: 1118, *emphasis added*).

To conclude, I sum up the main traits derived from Weber's discussion of charisma and tradition. He emphasizes the emotional dimension of these sources of authority, displayed in the form of loyalty, devotion, and a sense of belonging to the same group, origin, background. Besides, he underlines the perception of the extra-ordinary nature of the power holder.

1.2 Religion and legitimate power

The relation between religion and power in Weber's account would require a separate investigation, for the complexity and variety of reflections dedicated by the author to the topic[113]. It would be sufficient to think of the analysis developed in *The Protestant Ethic and the Spirit of Capitalism* (Weber, 2001), where he connects the rise of a new economic form of power, e.g. capitalism, with the ethics entailed in the protestant religion. The task here is just to sketch some lines of connection between religion and legitimizing mechanisms of power. I do not aim at providing a complete reconstruction of the role of religion for the establishment of a legitimate authority, but just to underline that we may see a connection between religion and legitimation mechanisms[114], although religion is not explicitly mentioned as a specific form of legitimacy, as law, tradition and charisma are instead. In this sense, it is helpful to use Kalyvas' distinction of Weber's two approaches to religion studies: "the first looks at the political conditions under which a worldview is formed and established against its rivals, whereas the second examines how, afterward, once victorious, it alters the established economic, social, and legal relations and structures" (Kalyvas, 2008: 48). For

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[113] For a full understanding of the relation between charisma and religion see (Kalyvas, 2008).

[114] It is particularly fruitful to look at Pierre Bourdieu's "Legitimation and Structured Interests in Weber's Sociology of Religion". There, he argues that "what is at stake is the *monopoly of the legitimate exercise of power to modify, in a deep and lasting fashion, the practice and the world-view of lay people,* by imposing on and inculcating in them a particular *religious habitus*. By this I mean a lasting, generalized and transposable disposition to act and think in conformity with the principles of a (quasi-) systematic view of the world and human existence" (Whimster, Lash (eds.), 2006: 126).

instance, when Weber describes the tensions between politics and religion in ancient e medieval Christianity, he admits a possible viewpoint according to which a certain religious narrative may lead to supporting the state: "the state's authority was accorded positive recognition as being somehow desired by God, even when exercised by unbelievers and even though inherently sinful" as an "ordained punishment for the sin brought upon man by Adam's fall" (Weber, 2013: 597). Yet this is just one possible narrative that, involving religious beliefs, leads to a judgement on the state's legitimacy. More specifically, my aim is to show that religion can contribute to the legitimization of power in a way similar to the one described by Weber about charisma and can be said to belong to a symbolic mechanism of legitimation[115]. The pervading idea of the whole chapter is that the symbolic manifests through processes of sacralisation. For example, rituals ground their efficacy on evoking a sphere, or an experience, that is beyond what we are able to see or touch. Even non-religious rituals evoke their religious origins, at least because they preserve the central idea that, through the ceremony, something is institutionalised, gets real and shared.

To be sure, this interpretation is not extraneous to Weber's intent, as the author himself coins the expression "religious charisma" (Weber, 2013: 1159)[116]. The expression refers to the situation where "the qualified bearer of royal charisma is then legitimated by God, that means, by the priest, or, at the least, his legitimacy is confirmed by them; as experts in all things divine, they recognize the ruler who appears as the incarnation of a deity" (Weber, 2013: 1159). This does not sound so far from a legitimizing narrative such as 'the regime is legitimate because it is the worldly realization of God's reign' (I will propose a similar formulation in section III of this chapter). Indeed, Weber elaborates two cases of hierocracy, where the first one is when the ruler is "legitimized by priests, either as an incarnation or in the name of God", and the second when a "high priest […] is also the king" (Weber, 2013: 1159).

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[115] See (Kalyvas, 2008: 51): "Religion is a particular historical system of rationalized symbolic beliefs consisting of a meaningful transcendental explanation of human life, accompanied by certain, very specific, ethical regulations and moral norms. It is a meaning-giving discourse that shapes the evaluative attitude and ethical orientation of its adherents".

[116] McIntosh underlines the shift in the concept of charisma, from a "religious" to a "secularized" one (McIntosh, 1970: 910). The interesting point is that this shift does not depend on the "victory" of rationality over faith; rather he claims that: "once it is grasped that the modern state is legitimated by a secular charisma fully as powerful and effective as the previous religious charisma, and entirely compatible with new institutional forms, the Weberian opposition between charisma and reason appears to disappear" (McIntosh, 1970: 910). For a discussion on the possibility of seeing charismatic features within democracies, see (Cavalli, 2006).

Now, since "religious charisma" seems to be a type of charismatic legitimacy, then we should conclude that what characterizes it is that the belief involved in charismatic legitimation has a sort of religious content. In this sense, the image of the hero has a religious connotation, or, alternatively, that the vision of the world promoted by the regime has a religious vein. As said, Weber himself acknowledges the affinity between charisma and religious legitimation, also when describing theocracy and caesaropapism; indeed, he claims that "ultimately every charisma is akin to religious powers in that it claims at least some remnant of supernatural derivation; in one way or another, legitimate political power therefore always claims the 'grace of God'" (Weber, 2013: 1162).

It is interesting also to notice, as Andrea Kalyvas points out, that religion is not the same as ideology for Weber: "For Weber, religion cannot be reduced to an ideological epiphenomenon […]. Religious beliefs do not represent cases of false consciousness. Nor they simply mask the naked fact of economic exploitation. These beliefs are not only relatively independent from material interests and economic imperatives; they are also constitutive of the social and political world by providing an inescapable symbolic and cognitive framework for meaningful and consistent collective action" (Kalyvas, 2008: 50). Weberian idea of religion supports my claim that symbols are not necessarily manipulative, as they represent a pillar of the human experience. Religion, together with other sources of beliefs, contributes to the elaboration of world views that are included in the formulation of the political structure: "In principle, these phenomena [charismatic dominations] are universal, even though they are often most evident in the religious realm" (Weber, 2013: 1112). In this sense, the term "charisma" ends up including all the non-material interests that govern human beings' behaviour and the political realm. As I will show in the next chapter, charisma seems to be the interpretative key for any kind of legitimation, or, in other words, that all the different ideas gain dignity for being the leading one only when they are metabolized in a sort of symbolic mechanism. Indeed, Weber claims that "the power of charisma rests upon the belief in the revelation and heroes, upon the conviction that certain manifestations – whether they be of a religious, ethical, artistic, scientific, political or other kind – are important and valuable" (Weber, 2013: 1116)

To conclude this section, I want to underline that religion adds further elements to the picture drawn from charisma and tradition conceptualization. Apart from his admission of

the connection between religion and charisma, he stresses the influence exercised by religious belief in shaping political behaviours. In a sense, religious mechanisms of legitimation seem to constitute a subcase of charismatic ones: indeed, the features of charismatic legitimacy are all present, although having a religious content and scope.

1.3 The idea of nation

When analysing "The Economic Foundations of 'Imperialism'", Weber describes the perspective of the "masses" when considering the option of perpetrating a war. The "fervor […] based upon sentiments of prestige" that characterizes the masses "may fuse with a specific belief in responsibility towards succeeding generations" (Weber, 2013: 921), contributing in this way to create the feeling of belonging to a nation[117]. It is significant to notice that "the fervor of this emotional influence does not, in the main, have an economic origin" (Weber, 2013: 921). In this sense, I claim that nationalism may be included in the wider category of symbolic legitimacy, because the centre is not the material power of the nation, but the powerful *idea* (or symbol) of the nation itself and the feeling of being part of a group. Weber could not be clearer in standing out this point:

> In addition to the direct and material imperialist interests, discussed above, there are the indirectly material as well as ideological interests of strata that are in various ways privileged within a polity and, indeed, privileged by its very existence. They comprise especially all those who think of themselves as being the specific 'partners' of a specific 'culture' diffused among the members of the polity. Under the influence of these circles, the naked prestige of 'power' is unavoidably transformed into other special forms of prestige and especially into the idea of the 'nation'". (Weber, 2013: 922)

As in the cases of charismatic and traditional legitimacy, Weber's language reveals the strong emotional component of a belief in the nation's power. He continues as following:

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[117] See (McIntosh, 1970: 909): "The way in which nationalism is a source of legitimacy is psychologically the same as the way in which religion is a source of legitimacy".

If the concept of 'nation' can in any way be defined unambiguously, it certainly cannot be stated in terms of empirical qualities common to those who count as members of the nation. In the sense of those using the term at a given time, the concept undoubtedly means, above all, that it is *proper* to expect from certain groups a specific sentiment of solidarity in the face of other groups. This, the concept belongs in the sphere of values. (Weber, 2013: 922)

After introducing the concept in this way, Weber proceeds with the list of elements that may contribute to the formulation of the idea of nation. First, the concept does not coincide either with the set of people living in a state or with the set of people speaking the same language. These elements may contribute to the idea of the nation, but they are not sufficient (Weber, 2013: 922). Another element that may help creating such a sense of nation is a shared "religious creed", as well as a "common anthropological type" (Weber, 2013: 923). The ineffable, and non-rationally-based, feeling of being part of a nation is evident; indeed, Weber claims that, together with the fact of having common descent, a sense of "an essential, though frequently indefinite, homogeneity" is normally included in the idea of belonging to same nation (Weber, 2013: 923).

It is easy to have a sense of how such an idea of nation has political implications. As Weber remarks, this occurs not only because of the material interests connected to the nation, but also because of the feeling that such a unity must be preserved: "the significance of the 'nation' is usually anchored in the superiority, or at least the irreplaceability, of the culture values that are to be preserved and developed only through the cultivation of the peculiarity of the group" (Weber, 2013: 925). I will come back on this in section 3.2 of this chapter. However, it is worthy noticing here that Weber himself admits that "the concept 'nation' directs us to political power. Hence, the concept seems to refer – if it refers at all to a uniform phenomenon – to a specific kind of pathos which is linked to the idea of a powerful political community of people" (Weber, 2013: 398).

The notion of an "essential homogeneity" is common to the sentiment of solidarity typical of ethnic communities. As in the case of the nation, the "boundaries" of the community depends on a "belief in group affinity" (Weber, 2013: 389). He says that "ethnic membership (*Gemeinsamkeit*) differs from the kinship group precisely by being a presumed

identity" (Weber, 2013: 389). Here Weber is even more explicit in relating such a belief to political power:

> The belief in group affinity, regardless of whether it has any objective foundation, can have important consequences especially for the formation of a political community. […] In our sense, ethnic membership does not constitute a group; it only facilitates group formation of any kind, particularly in the political sphere. On the other hand, it is primarily the political community, no matter how artificially organized, that inspires the belief in common ethnicity. (Weber, 2013: 389)

To conclude this section, I justify the inclusion of charisma, tradition, religion and nationalism within the same broader category of symbolic. First, they all refer to non-material forms of power; second, they have a strong emotional component; third, they depend on the individuals' recognition, instead of on external and objective standards; finally, they imply a specific world vision where the leader, the nation, the religion or the tradition is central and superior to any other possible key interpretative figure.

II. The intrinsic symbolic structure of human society

As much as we can claim that symbols are intrinsically part of human experience, the same we can claim about human society, as one – and probably the mail – spheres of human activity. With Castoriadis words, "the institution of society is in each case the institution of a magma of social imaginary significations, which we can and must call a *world* of significations" (Castoriadis, 1987: 359). In this section, I will proceed commenting some authors that focused on the symbolic activity inherent to any human experience. The aim is to show, first, that the use of symbols is not necessarily manipulative; second, to see the connections between symbols and political identities.

2.1 Symbolic is not (necessarily) manipulative: Cassirer, Ricoeur, Niebuhr

The symbolic element of human experience is a central and deeply debated theme in the history of philosophy. The symbolic structure of human reasoning elaborating by Ernst Cassirer (Cassirer, 1953) is just an example of what we may call the 'metaphysical' understanding of the role of symbols in human experience. Among the many contributions in theoretical philosophy that made the symbols to be the core of their investigation, Cassirer's assumes distinctive relevance for the task of this chapter, as it transfers the theoretical discourse on symbols, and the concept of myth in particular, within the political context. His figure helps here to define the angle. Indeed, my investigation looks at symbolic mechanisms within the political communities, but not restricted to them. As far as the distinction between political and non-political may seem arbitrary, I ground the borders of my conceptual delimitation on the minimal definition of 'the political' provided in chapter 1 of this work, so that the political exists when there is an authority claiming to have a right to exercise physical violence at the aim of solving the "first political question in Hobbesian terms", and there is a public space where the system of values according to which the solution is shaped are created and debated.

However, the discussion I proposed in that chapter blurs the distinction between the political and the non-political, as I claimed that the values according to which the political community is claimed to ground on (or claimed it should ground on) are pre-political values, namely values that are considered valuable independently of the political context. So, there seems to be an ideal 'space' where all the values stand, and a space where some values are picked up and implemented in a political community. The passage of how those values exit from their ideal space and enter the political space is the object of my investigation here. Out of this figurative explanation, the question is something like: how does it happen that certain values, instead of others, are taken to be the guiding elements of a political community? As predictable, my answer is something like: through a symbolic mechanism, about which I will try to say something.

Cassirer's reply grounds on the impossibility of human beings of avoiding the mythological experience, although the myth being a pathological form of thinking.

> Myth is one of the oldest and greatest powers in human civilization. It is closely
> connected with all other human activities – it is inseparable from language, poetry, art
> and from early historical thought. Even science had to pass through a mythical age

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before it could reach its logical age: alchemy preceded chemistry, astrology preceded astronomy. (Cassirer, 1946: 22)

Cassirer devotes a section of his book to the function of the myth in human social life, where he connects the huge variety of myths and ritual acts to the same need of understanding the universality and identity of human life (Cassirer, 1946: 37). More specifically, they respond to the universal desire of individuals to feel part of a community (Cassirer, 1946: 38). It is significant to notice that Cassirer insists on the strong emotional component of the myth: however, the myth is not itself emotion, but the *expression* of it through an image (Cassirer, 1946: 43). Such an expression can be either physical or symbolic (Cassirer, 1946: 43), the latter being typical of human beings:

> Man has discovered a new mode of expression: symbolic expression. This is the common denominator in all his cultural activities: in myth and poetry, in language, in art, in religion, and in science. These activities are widely different, but they fulfil one and the same task: the task of *objectification*. (Cassirer, 1946: 45)

In the case of symbolic expression, the objectification regards sentiments, which are solidified in persistent and stable images (e.g. art work) (Cassirer, 1946: 47). In a sense, they stop being individual feelings and are transformed into an "objectification of man's social experience" (Cassirer, 1946: 47). So, it is clear how, in Cassirer's view, the symbolic activity of human beings is, first, an intrinsic part of human experience; second, it has a social dimension; finally, it is related to the identity of a community.

The reading of Cassirer's work helps me elaborating some points. First, myths contribute to create the identity of a political community. This is significant for my account of legitimacy, as the availability of individuals to acknowledge legitimacy depends on the values they express within their beliefs. The expression of those values aims at claiming how the political community should be shaped. Second, symbols have the role of objectivize experiences, values, visions of the world. I will say more about this point in the next chapter, because it connects to Bourdieu's reflection on the creation of an identity. For now, I emphasize that objectivizing means to transform a personal experience into a collective one.

Through the objectivizing role of symbols, we may be able to explain how bottom-up standards for a regime to be legitimate are built from the individuals' standpoints.

The connection between symbols, narratives and identities is stressed by Paul Ricoeur too, although following a different conceptual path. The reading of Ricoeur's *Lectures on Ideology and Utopia* is extremely helpful in two, related, ways: first, it shows that symbols are intrinsically part of the human understanding and action – any action, not just the political; second, it underlines that the symbolic mechanism is not necessarily a distortive mechanism, but, at most, it represents the structural ground for the possible development of distortive mechanisms (e.g. manipulation). With a slogan, symbolic does not coincide with manipulative, although it can be the ground for manipulation.

The intrinsic symbolism of any human practice is functional, in Ricoeur's account, to speak of ideology and utopia as connected concepts, lending from Mannheim the main inspiration. To do so, Ricoeur needs to rule out a first prejudice, imputable to Marx, according to which the concept of ideology *per se* refers to a manipulative practice:

> My own attempt, as perhaps has already been anticipated, is not to deny the legitimacy of the Marxist concept of ideology, but to relate it to some of the less negative functions of ideology. We must integrate the concept of ideology as distortion into a framework that recognizes the symbolic structure of social life. Unless social life has a symbolic structure, there is no way to understand how we live, do things, and project these activities in ideas, no way to understand how reality can become an idea or how real life can produce illusions; these would all be simply mystical and incomprehensible events. (Ricoeur, 1986: 8)

As Ricoeur declares, his aim is not to refuse the manipulative power of ideology, but rather to show that it is because there is a certain symbolic structure that the interpretation of reality can be deformed, so resulting in the kind of ideology described by Marx (Ricoeur, 1986: 8). To interpret the conflict as a conflict, the servant and the master as servant and master, we need an interpretative structure so that a datum, or a fact, are not simply neutral physical events, but they are already charged of meaning instead.

How can people live these conflicts-about work, property, money, and so on-if they do not already possess some symbolic systems to help them interpret the conflicts? Is not the process of interpretation so primitive that in fact it is *constitutive* of the dimension of praxis? If social reality did not already have a social dimension, and therefore, if ideology, in a less polemical or less negatively evaluative sense, were not constitutive of social existence but merely distorting and dissimulating, then the process of distortion could not start. The process of distortion is grafted onto a symbolic function. Only because the structure of human social life is already symbolic can it be distorted. If it were not symbolic from the start, it could not be distorted. The possibility of distortion is a possibility opened up only by this function. (Ricoeur, 1986: 10)

Once stated that a symbolic structure is inherent to the human praxis, Ricoeur proceeds with the investigation of such a structure. He comments an essay from Clifford Geertz's *The Interpretation of Cultures*, "Ideology as a cultural System", where he catches the gap mentioned before between facts and interpretations. More stringently, the key to understand the gap is the "transformation of an interest into an idea" (Ricoeur, 1986: 10). Geertz's aim is to transfer the rhetorical figures of literature into the sociology of culture. Within this wider theoretical move, he lends from Kenneth Burke the expression "symbolic action" (Burke, 1967: 208), although using it in a slightly different way from its original meaning in Burke (Ricoeur, 1986: 256). Notwithstanding the proper use of the expression, he is focused on underlining the way in which interests are expressed in the public discourse: I would say, how they are *elevated* to ideas. It is significant how Geertz puts it:

It is the absence of such a theory and in particular the absence of any analytical framework within which to deal with figurative language that have reduced sociologists to viewing ideologies as elaborate cries of pain. With no notion of how metaphor, analogy, irony, ambiguity, pun, paradox, hyperbole, rhythm, and all the other elements of what we tamely call "style" operate - even, in a majority of cases, with no recognition that these devices are of any importance in casting personal attitudes into public form, sociologists lack the symbolic resources out of which to construct a more incisive formulation. (Geertz, 1977: 209)

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At that point Ricoeur makes an interesting move, as he connects the question of the ideology with the one of *identity*. He does it juxtaposing Geertz and Erikson, for the latter defines ideology as the "social institution which is the guardian of identity" (Erikson, 1994: 133).

I want to suggest here a further juxtaposition, which may connect both Geertz's attention to rhetorical figures and Erikson's connection between ideology and identity. If we keep in mind that ideology, in the way in which Geertz wants to treat it, is not necessarily a manipulative concept, but most of all the expression of a symbolic move, this further step may help in showing how I connect the discourse on identity as treated here, and the dimension of the political practice.

The comment on Geertz's work further supports some ideas emerged from reading Cassirer's contribution, namely the possibility to think of a connection between personal experiences and collective values. Geertz underlines the role of symbols in transforming interests into ideas, so giving the measure of how a collective understanding of social and political facts can be derived from the perspectives of single individuals. The way in which this transformation occurs will be the object of my concern in the next chapter. Similarly, Ricoeur supports the idea that symbolic mechanisms provide the interpretative categories for understanding reality (e.g. power structure, social relationships, etc.). This is significant for my account of legitimacy, as the belief in legitimacy is structured in a way that indeed aims at giving a sense of how the social reality is, in comparison to how it should be according to the individuals' system of values and visions of the world.

It is just a few years before Geertz's book that Reinhold Niebuhr was publishing *The Irony of American History*, where he denounced how the identity of the American nation was shaped by the rhetorical use of irony. The most interesting thing is, for my purpose, that Niebuhr denounces the unawareness of the Americans in their building an image of their nation. This is significant because, if Niebuhr was just denouncing the American use of rhetoric to justify their political behavior, we would need to interpret his concept of irony as an example of ideology, intended in a negative and manipulative sense (such as Marx's). On the contrary, we can derive from Niebuhr's analysis a non-biased way to use ideology: the irony serves to disclose the contradictory elements of a nation that created an image of itself and kept behaving according to that image.

When Ricoeur comments Geertz, is incredibly close to Niebuhr's standpoint, and not just when he directly mentions the United States as an example of his discourse (Ricoeur, 1986: 264). Before that, he writes passages like:

> The concept of integration precisely has to do with the threat of the lack of identity, what is discussed by Erikson in psychological terms as crisis and confusion. What a group fears most is no longer being able to identify itself because of crises and confusions creating strain; the task is to cope with this strain. [...] The memory of the group's founding events is extremely significant; reenactment of the founding events is a fundamental ideological act. There is an element of a repetition of the origin. (Geertz, 1977: 261)

Both the two passages evoke Niebuhr's discourse on *The Irony of American History*, according to two conceptual blocks. First, the author connects the concept of identity, affected by the irony stain, and the political behaviour of his nation: "The irony of our situation lies in the fact that we could not be virtuous [...] if we were really as innocent as we pretend to be" (23). To fully understand this sentence, we need to briefly illustrate the concepts of tragic, pathetic and ironic as used by Niebuhr.

> (a) Pathos is that element in an historic situation which elicits pity, but neither deserves admiration nor warrants contrition. Pathos arises from fortuitous cross-purposes and confusions in life for which no reason can be given, or guilt ascribed. [...] (b) The tragic element in human situation is constituted of conscious choices of evil for the sake of good [...]. Tragedy elicits admiration as well as pit because it combines the nobility with guilt. (c) Irony consists of apparently fortuitous incongruities in life which are discovered, upon closer examination, to be not merely fortuitous. Incongruity as such is merely comic. [...] A comic situation is proved to be an ironic one if a hidden relation is discovered in the incongruity. [...] the ironic situation is distinguished from a pathetic one by the fact that the person involved in it bears some responsibility for it. It is differentiated from tragedy by the fact that the responsibility is related to an unconscious weakness rather than to a conscious resolution. (Niebuhr, 2008: xxiii–xxiv)

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Now, the irony of American situation displays on many levels: in the persuasion of being innocent while having the atomic bomb, in the persuasion of having a duty to fight communism and bring liberalism to victory, in the reflection on its origin as the new population sent by God to renew human morality.

Moreover, Niebuhr shows how the specific history of the United States (it is significant that he speaks of 'America' though referring to the United States) since its foundation presented a common pattern of purity and innocence that has been perpetrated and affected political choices of the nation. Since the foundation of the thirteen colonies, the narrative of a separated country was powerful: America saw itself as the nation sent by God to start a new humanity, free from the vices that characterized European countries, and such a narrative became the core of Jefferson's philosophy. The 'extra-ordinary' quality of America led to isolationism as a political behaviour during First World War: "geographic circumstances and the myths of our youth rendered us more susceptible to the latter [isolationism] than to the former temptation [imperialism]" (Niebuhr, 2008: 38). Second World War got the country to the highest expression of its ironic situation, because the United States become the most powerful country, and had to switch from irresponsibility to responsibility (Niebuhr, 2008: 38): "the exercise of this power required us to hold back the threat of Europe's inundation by communism through the development of all kinds of instruments of mass destruction, including atomic weapons. Thus an 'innocent' nation finally arrives at the ironic climax of its history. It finds itself the custodian of the ultimate weapon which perfectly embodies and symbolizes the moral ambiguity of physical warfare" (Niebuhr, 2008: 38–39).

So, Niebuhr markedly tracks the line between the *perceived* identity of a political community and its political behaviour. It is significant to notice that such a perception does not involve only other countries or the leaders of the United States. Rather, the perceived identity of an innocent nation is shared and believed collectively by the individuals living in the country.

This leads the path of this chapter towards the question of where the individuals' beliefs stand with respect to the collective identity of a community – in fact, Niebuhr was an American citizen himself, but his reflection aims at disclosing the contradictions of the collective narratives of his nation. As I will argue in the next section, the regime has the

power to manipulate individuals' beliefs about the regime itself and the identity of a nation. However, it seems to me that Niebuhr points out a space in-between. The analysis of the discourses of the American presidents, for example, reveals that a strong narrative about the origin of a nation can be extremely powerful in creating a shared identity. However, I would not say that this consolidation of symbols is a case of manipulation for Niebuhr. The focus is rather that, once again, the production of symbols and images is just the potential beginning of manipulative phenomena, yet it is not necessary the result of a distortive action. In some sense, this is even more evident in Niebuhr, if we consider how he defines the three rhetorical figures of pathos, tragedy and irony.

I distinguish the three figures by two variables. One is *responsibility* for the outcome of the action, therefore actions performed because of coercion or automatic behaviour are excluded. The other is the *awareness* of the conditions and constraints in which the action is chosen and performed. It is not just a matter of rational calculation; rather, it regards a broader idea of knowledge that includes also cultural and psychological aspects, e.g. historical, national, ethnic information, including biases and symbolical aspects. For instance, an individual choosing among the options *a*, *b* and *c* takes the responsibility of choosing *a*, but she is not necessarily aware of the reasons why she ended up choosing *a*. In a pathetic situation, according to how Niebuhr describes it, there is not either responsibility or awareness. In a tragic situation, both responsibility and awareness are present. In an ironic situation, there is responsibility but not awareness.

Now, if we compare the Niebuhr's concept of irony with the idea of manipulation, where it is part of the definition the fact that the individual *x* voluntarily manipulates the individual *y* in order to make *y* perform according to *x*'s preferences, it is clear that the ironic situation cannot be the result of a manipulative attitude. On the contrary, the lack of awareness makes the proponent of a certain narrative victim herself of the ironic situation. In fact, Niebuhr's message seems to be a prescription to disclose the irony and get aware of the contradictions characterizing the nation.

As a conclusion of this section, I want to recall some acquisitions that stand in the background of the next section about the structure of a belief in legitimacy characterized by symbols. First, the creation and perpetration of symbols is an activity inherent to any human experience, the political one included. Second, the creation of the symbols is not an individual

process, but a collective one. Third, the construction of symbols is a fundamental part of the creation of a political identity, which itself affects the political behaviour of a country. Finally, symbols, ideas and ideologies are not necessarily tools to manipulate people. Both political power holders and subjects are part of same symbolic mechanisms.

As the previous authors I commented, Niebuhr emphasizes the relation between symbols and the identity of a political community. Besides, his way to read irony in the American history provides a non-explicit way to justify my claim that symbols are not necessarily and exclusively the tools used by a regime that manipulates citizens. In this sense, Cassirer and Ricoeur are far more explicit in underlining that symbols are inherent to any human activity, and, therefore, their use is not a prerogative of political power. Niebuhr's reflection adds a last piece to the puzzle. Indeed, given the way in which I interpret the notion of irony, it is possible to connect symbols with the dimension of awareness and responsibility. The former helps me defining a characteristic of symbolic legitimacy: as I argued at the beginning of this chapter, symbolic legitimacy is characterised by a variable (and usually lower than in the other conceptions) level of awareness of the individual in indicating which are the reasons why she justifies her belief in the regime's legitimacy. The second dimension, responsibility, is critical in assessing the role of the public debate space with respect to the need of ruling out cases of manipulation. My aim in showing the symbolic grounds of any conception of legitimacy is to be sensitive to the fact that manipulation can hide even beyond the more rationalised conceptions of legitimacy. In this sense, individuals have a responsibility in checking the authenticity of their own convictions. This responsibility regards not just external individuals, who are able to provide new information and, to some extent, a more objective understanding of the dynamics of power at stake. Rather, internal individuals are invested of this responsibility, as the duty to pass the coherence test requires.

III. The structure of a belief in legitimacy – the symbolic case

In this section, I will address symbolic legitimacy with reference to the structure of a belief in legitimacy imagined in its ordinary language version, as done for the other three conceptions. I will divide it in two subcases, namely legitimacy *because of trust* and legitimacy *because of care*, and I will show the possible overlapping of the two. Differently from the other

three conceptions, symbolic legitimacy does not necessarily entail the awareness of the individual about the real motivations according to which she confers legitimacy to the regime. Such awareness partly depends on the levels of rationality and emotionality owned by the individual when defining the feature x at stake within the belief. Because of the variability of awareness, symbolic legitimacy is a fertile terrain for manipulative behaviour by the regime. For this reason, I will devote the second part of this section (3.2) to explore how a regime that aims at manipulating individuals may take advantage of individuals' views in order to distort their beliefs. To be sure, the aim is not to provide guidelines for effective manipulation. Rather, the task is to disclose manipulative phenomena and to increase the importance of increasing the level of rational elaboration when defining the values at stake. Although on a wider perspective, the idea is to show that coherence is an important feature of our beliefs in legitimacy, because it helps protecting us from deliberate distortions.

3.1 Legitimacy because of trust and legitimacy because of care

In chapters 1 and 2 I showed that even an individual fascinated by the regime or by the leader may express her belief in legitimacy following a rational structure, that is, she derives the conclusive belief about the legitimacy of the regime (B_3) from coherent premises (B_1+B_2). On the practical level, it means that the individual will provide some justifications for her belief, and explicate the positive qualities she sees in the regime.

A belief in legitimacy with a symbolic nature may vary a lot in content. The positivity of the regime nature/performance can be based on the most diverse kinds of reasons. For example, religious convictions can ground such a belief as following: 'The regime is the worldly realization of the reign of God; realizing the reign of God on Earth is a positive feature for a regime to be legitimate; therefore, the regime is legitimate'. The case of religion is in some way the easiest, because it is explicated as it is when the individual is asked why she thinks the regime is legitimate. In other words, the individual does not conceal either to herself or to others that it is because of religious convictions that she confers legitimacy to the regime. In contrast, an individual fascinated by the leader (the typical Weberian case of charismatic legitimacy) would not probably admit that she confers legitimacy to the regime because she is fascinated by the leader.

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The same happens for nationalism. We can imagine a belief in legitimacy based on the idea of the greatness of a nation as following: 'The regime makes our nation great; making the nation great is a positive quality for a regime to be legitimate; therefore, the regime is legitimate'. Also in this case, the individual explicitly declares that what she considers important is that her nation is great and powerful, and therefore she thinks the regime is doing a good job.

The set of cases where the narrative explicated by the individual differs from the inner motivations is the most interesting one. Those cases pick up the range of phenomena Weber wants to address when using the category of charisma. In the following paragraphs, I will make two cases that exemplify this range of beliefs (although the form in which beliefs are expressed is richer than these ideal-types): I will call them legitimacy *because of trust* and legitimacy *because of care*. These two cases are distinct from religion and nationalism ones because: first, the individual might not be aware of the inner reasons why she is conferring legitimacy to the regime; second, these cases present a higher risk of individuals manipulated by the regime. Indeed, in case of religion and nationalism, manipulation can intervene only on the belief that the regime performs according to the value expressed (realizing the reign of God on Earth or making the nation great). In the cases of trust and care, manipulation can affect both the evaluation of the regime's performances and the value on which the performance is evaluated (B_2).

These two reasons entail the necessity to face the two cases according to two opposite perspectives: the one of the individual justifying her belief in the legitimacy of the regime and the one of the theorist that analyses the given belief.

I will now proceed with the first perspective, elaborating an ideal type of an individual's reply when she is asked why thinks her regime is legitimate. It is critical to underline that, although the individual makes a rational reasoning when justifying her belief, this does not eliminate the possibility that the individual is just fascinated by either the regime or the leader, and for this reason only she considers the regime legitimate.

A belief in legitimacy based on the notion of trust can be exemplified as following:

I trust the regime (B_1)
To be trustworthy is a positive quality for a regime to be legitimate (B_2)

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Therefore, the regime is legitimate (B$_3$)[118]

A belief in legitimacy based on the notion of care follows this reasoning:

The regime does my good (B$_1$)
To do the citizen's good is a positive quality for a regime to be legitimate (B$_2$)
Therefore, the regime is legitimate (B$_3$)[119]

Both the two exemplifies the idea that 'the regime is my regime'. In other words, they are a way to explain the sense of membership a citizen may have with respect to her regime.

One may ask why the possession of a sense of membership should not be sufficient to justify a belief in legitimacy. My answer is that the sense of membership alone may not be enough in distinguishing a *de facto* membership from a *chosen* one. To be clear, I am not referring to the debates on tacit or explicit consent. The idea is that I may think the regime is not legitimate, but still perceiving myself as a member of that regime, because I live in its territory and I am subjected to its system of law. This distinction is particularly important for my view of legitimacy as distinct from obedience. Recalling the Weberian idea of obedience based on the most diverse motives of compliance, in a case as the one just described, I would be a compliant citizen, but my obedience would be based not on the belief in the validity of power, but on fear or habit. In contrast, when I specify the reasons why I feel to be a member of my regime in one of the senses mentioned above (trust or care), I intend my membership as something deeper than the fact of living in a certain territory. In other words, I am specifying the reasons why I believe in the validity of power.

The cases of trust and care may overlap in some sense. I may say, for example, that I trust the regime because it does my good. Otherwise, they may differ markedly. It is possible to imagine four different options:

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[118] I may formulate B$_1$ as 'The regime is trustworthy'. However, I think that the present formulation provides a better understanding both of the ordinary language in which the belief is expressed, and of the personal involvement that characterises this type of conception.

[119] From B$_1$ to B$_2$ there is a shift from the singular to the plural person (namely, from 'my' to 'citizens'' good). The plural aims at underlining the general concept: that is, the regime is good because it cares of the ruled. However, it could still be possible that an individual denies the general concept and just focuses on her own perspective, claiming that the regime is legitimate as far as it does something good for herself, even when it does something bad for anyone else. This is a possibility, given that I do not put any moral threshold for individuals expressing their beliefs.

1.   I know what is my good, and the regime does it (legitimacy because of *care*)

2.   I trust the regime knows what is my good and does it (legitimacy because of *trust + care*)

3.   I trust the regime does the right thing to do, independently on my good (legitimacy because of *trust*)

4.   I trust the regime does the right thing to do, including my good (legitimacy because of *trust + care*)

Up to now, I used the 'ordinary language' of a person replying to the question 'why do you think the regime is legitimate?', without assuming this person has any superior cognitive capacity, knowledge or amount of information about political theories. In a sense, it is the reply of the 'common' citizen living in a regime and not devoting her life to politics. Let's now analyse the individual's reply as perceived by the political theorist, that is, in its technical sense[120]. According to David Lewis and Andrew Weigert, trust has a "multi-faceted character" with "distinct cognitive, emotional, and behavioural dimensions which are merged into a unitary social experience" (Lewis and Weigert, 1985: 969). This distinction allows "to distinguish trust from the various psychological states and processes (faith, prediction, etc.)" (Lewis and Weigert, 1985: 970). Lewis and Weigert describe the three dimensions as following. With regard to cognitive level, "we cognitively choose whom we will trust in which respects and under which circumstances, and we base the choice on what we take to be 'good reasons', constituting evidence of trustworthiness" (Lewis and Weigert, 1985: 970). The language used by the authors particularly fits the purpose of my argument. Moreover, the insistence on the need of some knowledge to evaluate the trustworthiness of the regime reveals that even the most fascinated individual has a certain amount of information on which she grounds her belief. With respect to the emotional level, it is "an emotional bond among all those who participate in the relationship. Like the affective bonds of friendship and love, trust creates a social situation in which intense emotional investments may be made, and this is why the betrayal of a personal trust arouses a sense of emotional outrage in the betrayed" (Lewis and Weigert, 1985: 971). Finally, the behavioural level: "to trust is to act as if the uncertain future actions of others were indeed certain in circumstances wherein the

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[120] The reason why it makes sense to distinguish the two perspectives is that in the case of symbolic legitimacy, differently from the other three conceptions, there can be a gap between *real* motivations and *declared* motivations for an individual expressing a belief in the regime's legitimacy.

violation of these expectations results in negative consequences for those involved" (Lewis and Weigert, 1985: 971). According to the authors, the prevalence of one of the three elements over the others determine the kind of trust as shown in their table:

		EMOTIONALITY		
		High	Low	Virtually Absent
RATIONALITY	High	Ideological Trust	Cognitive Trust	Rational Prediction
	Low	Emotional Trust	Mundane, Routine Trust	Probable Anticipation
	Virtually Absent	Faith	Fate	Uncertainty, Panic

Figure 1. RATIONALITY AND EMOTIONALITY BASES, TYPES OF TRUST, AND BOUNDARY STATES

When the rationality is low and emotionality is high, we have faith. On the contrary, when rationality is high and emotionality absent (or low) we have rational prediction (or cognitive trust). It is interesting also to pay attention to the case of ideological trust, which results from high rationality and emotionality, and not from a situation where a blind feeling plays the main role.

Now I want to suggest some reflections. Lewis and Weigert are clear in saying that "trust must be conceived as a property of collective units […], not of isolated individuals. Being a collective attribute, trust is applicable to the relations among people rather than to their psychological states taken individually" (Lewis and Weigert, 1985: 968). Here is where I disagree most with the authors, as I think that trust should be thought of individually but not (only) psychologically, that is, the elaboration of a specific notion of trust does not depend only on the individual's psychological status, but also on her system of values, visions of the world, and ability to have a disenchanted understanding of the political reality. I agree with them on the social origin of trust, because the belief in the trustworthy of a leader or an

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institution depends on information and feelings that are acquired, dispensed and cultivated in the collective social dimension. However, I maintain that it is ultimately each individual – at least in my perspective – that expresses her belief about the regime's qualities and, consequently, her availability to support the regime itself. I do not claim that they are wrong in conceiving trust as a collective entity, I just maintain that it is possible to conceive trust as a collective phenomenon resulting from individuals' perspectives.

Second, I find it very interesting the way in which the authors define trust in its general sense, as the "functional alternative to rational prediction for the reduction of complexity" (Lewis and Weigert, 1985: 969). Such a conceptualization helps me clarifying my standpoint when I use the concept of trust as the content of a belief in legitimacy, and to recall some of the assumptions I made at the basis of my concept of legitimacy. The need to reduce complexity evokes the need to have a meaning for life events I mentioned in Chapter 1. There, I assumed that human beings, independently on their level of education, sensitivity and self-awareness feel the need to have a story through which interpreting the complexity and randomness of life events. In this sense, the reduction of complexity mentioned by Lewis and Weigert is explicative both on an existential and a practical level of the individual dimension. On one side, individuals are psychologically bound to such a meaning; on the other, they need to reduce complexity in order to be able to elaborate action plans, given their shortage of information, rationality and capability of prediction.

The way in which Lewis and Weigert conceptualize the reduction of complexity also evokes the philosophical notion of representation, as the elaboration of a model that synthetizes the complexity of reality. The representation mechanism has a central role in creating the identity of a community, where – from the complexity of motives, aims, beliefs, and values composing the community – the leader synthetize and reduce to a model the identity of the community itself[121]. Lewis and Weigert seem to perceive the same – although within a sociological account – when they mention the idea of "trust in identity" (Lewis and Weigert, 1985: 974). In fact, especially in cases of heavy reliance on symbolic means to justify power, regimes' representatives may elaborate discourses and narrative such as 'we are a

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[121] In the next chapter, I will discuss how such a representation gets shape.

brave country', or 'we are an innocent nation'[122], etc., picking up some of the traits of a nation, emphasizing them, and eluding others.

This is partially the result of the essence of any representation, but it can be used as a tool to induce certain beliefs or to distort reality. An example of this use can be elaborated from the description of the behavioural base of trust in Lewis' and Weigert's account. They say that "behaviourally, to trust is to act as if the uncertain future actions of others were indeed certain in circumstances wherein the violation of these expectations results in negative consequences for those involved" (Lewis and Weigert, 1985: 971). It is easy to imagine how this mechanism can be used to manipulate individuals' beliefs by a regime that seeks legitimation, with narratives that underline the benefits that would not be obtained without supporting the political power. I will be back to this point in the next section, where I will analyse the risk of manipulation hidden in these models of legitimacy.

However, the example of a regime claiming to be the only one able to provide people with essential benefits introduces my second ideal-type, that is, legitimacy *because of care*. To be sure, the concept of legitimacy because of care is not a sub-set of the trust one, but there might be some overlapping, as suggested above. The notion of care can be used as the content of a narrative that aims at pushing on the necessity of supporting a certain regime. Indeed, the idea is that the regime is able to realize The Good, in a universalistic sense. The identification of the content of this good is very often delegated by the individual to the regime itself. However, it can be also part of a different structure of belief, where the individual thinks to know what is her good, and she also thinks the regime is actually providing it[123]. The substantial difference with the previous model is that, here, there is no effort to predict and reduce complexity, because the reasoning is rather focused on individuating the good and assessing whether it is provided at that time. Furthermore, we may say that while the concept of legitimacy because of trust projects values and expectations on the future, the concept of legitimacy because of care is grounded in the present. Indeed, the notion of trust relies on a reasoning such as 'I see the present qualities of the regime and I trust that, since it is like it is, it will do this and that'. In contrast, a notion of care implies a

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[122] Here the reference is to Niebuhr's *The Irony of American History* (2008).
[123] This is the case I will mention in chapter 4, namely the situation where a symbolic conception of legitimacy flows into a non-symbolic conception.

reasoning such as 'this is my good and I can see right now that the regime is actually providing me with that good'.

I maintain that the notion of care, as well as the one of trust, is understandable according to the two dimensions of rationality and emotionality, when we consider how the concept of the good is defined. When the content of the good is elaborated through a highly emotional understanding, we have a broad and indefinite notion of care, that is, the individual will make general assessments such as 'the regime advances my priorities, my life projects' or 'the regime shares my values'. In contrast, when the content of the good is elaborated through a highly rational understanding, we will face very specific and sharp notions of the goods, such as 'the regime provides our security, or the means to develop our persons, or the chance to improve our life conditions' etc. To be sure, the distinction between the two is not sharply cut. We can elaborate a table as Lewis' and Weigert's one for trust for explaining the spectrum in which the notion of care may stand.

		emotionality	
		high	low
	High	Specific common values	Specific individual benefits
Rationality	low	Vague sense of good	Vague notion of good

On the one hand, the amount of rationality in the elaboration of the idea of the good determines the specificity of the concept elaborated. The more rational the individual is, the more specific will be her conception of the good. On the other hand, the amount of emotionality determines the scope of the recipient and, consequently, the abstraction of the value/benefit required. When the emotionality is low, both the empathy and the extent of the concept of the good are minimal, that is, the subject will individuate the good in a very

specific and self-related way. In contrast, when the emotionality is high, the subject will individuate the good in a community-related way, although the good is poorly defined. As a result of this intersection, we have four ideal-types. When both rationality and emotionality are high, the good will be individuated in a very specific *value* that is potentially provided for the whole community, for instance equality. When rationality is high and emotionality is low, the subject will individuate the good in a very specific *benefit* potentially provided just for herself, for instance monetary support. When rationality is low an emotionality is high, the individual will expose a very vague sense of the good that is potentially provided for the whole community. For instance, she would claim that the regime advances the human development of its population. In this case, the good is still a value (human development) but it is a vague idea of it (what does we mean for 'human development'?). When both rationality and emotionality are low, the individual will expose a vague notion of the good potentially provided for herself. For instance, she will say that the regime shares her life projects. The difference between a sense and a notion of the good, when rationality is low, lies both in the scope (number of people receiving the good) and in values-component of the concept of the good (the 'amount of values' included in the notion of the good).

3.2 The risk of manipulation

The cases where the rationality is low are optimal for the inception of manipulative phenomena. Indeed, the less the individual has a clear vision of either the notion of good, or the bases of trust, the more she will be affected by manipulative discourses that aim at distorting reality, or making a certain sentiment emerge[124]. In this sense, it is interesting to see what a regime would say, when acting manipulatively, to each conception an individual may express in the two cases of trust and care.

Let's make four different examples to illustrate the interaction between an individual's belief and the political narrative proposed by a regime that aims at manipulating individuals.

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[124] Gill speaks of "metanarratives", that is, "a body of discourse which presents a simplified form of the ideology and which is the vehicle of communication between the regime and those who live under it; […]. The focus of the metanarrative is the symbolic construction of the society and the projection of a conception of society that explains both current reality and further trajectory. […] The metanarrative normalises and stabilises the meanings of some concepts while marginalising and excluding others" (Gill, 2011: 3).

As the focus here is the scope of the manipulative attitude of a regime, I will assume that – at least in its first formulation – the individual's belief passes the coherence test, namely that they do not draw fallacious conclusions from her premises (for instance, 'the regime does not implement justice; to implement justice is a positive quality for a regime to be legitimate; therefore, the regime is legitimate').

The first case is a belief based on religious convictions. An individual may confer legitimacy according to the following reasoning:

The regime realizes the Christian principles (B_1)
Realizing the Christian principles is a positive[125] quality for a regime to be legitimate (B_2)
Therefore, the regime is legitimate (B_3)

To be sure, a clever manipulative discourse can affect both B_1 and B_2. However, it is realistic to imagine that it is more expensive in terms of time and resource – and not necessarily successful – to instil religious convictions in an agnostic individual. Rather, manipulation is relatively easier on an individual that already holds religious convictions. Therefore, in this case manipulation mainly affect B_1. In a case where the individual thinks that the regime should implement Christian principles, but she thinks that it does not, and therefore that the regime is not legitimate, she can be manipulated by some regime's discourses aimed at emphasizing the political constraints to the implementation of genuine Christian ideals. Although it is inherent to the political practice that any ultimate end needs to be adapted to the political realm (use of violence as a specific means; imperfection of human beings), the threshold of feasibility is a possible object of manipulation.

As said above, the individual expressing the belief is available to admit (to herself and to her interlocutor) that her belief is supported by religious convictions. In other words, there is not a gap between what she thinks to be her 'good reasons' to support the final belief B_3 and her true 'good reasons'.

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[125] Notice, as specified in chapter 1, that there is a gap between the ordinary language of individuals expressing their belief and the interpretation of the belief by the political theorist. When the individual speaks of "positive quality" she means "necessary and sufficient" qualities.

An external individual (I_e) can challenge the coherence of the internal individual (I_i) showing, for example, that the regime distributes resources not fairly, therefore contravening the Christian principle of treating all the individuals as equals.

The second case illustrates a belief in legitimacy based on the idea of nation. It can be exemplified as following:

The regime makes our nation great (B_1)
Making the nation great is a positive quality for a regime to be legitimate (B_2)
Therefore, the regime is legitimate (B_3)

In this case, although the individual should share, at least at a minimum level, the idea that her nation is great and must be protected, there is more space to manipulate the content of B_2 than in the religious case. In fact, while it is difficult to instil a genuine religious faith, it is easier to imagine effective political narratives that suggest the uniqueness and distinctiveness of a nation, and the need to preserve it[126]. Also, the idea of a nation itself is vaguer than the one of a, say, Christian ethics.

To differentiate the two cases of religion and nationalism, it is worthy reminding that the political relationship is the locus where aims and meanings of the social and political practice are built and debated. In this sense, there is a constant interaction between individuals and exponents of the political regime when elaborating those meanings and aims. In such a situation, the manipulation by the regime on religious issues may be more easily seen as an interference by the political power in a sphere that is supposed to be non-political. In contrast, when the issue at stake regards, at least in some sense, the proper scope of politics, it is less easy to establish when the regime exercises a form of abusive interference. In other words, if the object of debate is the nation and its protection, the topic includes by

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[126] For a discussion of the use of language by political regimes, see (Edelman, 1998). It is interesting to notice that he treats security as the first political symbol, used by a regime to induce some convictions: "Security is very likely the primal political symbol. It appeals to what engages people most intensely in news of public affairs and defines developments as threatening or reassuring in this way, leaders gain a following and people are induced to accepts sacrifices and to remain susceptible to new cues symbolizing threat or reassurance. [...] For governments and for aspirants to leadership, it is important that people become anxious about security. [...] National security, Social Security and similar terms are therefore potent symbols" (Edelman, 1998: 132). This is particularly significant for my account, because – as I will show in chapter 4 – neither legal, moral and rational conceptions of legitimacy are exempt from the risk of manipulation.

definition the role of political power, so it is more difficult to define when the regime is abusing its role to manipulate people's convictions.

Furthermore, being violence the characteristic means of political power, violence itself may be the source of manipulative discourses in which the regime presents itself as the only one capable to guarantee the nation's uniqueness. Moreover, the concept of identity plays a central role, as the uniqueness of a nation is derived from how the nation itself is defined. Public discourses such as 'we are a strong nation', or 'we are an exploited nation', etc., determine the availability of people to give support to the regime that presents itself as the solution to the problem. Obviously, the image of the nation results from a symbolic process that is not necessarily manipulative. The American image of the 'innocent nation' revealed by Niebuhr is free from any manipulative connotation. It distorts the reality, but the distortion is not practiced by the regime alone, and not aimed at imposing a specific political power over subjects. Once again, the creation of an identity is primarily related to the concept of community. As Weber claims, "almost any association, even the most rational one, creates an overarching communal consciousness" (Weber, 2013: 389). In a sense, it is inherent to the need of any community to define its boundaries. The non-tactility of those boundaries leaves space for symbolization, especially when the 'enemy' is not determined by an historical event, e.g. the invader of the state's territory.

With regard to the individual persuaded by nationalism, as in the case of religious convictions, the agent is explicit in declaring the nature of the convictions that led to the final belief B_3. She might have been manipulated when getting to the belief that protecting the nation is a positive feature, but once she gets to that conviction, she is truly supporting her B_3 on the basis of B_1 and B_2.

In both the cases of religion and nationalism, the manipulation can affect the definition of the quality mentioned as positive by the individual. For instance, there can be manipulation when people needs to define and agree on which are the Christian principles they want to have implemented, or on what it means to make a nation 'great'.

Let's imagine an individual I_i living in Germany in 1941, and supporting Hitler's campaign in Russia. In her view, Hitler's regime is legitimate because it makes the nation great and powerful. I_e may tell him that Hitler is also exterminates millions of Jewish people, and such an atrocity does not make the nation great at all. I_e challenges the coherence of I_i

adding information about the regime's behaviour, although not directly related to the Russian campaign on which I_i bases her support.

The third case illustrates a belief in legitimacy based on the notion of trust.

<div align="center">

I trust the regime (B_1)

Being trustworthy is a positive quality for a regime to be legitimate (B_2)

Therefore, the regime is legitimate (B_3)

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As Lewis and Weigert underline, the preponderance of one element over the others determine the type of trust at stake. I maintain that the lower is the level of rationality, the higher is the chance to manipulate the belief.

Given that the notion of trust itself has both an emotional and a rational level, the object of manipulation is not anymore – or not primarily – the content of B_1 (the actual possession of the quality 'being trustworthy'), but the content of B_2. Actually, even the distinction between B_1 and B_2 loses significance, because what matters is just the sense of trusting the regime. It is not by chance that I did not elaborate B_1 as the other conceptions, where the sentence B_1 has the regime as a subject. Here the focus is on the individual, because the notion of trust does not have any meaning if there is not someone who trusts the regime. This does not necessarily imply that trust is just an emotional concept. However, even in cases of high rationality, the emotional component is inherently part of the definition. It is worthy noticing also that, when the political theorist aims at disclosing the possible manipulation exercised on the individual, the coherence tests shifts on the preliminary beliefs supporting the notion of trust. For example, the individual will be required to answer to questions such as 'why do you think the regime is trustworthy?', 'on what basis do you think the regime has a predictable behaviour?', etc.

Legitimacy because of trust deeply involves the human need of having a sense to explain events and casualty. The need of predictability, from which the notion of trust derives its importance, is connected with the necessity to have a system of shared beliefs that give sense to the human experience. The more this need is perceived as fundamental, the more the notion of trust assumes importance. In a sense, we may say that people need to trust more than how much they need to have good reasons to trust. This exemplifies my claim

that the symbolic dimension of human experience is not manipulative *per se*, but it can be the basis for manipulative behaviour.

The manipulative regime, in this case, works on B_1 and B_2. It insists on the need of trusting the regime on one hand, and on the dangers outside the regime may fight and win. As the notion of trust is related to the need of predictability, the more the regime presents the situation as uncertain and complex, the more it infuses the need of supporting the political power in the individuals. This case exemplifies also the link between manipulation and level of emotionality, as the more the individual is emotional and does not ground her belief on a rational evaluation of the present situation, the more she will be victim of a distortive interpretation of reality put forward by a manipulative regime.

In this case, I_e can challenge the coherence of I_i undermining the basis of I_i's trust, for example showing that the regime's declarations about a certain danger are not truthful.

Finally, the belief in legitimacy because of trust does not necessarily involve a high degree of awareness by the individual of the true motivations for which she is conferring legitimacy. Fascination can play a marked role in giving importance to the greatness of the nation. Ultimately, the individual may be fascinated by the idea of being part of a 'great nation', without paying attention to the real characteristics of its nation.

The forth case illustrates a belief in legitimacy based on the notion of care:

The regime does my good (B_1)
Doing the citizens' good is a positive quality for a regime to be legitimate (B_2)
Therefore, the regime is legitimate (B_3)

Here the manipulative regime can intervene on B_2 with some narratives about its action and outcomes, but also on B_1 depending on the level of rationality of the concept of good elaborated by the individual, with narratives such as 'there is this danger, so your good now is to eliminate that danger' or 'I see your good in the long term, while your vision is too close'. Also, the concept of the good may be related to the identity either of the community or of the population. For example, a possible narrative may say something like 'we are a pure and altruist population, so we need to protect ourselves from the perverse life style of other countries; our good is to avoid any contact with those countries', so justifying restrictions on free information.

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In this case, I_e may challenge I_i's coherence saying that the danger foreseen by the regime is not real and that the concept of the good instilled by the regime is just functional to its maintenance of power.

As a conclusion, I want to sum up the observations contained in these two sections. First, symbolic legitimacy is embodied in beliefs regarding non-material aspects of power and political life, such as religion, tradition, nation, and notions of trust and care. Some of them (the first three) usually present a higher level of awareness than the last two. In the last two especially, the 'percentage' of rationality and emotionality in elaborating the concepts of trust and care are significant. Indeed, they affect the possibility of having manipulative outcomes by the regime. The coherence test, performed by external individuals, has the role of challenging those beliefs affected by manipulation or false convictions. To be sure, the risk of manipulation is never ruled out, because I_i may never change her mind, even when confronting contrasting information.

To conclude, I want to remind that symbolic mechanisms may be used to distort reality and favour manipulation, but they are morally neutral, in the sense that they do not necessarily lead to manipulation. On the contrary, they are intrinsically part of any human experience. This standpoint will guide me in the next chapter of this work, where I will try to show that any conception of legitimacy (moral, rational, legal – see chapter 2 of this work) somehow pass through the symbolic conception of legitimacy.

Chapter 4. Language and legitimacy

I. Language and politics

In this chapter, I will argue that any conception of legitimacy (moral, legal and rational) involves symbolic legitimacy, in order to be expressed and play a role in the processes of justifying political power. In other words, symbolic legitimacy appears to be the conceptual common denominator of all the other possible conceptions. To show this, I will analyse the role of language in shaping different conceptions of legitimacy, and I will show that language is intrinsically symbolic in its functioning mechanism. To be sure, I will not engage in a reflection on language as such; rather, I will focus on the role of language in the creation of a political order. To be sure, language is central in any human activity, yet it gets significant importance given my account of legitimacy. Indeed, since there is nothing we can grasp to in order to determine the values for a political community (no external truth, no moral properties inherent to the reality), the only way in which those values are determined is a dialogic elaboration. In other words, it is only by the interaction among people that values not only get shape, but are also promoted to the status of irrevocable values for a legitimate political regime.

More specifically, I will claim that language is the vehicle through which any conception of legitimacy takes shape and gets public, in the sense of being publicly acknowledged. Supported by the reflections elaborated by Pierre Bourdieu, I will assume that the language intrinsically presents a symbolic nature. The role of symbols, as related to the language, affects the elaboration of a conception of legitimacy in two distinct ways. First, language is necessary in order to get to a shared understanding of which are the values that should be seminal for a conception of legitimacy (e.g. the value x mentioned in the structure of a belief in legitimacy); second, it is necessary to get to a shared conviction that that value x is the one that should be seminal in such a conception. In this sense, symbolic mechanisms play a double role: a *definitional* and a *promotional* one.

The relation between politics and language, especially ordinary language, has not been frequently stressed in the literature (Bird, 2011). However, the attention to the way in which

people elaborate political concepts and opinions can be a fruitful way to better understand the experience of being subjected to political power. At this aim, I think that contributions such as Austin's can be of help in building the connection between citizens' perspectives and the standards for policy-making. Bird recognizes that some authors like Rawls, Dworkin and Walzer have been sensitive to the dimension of intuitions which grounds political theory should be built on, by using some sort of constructivist approach (Bird, 2011: 119). However, he stresses the lack of standards according to which selecting those intuitions that should ground a good political theory: "as Rawls acknowledged, this approach [constructivism] makes sense only if the intuitions fed into the resulting theories are first certified as 'considered convictions' rather than just any unreflective ethical judgements that agents might report, or that happen to be widely shared in particular societies at particular historical junctures. However, Rawls did not provide a systematic account of how to distinguish intuitions that are appropriately 'considered' from those that are 'ill-considered' or otherwise unacceptably unreflective" (Bird, 2011: 119). I do not take a position about whether Rawls actually can be charged of this lack. Rather, if there is such a problem, the problem is well assessed: independently of Rawls contribution on this issue, I claim that while it is true that we need to take into consideration people's perspectives, we need also a way to interpret those perspectives without forcing them into theoretical cages[127].

In a sense, this is a different way to formulate the problem underlined in chapter 1, when analysing the structure of a belief in legitimacy and the standards it has to reach. There, I proposed the duty to pass the 'coherence test' as a solution to provide critical tools to select beliefs, yet the direction is the same as Bird's. Indeed, he claims that "the resource of ordinary language provides a way out of this paralyzing dichotomy. The real choice […] is between relatively vague, inchoate, and prematurely charitable characterizations of prevailing intuitions and cultural norms and more precise articulations of the ordinary practical consciousness from which they are cobbled together. Although it does not get us to some

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[127] Although I will not engage with the debate on it, it is interesting to notice here the proximity with the notion of 'civil religion' and its relation with the public culture. As Besussi points out, the public culture is an *ethos*, and only if it is recognized as an ethos, it is possible to appreciate its role in motivating people toward reciprocity and cooperation (Besussi, 1995: 222). Its decisive role is played using the resources of the civil religion, which is able to give the measure of the symbols and the devotion to the public identity that is necessary to overcome the cold proceduralist approach in determining which public reasons the political relationship is built on (Besussi, 1995: 222-223).

realm of independent moral 'truth', attention to the ways we use certain words and concepts in different normative situations allows us to gain critical distance from the conventional self-representation of familiar moral beliefs beyond which Walzer, Rawls, and many others are reluctant to look" (Bird, 2011: 120).

This direction leads us to the investigation of the role of language in the process of shaping values and identities within a political community. More specifically, the aim is to understand how the way in which people use ordinary language to speak about values can influence both the identity of a political community and the nature of the values involved in the elaboration of conceptions of legitimacy.

The importance of the role of language for building legitimacy results from some assumptions I elaborated in the previous chapters of this work. In chapter 1, I argued that to believe in the regime's legitimacy means to believe that "the regime has a certain feature x; x is a positive feature for a regime to be legitimate; therefore, the regime is legitimate". While this structure reflects the ordinary language by which an individual expresses her belief, a theoretical analysis of it reveals that what the individuals assume is rather that the feature x is not just positive, but also necessary and sufficient for a regime to be legitimate – or, if not sufficient, at least the best we can have under certain conditions. No matter whether people realise it or not, individuals treat the feature x as a value that is irrevocable for a legitimate regime. In chapter 1 I also claimed that to have her belief considered valid, the individual needs to pass the coherence test. This does not entail that, if she fails the test, she will automatically abandon her belief. Rather, it entails that, first, she *should* abandon her belief, and second, her belief will not be counted in the overall assessment of the regime's legitimacy made by the political theorist.

Such a consequence has practical implications for the individual itself, as it means that her vision of the world embedded in her belief has no chances to get realized. Indeed, given that the requirements to the regime stem from individuals' beliefs, the more a certain vision is shared, the stronger will be the claim that such a vision needs to be realized. From the regime's standpoint, the more a certain vision is shared by individuals, the more the regime will be constrained to that vision.

This way to conceive a belief in legitimacy, though, takes it for granted that there is a shared agreement on the definition of the feature x. To make an example, let's imagine that

the majority of individuals living in a regime R think that the regime should be just, and only if it is just, it can be considered legitimate. The problem is: how are we sure that the set of individuals sharing that belief share the definition of justice as well? They probably do not, and this discrepancy may cause the inability to get both a voice in the debate and the regime's attention. To better illustrate my position, I will try to show that, first, this problem pushes back the scope of application of the belief in legitimacy to the set of beliefs regarding the nature of the values. Questions such as 'what do we mean for justice?', 'which is a feasible conception of justice?' and so on are seminal in the public debate space and they ground the consecutive belief in the regime's legitimacy[128]. Second, I will claim that those questions are not exempt from the duty to pass the coherence test. Indeed, to check the coherence of the claim that a regime is legitimate because of its property of being, let's say, just, we need to know what 'just' means. This is entailed by the structure of a belief in legitimacy itself and by the kind of facts it refers to. In chapter one, I argued that B_1 ('the regime has a feature x') refers to the external world of facts, namely that to check if B_1 is true we need to look at the existent regime and check if it truly presents the feature x. Here is where the necessity to have a clear understanding of the feature at stake becomes evident, because to check the validity of the belief B_1 we need to know precisely what we are looking for, when observing the properties of the existent regime.

This need of definition implies a further difficulty, as the different conceptions of justice individuals have, vary in terms of complexity: there will be some individuals interested in and competent about politics, and some others superficially reflecting on it just right before the elections[129] or during a huge political crisis. The level of interest, education, and knowledge will affect the complexity of individuals' views. Furthermore, the degree of concepts complexity affects the degree of shared understanding. On one hand, the more specific the concept is, the less likely it is to be shared. On the other hand, the less specific the concept is, the less useful it is in guiding the political practice[130]. Therefore, in terms of

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[128] The cross reference of a belief in legitimacy to the definition of the value x at stake entails that, to address questions of legitimacy, it is necessary to investigate 'the political' too, which is the locus where values are formulated. Notwithstanding, the two concepts must be kept distinct.

[129] A complete spectrum of possibilities would require individuals not interested in politics as an extreme. However, I exclude them from the records, as people not interested in politics would not be interested in expressing their belief about the (il)legitimacy of the regime as well.

[130] This derives from the relation between intension and extension in concepts. The wider is the intension, the smaller the extension, and vice versa. See, for example, (Sartori, 1970; Collier, Mahon, 1993).

strategy – that is, in order to increase the chances to have a certain political configuration realised – what seems to be needed is a definition of the value x that can be action-guiding and, at the same time, exemplified enough to be highly shared at the same time.

This strategic requirement leads us to appreciate the role of language and its symbolic aspects[131], namely what I called the definitional role of the symbolic mechanisms of language in shaping the belief in legitimacy. To be sure, the definitional role of symbols has a wide scope, as it does not regard the definition of the quality x only. Rather, it more generally involves the elaboration of the identity of a political community. In fact, it is within a certain political identity that the value x can get shape.

Pierre Bourdieu's work is helpful in investigating the role of symbols in shaping both the *identity* of a political community, and the *values* that characterize such a community. In his *Language and Symbolic Power*, he stresses that power is inherent to any linguistic communication, and pushes on the connection between the "official language" and the formation of a "political unity". Introducing his section on 'The Economy of linguistic exchanges' he claims that "the relations of communication *par excellence* – linguistic exchanges – are also relations of symbolic power" (Bourdieu, 1991: 37). It is significant that Bourdieu starts his reflection with a criticism to John L. Austin, charged of having disregarded that power is not just inherent to words and sentences, but rather depends on the power of the person uttering the sentence. To be sure, it is not my job here to disentangle the question whether Bourdieu has a right to move such a criticism. Rather, I am interested in underlining that both his and Austin's researches address the connection between language and political power and that the combination of ideas contained in their works can be fruitful to better define my direction. As a premise, I am persuaded that both Bourdieu and Austin acknowledge the existence of external elements that contribute to words' power further than their being just signifying words, although they probably stress different aspects. In particular, Bourdieu emphasizes the role of *recognition* over the role of social institutionalised conventions, which rather seem to be more in Austin's speed. In a nutshell, Bourdieu claims that if a certain practice is recognized as authoritative, its being socially institutionalised or not moves to the background. However, I doubt that, although Bourdieu perceives the gap

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[131] See the discussion in chapter 3, where symbolization is taken to be the process through which some traits are crystalized in order to create a model that simplifies the representation of reality.

between being authoritative and being an institutionalised authority, he does not go much further in explaining the reasons of this gap.

1.1 Institutionalized authority and authoritativeness

As mentioned before, Bourdieu moves from what he thinks to be Austin's misunderstanding of the role of extra-linguistic aspects in determining words' power. In his words, "This is the essence of the error which is expressed in his most accomplished form by Austin (and after him, Habermas) when he thinks that he has found in discourse itself – in the specifically linguistic substance of speech, as it were – the key to the efficacy of speech. By trying to understand the power of linguistic manifestations linguistically […] one forgets that authority comes to language from outside […]. Language at most *represents* this authority, manifests and symbolizes it" (Bourdieu, 1991: 107,109). So, Bourdieu is insisting on the importance of the position of power, from which the command is uttered. That position of power needs to be institutionalized and *recognized* by the subject *as a position of power*.

However, I doubt that Bourdieu equates institutionalization with recognition. More precisely, he does not specify what he means for "institutionalized", whether it is in the sense of being resulted either from the law or from some conventional non-written social practices. If I am right, he does not provide a better service than Austin, because the problem is exactly to understand whether it is possible to think of a situation where a subject recognizes power in someone who is not covering an institutionalized position of power. Either we do not admit this possibility as realistic, or we need to discover what it is that makes someone being recognized as authoritative, other than her having an institutionalised position of power[132].

To address the question, we first need to clarify some terminology: I will distinguish between *general power*, *political power* and *authoritativeness*. With Weber, I conceive power as the ability to make someone else to do what we would like her to do (Weber, 2013: 53). In this sense, power is a general phenomenon, and its scope is not restricted to politics. With political power, instead, I mean the ability to make a group of people to do what we would like them to do, legitimately using coercion as the last means to get obedience. Finally, with

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[132] It is fruitful to look at Carl Friedrich's difference between power as a *possession* and power as a *relation* (Friedrich, 1961: 4-5).

authoritativeness, I mean the situation where an individual x considers another individual y authoritative on an issue, in the sense of her being more informed, prepared, smart, or wise, and therefore x trusts y's directives. I think that this distinction is of help in assessing the question whether it is possible to think of a situation where someone can recognize power in an individual who is not institutionally invested of power.

Undoubtedly, since power is a general form of control on other people's actions, the answer seems to be positive. In this sense, I can recognize power to my neighbour, and follows her directives, but I would probably not accept that my neighbour uses physical force on me to get my obedience. She may do that, but I would not consider her use of force right, or legitimate. It is a different case whether I think my neighbour is a very wise man and well-informed citizen, and, therefore, I decide to follow her suggestion about which candidate to vote for. But it would be too simplistic just to say that, given the difference of scope between general and political power, it is possible, by definition, to answer positively to the above question.

Rather, the clue of the question is whether we recognize the general power and authoritativeness of other people on political issues. To be sure, it is realistic to think that there are cases where we are subjected to other people's power on political issues. However, we would not accept their impositions as legitimate ones: my neighbour could be able to force me to vote for her party and succeed in doing that, but this does not mean that I recognize her a legitimate power. I probably recognize just her being more powerful than I am. In contrast, we may be inclined to be more indulgent when the 'pressure' toward voting a party is exercised as a result of the fact that we recognize in other people some kind of authoritativeness. The indulgency derives from the fact that the modification of a behaviour resulting from the recognition of authoritativeness does not involve the use of coercion by the one who is followed in her decision, or, at least, she does not perceive to be coerced to modify her behaviour. In other words, the individual x deliberately decides to trust the individual y and support her cause. In this sense, while having an institutionalized position of power normally comes along with possessing authoritativeness, authoritativeness may have a different source, independently of the fact of being institutionally invested of power.

Now the question becomes: which are the sources of authoritativeness and which are the outcomes of its exercise? Are those outcomes different from the ones resulting from the

exercise of an institutionalized political power? To be sure, I do not aim at engaging in a full reconstruction of the phenomenon, but just to focus at its effects in the creation of a political identity. An option to understand the source of authoritativeness is to investigate the debate about expertise. The other is look at the concept of recognition. I do not either aim at reconstructing the two debates. Rather, I just bring up their main ideas and show how they can contribute to outline the sources of authoritativeness.

The role of experts in the process of policy-making has been usually treated with special regard to democracies. The idea is to understand the contribution of experts within the deliberative process in democratic contexts. However, I claim that we can apply some of the seminal ideas included in that debate to contexts that are not necessarily democratic. Thomas Christiano sums up the scope of democratic deliberation as following: "The contents of democratic deliberation concern first, the interests of persons; second, the just way of accommodating the interests of persons; third, the means for advancing the interests of persons; and forth, the consequences of these activities" (Christiano, 2012: 27). He is interested in investigating the rules concerning the division of labour within the process of decision-making, in which the problem of truth sensitivity plays a central role. Roughly speaking, the idea is that citizens have the role of choosing the general aims of the political practice, and check the solidity of the solutions proposed by the experts when elaborating the means to realise those aims.

However, he admits there is a gap in-between the experts' and the citizens' knowledge, so that when the latter are called to evaluate the congruence and aptness of experts' solution with regard to their aims, they cannot fully understand the theories applied by the former, and, consequently, do not have a full grasp on the quality of the experts' decisions (Christiano, 2012: 39). Christiano sees a solution to this problem in the implementation of some "mechanisms" that would "enhance the democratic character of the division of labour" (Christiano, 2012: 37). Specifically, the "overlapping understanding" helps both citizens and politicians in assessing "to some extent how and to what extent the aims they have chosen are actually realized in policy or not" (Christiano, 2012: 40). Besides, the "competition" among theories and experts provide the debate with better and richer information, and contributes to the truth sensitivity of the theory (Christiano, 2012: 40).

I think there are two issues here. The first is that, notwithstanding the undoubtable contribution provided by these mechanisms in order to reduce the arbitrariness of policy-making, it could still be possible that, at some point, people facing two different theories do not have the cognitive tools to decide which one is truly realizing their aims and, if they choose between them, they do it by some sort of leap of faith. It is true that observing two experts debating may help the citizen in individuating which one seems the most expert one, or the most trustworthy. But this solution probably works when there is a huge disparity between the experts. Imagine a situation where we are sitting in front of Albert Einstein and Stephen Hawking supporting two different theories: I guess we would have hard time in rationally deciding which one is a better scientist than the other. If we must come up with a choice, we would probably do it just by an act of faith. Second, Christiano himself admits that the experts are not simply containers of solutions for realising pre-determined aims; rather, they contribute to the choice of aims themselves by providing citizens with a set of options they can choose among. Here we seem to face a paradox, as we would choose who are the experts before expressing the aims for which we need the experts' work. It seems to me, again, that to make such a choice we would take a leap of faith, at least to some extent.

To be sure, these questions does not deny the fact that most of the work in choosing experts is guided by rational behaviour and that the outcome is justifiable in terms of the use of a rational procedure. However, I maintain that the gap mentioned by Christiano about an irresolvable shift from experts' to citizens' knowledge is not just a matter of incomplete rationality, lack of information, etc. Rather, there is a role for leaps of faith that can be more or less accentuated according to the specific situation, and here is where symbolic mechanisms play a role – think, for example, of the phenomena of fascination described by Weber when analysing the charismatic leader.

Moreover, there can be a situation where citizens that are asked to participate to the processes of selection and check the experts' outputs, yet they find this task too demanding in terms of energies and time needed to participate. Such a problem, which Christiano himself mentions, does not necessarily entails that citizens decide not to participate to such processes. In fact, citizens may express their preferences and puzzlements about the experts' performances, yet without taking an accurate amount of time to get truly informed about the issues. In a nutshell, they could choose an option as a result of an act of faith, instead of

renouncing to express their opinion because of their awareness of lacking information. Once again, phenomena of fascination by a charismatic leader play a decisive role.

This leads us to the second source of non-institutionalized authority, namely fascination produced by many factors, that could be from rhetoric, to heroic connotation, etc. De Jouvenel, in his *Pseudo-Alcibiades*, brilliantly points out the role of recognition and power of speech in acquiring authoritativeness. When dialoguing with Socrates, who is concerned with the need of being morally wise in order to guide the city, Alcibiades replies as following: "Are you concerned for my reputation, Socrates? It stands very high with the Athenians, so high indeed that now I can dispense with such deceptions as I practised in my earlier days. By now my political fortune is so well established that I can by the mere force of my speech move them to follow my policy. Soon you will see a striking illustration of my influence" (De Jouvenel, 1963: 18). Here we have an example of how authoritativeness does not derive either from expertise, or from the recognized morality of the leader. It is, rather, Alcibiades' rhetorical capacity to have an impact on his being recognized as the leader.

Indeed, Alcibiades' authoritativeness cannot be simply reduced to his position of power, although he is part of the assembly of the city. In fact, as Hansen underlines, although every member of the assembly has a right to speak, only a few members ultimately have a say (Hansen, 1991: 143). Hansen's point reflects that the institutionalized position of power is not sufficient to describe the real hierarchy of power within a certain political configuration.

Let's go back to the question from which we started, namely what it is that makes someone being recognized as authoritative, other than her having an institutionalized position of power. We mentioned expertise as a first source, and fascination as a second. To different extent, they both include symbolic aspects, or leaps of faith, in their functioning mechanisms. And they both require the use of language to be implemented.

1.2 Definitional and promotional role of symbols

The question above was included in a reflection about the definitional and promotional role of symbols in identifying the identity of a community and the values according to which a political order must be shaped. So, once clarified that power is beyond circumstances and

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words, we still need to assess how authoritativeness, in the sense elaborated here, is engaged with the definitional and promotional role of symbols. I claim that symbols are central in performative actions, namely in the phenomenon of creating something by saying something, and that authoritativeness is the feature required to do effectively performative actions that aim at defining and promoting the values according to which a political configuration should be shaped. The reason why it is important to underline the role of authoritativeness is that, lacking any objective hierarchy of values, we need to entrust someone we consider more competent. Besides, it is important to keep the distinction between authoritativeness and institutionalised authority because the former is the source of bottom-up standards. If we entrust only the latter for having an answer on the values we should consider, we may end up being manipulated and prevent any possibility of change in the system of values applied.

In *How to do things with words*, Austin elaborates the category of 'performative utterances': "The name is derived, of course, from 'perform', the usual verb with the noun 'action': it indicates that the issuing of the utterance is the performing of an action – it is not normally thought of as just saying something". In distinguishing among the different ways in which "saying something" means also "doing something" (Austin, 1962: 94). Austin sets the difference among *locutionary*, *illocutionary* and *perlocutionary* acts, characterizing the latter as the intention we have in uttering a certain sentence, namely the effect, either psychological or behavioural, we want to produce in the interlocutor (Austin, 1962: 108). I maintain that this concept is critical in understanding the political interaction among people assessing the legitimacy of the regime.

Austin underlines the relevance of circumstances in determining the consequence of an utterance, so that the sentence is performative only if is uttered in the appropriate circumstances, from the appropriate person (Austin, 1962: 15). To make an example, the sentence 'I declare you husband and wife' must be uttered by a minister or an official, and followed by some specific rituals. Even if I, not being either a minister or an official, stand in front of a couple and utter that sentence, they still do not get married.

However, this example only stresses the formal, institutionalized conventions according to which a certain sentence has the power to modify the world. Bourdieu is right in saying that this is not the whole story. However, the importance of rituals sheds a first

light on the symbolic nature of performative acts. In any ritual, and not only religious ones, there is an intrinsic sacredness, without which the performative act is invalid. Besides, the person itself performing the act symbolizes an institution: the minister represents the church, the official represents the state, and so on. So, in Austin's reflection we already found two ways in which symbols are fundamental elements for performative acts, namely rituals and representation.

Bourdieu as well is interested in performative acts and, compared to Austin, he stresses more strongly the symbolic aspects of such acts. He speaks of "performative magic" (Bourdieu, 1991: 106), through which the nominated things get real. In a sense similar to Austin's attitude, he assesses the conditions under which such a creation can occur. First, there is a need for the predisposition, by the interlocutor, to receive a specific message. This is interesting, because it goes a step further what Austin claimed when speaking of being in the position to utter a sentence. What Bourdieu would say is that it is not sufficient to be a minister, in order to actually marry two people. Indeed, it is necessary that the two people are available to receive the sentence 'I declare you husband and wife' as the act of their actually getting married. Imagine a situation where a minister declares a couple married, while they do not have any intention to be married. Faith from the interlocutor is the condition of the ritual effectiveness. In a nutshell, the interlocutors need to recognize the symbolic function of symbols, namely to be aware that, in our example above, the minister symbolises the institution 'Church'.

Second, according to Bourdieu the performative magic is turned to create an identity. The power of suggestion works not by telling what to do, but what you are. This is significant for my account. Indeed, it is possible to maintain that symbols are essential to create an identity and to make the passage from the *ought* to the *be*. The symbolic mechanism stands in the fact of *concealing* normativity (the ought) in description (the is). 'You are a brave country' actually means 'Be a brave country', but the normative aim is deliberately concealed. The representation of the country (the image of the brave country) becomes the guiding light for the political behaviour: act as a brave country, because you are. So, it is the image, a certain representation of the political community, that triggers a certain political behaviour.

According to Bourdieu, such an identity is created through the elaboration of representations, which can be either *mental* or *objectified*. Bourdieu defines mental

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representations as the "acts of perception and appreciation, of cognition and recognition, in which agents invest their interests and their presuppositions" (Bourdieu, 1991: 220); in contrast, objectified representations "in things (emblems, flags, badges, etc.) or acts [are] self-interested strategies of symbolic manipulation which aim at determining the (mental) representation that other people may form of these properties and their bearers" (Bourdieu, 1991: 220–221). In a sense, Bourdieu provides an example of what I mean with the definitional role of symbols. The mechanisms of mental and objectified representations work for the definition of both the political identity and the value x on which the political order should be shaped. Imagine a situation where we need to define security as the value x, on which we ground our conception of legitimacy. I already mentioned in chapter 1 that security can be intended in many ways, such as prevention of physical harm, economic security, autonomy of the person. If we want to support a more sophisticated idea of security, where it is intended as the protection of people's autonomy in determining their lives, we would emphasize those aspects over the prevention of physical damage, although we can be ready to admit that security can be interpreted according to different meanings.

Bourdieu uses an apt expression to point out the competition among different visions: he says there is a "struggle over classification" or a "struggle over definition" (Bourdieu, 1991: 221). I claim that the same mechanism describes the struggle over the definition of a value, where different conceptions of x compete in order to get the highest level of consensus.

We need to move a step further now, and ask how is it possible that a group of individuals end up knowing that they share the same aims and meanings; in other words, we need to understand what is it that leads a random multitude of people to form a united group. Taking advantage of Bourdieu's and Austin's reflections, I will call it the *performative political act*.

Bourdieu speaks of an "act of social magic which consist in trying to bring into existence the thing named [...] imposing a new vision and a new division of the social world" (Bourdieu, 1991: 223). Such an imposition works through the formulation of representations, so the struggle over classification is a struggle over representation of the community. The winning representation is the one that has the best opportunity to be realized by the regime, provided its interest in satisfying, at least for prudential reasons, people's requirements. This

leads to the promotional role of symbols included in political representations, given the assumption that there is no objective hierarchy of values.

The way in which a value (the feature x, which is considered valuable by the individual according to the structure of a belief in legitimacy) is shaped affects also the ability to convince other people that that value is the one that needs to be central in the political practice. Here we get to the promotional role of symbols[133]. It is essential to notice that the aim of convincing other people about the validity of our vision is not by itself a process of manipulation. As I claimed in chapter 3 about symbols, the use of symbolic mechanism does not coincide with a manipulative behaviour. The symbolic activity, as inherent to the use of language, is primarily part of any human experience. Besides, the political need to define a shared truth about values leads people to face each other and try to promote their own vision. Such a promotional aim is not manipulative, also because it is the genuine reflection of the belief in the validity of the individual's vision of the world. Imagine an individual having a moral conception of legitimacy based on the value of justice, and claiming that the regime is legitimate when it implements justice. If the individual genuinely believes in the value of justice, she is persuaded that justice should be implemented in her political system and, therefore, she has an interest in getting consent among her fellow about the need to implement justice.

Yet Bourdieu's expression "struggle for definition" is illustrative of the competition among different views of the political identity as well, which is composed of – although not reduced to – the set of values characterizing the political community. The competition aiming at what I called the shared truth coincides with Bourdieu calls the "legitimate definition" that results from the struggle (Bourdieu, 1991: 221). This works as a disclaimer to define the political community as a whole, and involves the groups competing internally to promote their own definition and, consequently, get the power to impose their vision as the one ordering the political system. In Bourdieu's words, "what is at stake here is the power of imposing a vision of the social world through principles of di-vision which, when they are imposed on a whole group, establish meaning and a consensus about meaning, an in

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[133] It is interesting to remind Merelman's comparison between politics and theatre. In explaining the affinity between politics and drama, he claims that "first, and most fundamental, all drama is concerned with the conveyance of impressions to a group of auditors. Such impressions are meant to be accepted as truthful and credible" (Merelman, 1969: 217).

particular about the identity and unity of the group, which creates the reality of the unity and the identity of the group" (Bourdieu, 1991: 221).

The ability "to *make and unmake groups*" (Bourdieu, 1991: 221) seems to evoke Schmitt's category of friend/enemy, with regard to the role of that category, that is, the ability to create an identity by tracking a line between who is inside the group and who is outside. Schmitt uses the category friend/enemy to describe the political. His attention is devoted to the state which decides who is the enemy (Schmitt, 2007: 45). In contrast, my perspective aims at elaborating a bottom-up mechanism of creation of the identity, where the category friend/enemy is still critical in its role of creating identity, but the source of such an identity is the set of people living in the regime. To give an idea of a source of this type, it is useful to think of the way in which Christiano defines solidarity, which, in my account, is related to friendship in Schmitt's sense: "By solidarity I mean a mechanism by which two persons may be motivated to advance each other's aims. This might happen in two ways: similarity of backgrounds and like-mindedness" (Christiano, 2012: 37). For my purpose here, the second way particularly fits my theoretical model, given that it points out the fact of sharing the same system of meanings and aims that are considered critical for a political order. With Christiano's words "People are like-minded when they share political and moral aims and have some broadly common sense of how to achieve these aims" (Christiano, 2012: 38). Such a definition is relevant for my theoretical purpose also because Christiano underlines that such an affinity leads to a form of trust that better grounds the idea of friendship I have in mind. Indeed, he claims that "when people share this like-mindedness they can trust each other to pursue the common aims even when their opportunities and capacities for monitoring each other are relatively limited" (Christiano, 2012: 38). So, what I suggest here is that the political identity of groups and, more generally, of the political community relates to external groups and communities in the way described by Schmitt with the category of friend/enemy, and that the source of friendship lies in the solidarity resulting from a common background or a like-mindedness, namely, the sharing of aims and meanings. Such a solidarity results in a form of trust that has political implication, because the fact of sharing the same aims implies the formulation of similar requirements to the regime and the disposition to fight for having those aims realised.

To explain my standpoint, I will pick up some points elaborated by Thomas Nagel in 'Moral Conflict and Political Legitimacy'. Before starting, I need to underline some differences. First of all, Nagel is interested in how *moral* conflict engages with the concept of political legitimacy. In contrast, I will speak of *values* conflict, by this meaning that there can be a conflict among values that are not necessarily moral, or not understood as such by the individual expressing the belief. Second, Nagel uses the difference between private and public arguments to resolve the impasse: "They ["mixed" theories of political legitimacy] distinguish between the values a person can appeal to in conducting his own life and those he can appeal to in justifying the exercise of political power" (p.221). This passage represents my departure from his reflections, as well as my source of inspiration. In fact, I do not think it is feasible to assume that individuals are able to detach from their private and intimate convictions when reasoning about politics. To be sure, this does not mean that they are necessarily selfish. Rather, I claim that they bring up in the political context the ideas and values they believe in primarily as private individuals. However, I share Nagel's concern about what we may do with the different standpoints and his claim that there is a tension between what we tell people they should do, according to some external standards, and what each individual claims to be her own vision of the world. Nagel divides the existent accounts of legitimacy between "those which discover a possible *convergence* of rational support for certain institutions from the separate motivational standpoints of distinct individuals; and those which seek a *common standpoint* that everyone can occupy, which guarantees agreement on what is acceptable" (Nagel, 1987: 218). Here I do not mean to comment on Nagel's third account, which he proposes in order to overcome the difficulties of the two models above. Rather, as my account would belong to the first group individuated by Nagel, the aim is to see if it resists to Nagel's criticisms. The issue is seminal, because it involves the promotional activity included in the expression of a belief in legitimacy by individuals. Discussing the general idea behind convergent models of legitimacy, Nagel wonders "why should I care whether others with whom I disagree can accept or reject the grounds on which state power is exercised?" (Nagel, 1987: 222). More stringently, and significantly on the practical level in terms of motivations to obey, he adds a second question, that is, "why allow my views of the legitimate use of state power to become hostage to what it would be reasonable for *them* to accept or reject? Can't I instead base those views on the values that I believe to be correct?" (Nagel,

1987: 222). And, indeed, he admits that ultimately "the real problem is how to justify making people do things against their will" (Nagel, 1987: 224). This is why he suggests the need to find a third way.

I see some similarities in my approach, as my problem is exactly how to find standards for legitimacy that truly take into consideration individuals' perspectives. However, my reply is much less morally connoted, which opens a bigger question. When Nagel poses the problem of being actually able to motivate people to obey, he is reasoning in terms of feasibility in a way that is shared by approaches such as political realism. On the other side, he does not want to have an acceptance-based account of legitimacy. In a sense, he moves within a space similar to Williams'. So, the bigger question gets to be whether it is really possible to take into consideration people's beliefs and filtrate them through standards that are morally 'rich'.

I do not have an answer to this question, yet it seems to me that the concept of *coherence* and the idea of *competition among values* constitute a possible way out from the impasse Nagel outlines as the starting point of his reflection. First, the reason why I should care of other people's beliefs about the regime's legitimacy is promotional: as the most shared value is the one that has more chances to get realised, I have an incentive in participating in the debate where requirements to be proposed to the regime are elaborated. In this sense, the notion of impartiality is partially substituted by the one of competition among values.

Yet the second element that contributes to individuating a standard that allows to abandon the concept of impartiality is coherence. Nagel claims that "public justification in a context of actual disagreement requires, first, preparedness to submit one's reasons to the criticism of others, and to find that the exercise of a common critical rationality and consideration of evidence that can be shared will reveal that one is mistaken […]. Public justification requires, second, an expectation that if others who do not share your belief are wrong, there is probably an explanation of their error which is not circular" (Nagel, 1987: 232). It seems to me that my coherence test can fulfil this role and provide some advantages. Indeed, the type of constraints the coherence test requires do not involve beliefs about values held by individuals and do not force them to embrace conceptions, beliefs, and aims that they do not consider valuable.

II. The relation between symbolic and non-symbolic conceptions of legitimacy

Up to here, I hope to have shown the symbolic nature of the political language, so that a first way to see how the elaboration of beliefs about a regime's (il)legitimacy are intrinsically permeated by symbols is to analyse the way in which political representations and values get shape through language. Yet, there is a second sense in which symbols emerge in the elaboration of a conception of legitimacy. In this section, I will argue that the three conceptions of legitimacy (moral, legal and rational) are, in some sense, rationalized versions of the symbolic conception of legitimacy. More specifically, I claim here that legal, rational and moral conceptions of legitimacy are subcases of the symbolic conception. To do this, I briefly recall some seminal points; then, I will proceed showing that if legal, rational and moral conceptions cannot avoid – at least implicitly – the reference to the notions of trust and care, then the symbolic conception can be said to stand at the basis of all the other conceptions.

In chapter 3, I claimed that symbolic legitimacy can be exemplified according to two different models: legitimacy *because of trust* and legitimacy *because of care*. The former is exemplified by the following reasoning: 'I trust the regime; to be trustworthy is a positive quality for a regime to be legitimate; therefore, the regime is legitimate'. The latter is exemplified by the following reasoning: 'The regime does my good; to do the citizens' good is a positive quality for a regime to be legitimate; therefore, the regime is legitimate'.

Besides, in chapter 1 I argued that the underling idea of a minimal concept of legitimacy is that people conceive power as a means for having their ends realized and, therefore, legitimacy is acknowledged as far as the regime demonstrates to do something 'good' for its citizens (provided that such a good is not assessed in objective and external standards). Finally, I specified that the irrationality of symbolic forms of legitimation (such as Weber's charismatic and traditional ones) regards their content, rather than their form of reasoning. This allows to maintain that they are understandable for a rational interlocutor.

The case of symbolic legitimacy *because of trust* implies a projection toward future, that is, the persuasion that the regime will keep doing something positive for its citizens. I claimed in chapter 3 that a belief of this type will be expressed as following:

I trust the regime (B_1)

To be trustworthy is a positive quality for a regime to be legitimate (B_2)

Therefore, the regime is legitimate (B_3)

Now the question is: can moral, legal and symbolic legitimacy avoid having an underlining sense of trust to be properly expressed? I claim they cannot. Let's refresh their structure in order to see some eventual connections.

A legal conception of legitimacy was exemplified as following:

The regime is legal (B_1)

Legality is a positive quality for a regime to be legitimate (B_2)

Therefore, the regime is legitimate (B_3)

I argue that there is an underlining idea of trust expressed in this belief, which displays on many level. First, as mentioned in chapter 2, the positivity of legality is often connected to the predictability of the regime's behaviour, because a law-guided behaviour by the regime guarantees (or should guarantee) a very low level of arbitrariness. The mechanism of sanctions itself is grounded on a certain kind of trust, in the sense that if I break the law I know I will be punished. The idea of predictability intrinsic to the concept of law seems the same as the projection toward future, characteristic of a conception of legitimacy based on the notion of trust.

There is a second sense in which we may find an affinity between law and trust, that is, the idea of transparency. The reference to the constitution in performing a certain political behaviour makes the behaviour itself transparent, in the sense that the procedures implemented by the regime are clear and accessible to any citizen. This increases the trust citizens may have toward the regime.

Finally, any regime behaving according to the constitution can hardly turns into an illegal one, as the change of any rule must happen according to a constitutional procedure.

This recalls the future dimension of perspectives. Indeed, the fact that constitution can be changed only 'constitutionally' works as a warranty that the regime will keep having the qualities it has, namely being trustworthy. Also in this case, this feature works as a warranty for the future, as the change in time of the constitutional set should happen within specific legal constraints.

A moral conception of legitimacy was exemplified as following:

<div align="center">

The regime is moral (B_1)

Being moral is a positive quality for a regime to be legitimate (B_2)

Therefore, the regime is legitimate (B_3)

</div>

In this case, the sense of trust is inherent to the idea of morality. The individual expressing such a belief is not simply evaluating a performance (as in the case, for example, of the rational conception of legitimacy, where the clue of the belief is the provision of security). Here the belief is based on the evaluation of a quality of the regime that is prior, and the source of, the regime's performance: the individual is persuaded that the regime is a moral one, and *therefore* it will implement policies that are grounded on moral principles. Such a conviction entails the idea of trust, because if the morality is primarily inherent to the regime itself, it is assumed that, no matter the political challenges the regime will have to face, it will still act as a moral regime. As in the case of legal conception of legitimacy, a moral conception includes a warranty over the future, because if the regime is a moral one, then it will keep configuring the political order by implementing moral principles.

Finally, I exemplified a rational conception of legitimacy as following:

<div align="center">

The regime provides security (B_1)

To provide security is a positive quality for a regime to be legitimate (B_2)

Therefore, the regime is legitimate (B_3)

</div>

In this case, the idea of trust is implied by the idea of security, no matter how it is conceived (whether as prevention from physical harm, economic security or integrity of the person in its more complete sense). The idea of trust coincides with the idea of being

protected by the regime, and that the integrity of the person (however conceived) is guaranteed only by the regime.

Now, given the double composition of a symbolic conception of legitimacy, a second question regards whether legal, moral and rational conceptions of legitimacy can avoid referring to the idea of care. I claim that the structure itself of a belief in legitimacy, however formulated, subtends a certain idea of taking care. Indeed, the general structure of a belief in legitimacy, to which the different conceptions stand as exemplifications, implies a connection between the positivity of the regime and the availability of the individuals to acknowledge the regime's legitimacy. The connection is justified in terms of people's conception of power, that is, the idea that political power is the means to have certain aims realised. Assuming that individuals do not deliberately formulate aims that would provoke a harm to themselves, when the regime is acknowledged as legitimate, this means that it is recognized as doing something positive for them, according to their visions of positivity. In other words, the regime is recognized to take care of individuals' visions of the world expressed in their conceptions of legitimacy, and to take care of individuals themselves when realizing the aims they consider positive, or good.

On the practical level, a rational conception of legitimacy shows the strongest example of how the idea of care subtends conceptions that are not symbolically grounded. Indeed, the idea of providing security is perceived by individuals as an act of protection, or care. To put it in a way that reflects the ordinary language, the individual may think that the regime is legitimate because it takes care of her by guaranteeing her security.

A moral conception of legitimacy recalls the idea of care in assuming that the individual is the subject of a moral action. Indeed, whatever is the moral value x around which a belief in legitimacy is built, the individual assumes that the regime is taking care of her when treating her as, let's say, equal, free, autonomous, etc. In the ordinary language, the individual may say that the regime is legitimate because it takes care of her by treating her as a subject that deserves to be treated equally. Finally, a legal conception of legitimacy connects to the idea of care in treating the individual as the subject that deserves transparency and accessibility to the regime's behaviour. In the ordinary language, the individual may say that the regime is legitimate because it takes care of her by treating her as a legal subject, that is, by exercising political power in a non-arbitrary way.

To conclude, it is worthy noticing that these reconstructions of the connection between legal, rational and moral legitimacy on one side, and symbolic legitimacy on the other, does not imply that the former three conceptions cover the whole scope of symbolic legitimacy. Neither it implies that the former three conceptions are the same as the symbolic one. Rather, my purpose here is to show, that there is a portion of symbolic legitimation that is rational and only uses symbols to get expressed. In this sense, rational, legal and moral conceptions are rationalized way to express a symbolic underlying conception of legitimacy. However, I do claim that there are forms of legitimation that are all but rational in their content, which happens when the notions of either trust or care are not developed into specific conceptions such as moral, legal and rational ones. In other words, pure fascination of a subject by the regime, or the leader, is still a possible case of a symbolic mechanism of legitimation, and usually results in a very general and confused notion of trust.

It may be of help to represent graphically the relation among the different conceptions and then draw some conclusions.
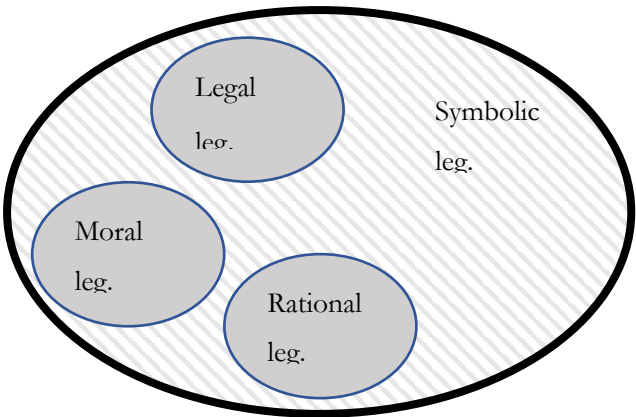
As shown in the picture, legal, moral and rational conceptions of legitimacy are subcases of the symbolic one, although they manifest specific characteristics. Rational, legal and moral conceptions of legitimacy are characterised by the following features. First, they have a rational content, with which I mean that they are shaped according to well-defined value, of which the individuals are able to list the properties: their content is rationally understandable for anyone. Second, they are expressed in a rational form of reasoning: they are evaluable through the coherence test, or in other words, the coherence test is

applicable[134]. Third, they subtend the ideas of care and trust that are central in a symbolic conception of legitimacy, although there is no space for fascination in their being elaborated. Using the vocabulary adopted in chapter 3, these conceptions, although assuming a certain idea of trust and care, are characterised by high rationality and very low emotionality in the elaboration of their content. Finally, they use symbolic mechanisms to get to a common understanding of the value x at stake, and to win the struggle for representation. In contrast, the remaining portion of symbolic legitimacy is characterised by an irrational content, in the sense that the value x is normally not highly rationalised in its formulation. Using the vocabulary adopted in chapter 3, the value x at stake is usually presented as a vague notion. Second, it is characterised by a rational form of reasoning, in the sense that the coherence test is applicable.

Finally, it is worth noticing that in cases of symbolic legitimacy outside the legal, moral and rational subsets (the stripy portion in figure) there is a higher risk of manipulation. This depends on the levels of rationality and emotionality when elaborating the notions of trust and care[135]. Expressing a belief in legitimacy in one of the three former cases require a more sophisticated elaboration of the value at stake. Besides, the clarity of the elaboration of the value implies a higher ease in checking the solidity and coherence of the belief. To make an example, imagine an individual expressing a belief in legitimacy based on the value of justice: she will be required to define what she means for justice, and which are the facts that can confirm the justice of the regime' behaviour. Before I argued that the coherence test should be applied to the beliefs leading to x's definition. In this case, the coherence test is easily applicable, because the notion of x is well-defined in terms of properties. In contrast, imagine an individual expresses a belief in legitimacy in the general terms of trust: her definition of trust will be more blurred and, consequently, the ability to check the correspondent facts less grounded. In this case, the coherence test may be not applicable, unless the individual does not further specify x's properties[136].

Alternatively, the individual expressing a belief in general terms (grey zone in the picture) in order to reach the threshold of solidity of, let's say, a conception based on the

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[134] Here with "applicable" I mean that the reasoning is liable for being either coherent or incoherent. The idea is similar to when we say of an utterance that can be true or false.
[135] See chapter 3 of this work.
[136] Notwithstanding, the belief in legitimacy could still pass the coherence test, from the standpoint of its formal reasoning.

value of justice, will need to further articulate her conception of trust and, in doing that, will probably end up in supporting one of the other three conceptions. However, such a more sophisticated articulation requires a major effort and may be too demanding for some individuals. As the only requirements on individual is to be coherent when expressing their belief in legitimacy, and given that they can be coherent even when expressing a belief resulting from fascination, individuals do not have a duty in furtherly specify their idea of trust or care. Eventually, though, their exposition to the public debate space stimulate them in further developing their general notions of trust and care, especially when they aim at having their conception as much shared as possible.

Therefore, in a sense, we may say that if it is true that the moral, legal and rational conceptions of legitimacy imply the symbolic conception, as it clarifies the underlining connection between positivity and legitimacy of the regime, it is also true that symbolic legitimacy – in order to get shared and listened to by the regime – may need to 'pass through' one of the other conceptions. This shows the two sides of the same coin: on one side, symbols are unavoidable; on the other, symbols are not the entire story[137].

III. Symbols, legitimacy and the political

In this section, I aim at showing that my account of legitimacy entails the elaboration of bottom-up standards for legitimacy. As I will show, symbols are included in the elaboration of those standards, and therefore they are included in the individuals' activity within the political context. This entails that symbols are not a prerogative of the regime only

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[137] A possible objection that remains unsolved at this stage is whether symbolic legitimacy stands on a different level with respect to the other three conceptions; whether, for example, it is some sort of 'functioning mechanism' of legitimacy instead of one of the possible different conceptions. This concern may arise from two different arguments. First, when considering the notions of trust and care as compared to the notions central in the other conceptions (security, justice, law) we may have the feeling that the former present a much higher level of abstraction than the latter. Following from this, someone may argue that they cannot be displayed on the same level and that it is actually because of this difference in the level of abstraction that we end up claiming the inherence of the three non-symbolic conceptions to the symbolic one. Second, if we still prove that all the three conceptions require to use notions belonging to the symbolic one, someone may object that symbolic legitimacy may be the functioning mechanism of the other conceptions, or a sort of meta-conception. Further investigation needs to be done in this direction; in particular, it needs to be analysed, on the opposite side, which are the implications of the symbolic conception´s need to rely on non-symbolic conceptions to reach the pass the coherence test. If such a reliance is necessary, then the four conceptions seem to rightly stand on the same level.

and, consequently, that they are not necessarily a tool used by a regime to manipulate subjects. To do so, I will analyse the double role of a belief in legitimacy in evaluating the regime and in elaborating standards for legitimacy.

In the previous section, I claimed that symbols have both a definitional and a promotional role in the process of shaping the values according to which conceptions of legitimacy are elaborated. However, the definition of those values is, to some extent, prior to the assessment of the regime's legitimacy. I claimed also that a change in the belief is possible, and that it can be the result of a modification of either B_1 or B_2, or even both. Such a change may occur because people get new information that invalidate previous convictions, or because individuals want to have more than what they had up to that time and that they used to considered sufficient in order to recognize legitimacy to the regime. When citizens express their opinion about the regime's legitimacy, they ground their judgement on the value x they put as central in their belief. In fact, they are saying something like: the value x is the standard according to which I, here and now, declare my regime legitimate. Yet the same structure of the belief applies when they deny the legitimacy of their regime, and mention the value x as the standard that the regime has not fulfilled. So, when they express a belief as the following

The regime does not implement justice (B_1)
Justice is a positive feature for a regime to be legitimate (B_2)
Therefore, the regime is not legitimate (B_3)

they are saying, out of the ordinary language, that the necessary condition for a regime to be legitimate is that it fulfils the standard of being a just regime. In this sense, the expression of a belief in the (il)legitimacy of the regime is also the expression of a standard the regime has to reach.

As implicated in the structure of the belief in legitimacy, the individuation of a value is primarily matter of personal perspective. Each individual reflecting on politics will apply her own vision of the world from which she individuates the irrevocable values for a legitimate regime. However, the standards carried on by any belief are subject to the competition of values analysed above. As much as any value x struggles for being the value according to

which the political community is shaped, so does the standard to be claimed to the regime. In sum, the struggle over definition and representation is itself a *struggle over the standards* to be presented to the regime.

This struggle entails, on the practical level, that there will be groups (parties, associations, etc.) that are formed at the aim of putting forward certain instances. Here again, Christiano's concept of *solidarity* plays a role in explaining the formation of those units. Especially in cases where individuals and groups think their regime is not legitimate, according to their standards, we can imagine – on a theoretical level – that the expression of a belief in legitimacy occurs in two phases. A first one is *standard-expressing* and *provisionally evaluative*. In this phase, the subject (e.g. individuals, groups of any sort) justifies her denial of the regime's legitimacy in terms of the standards she thinks are irrevocable: 'The regime is not legitimate because it does not implement justice, and justice is a positive quality for a regime to be legitimate'. The expression of the belief coincides with the claim that the regime *should* fulfil the standard included in the belief, in order to get legitimation. As argued above, the regime has at least an instrumental interest in satisfying people's requirement, to the extent their standard is highly shared. The interest is motivated *at least* by prudential reasons, that is, to gain more stability. Of course, the instrumental interest of the regime does not exclude that the regime can be genuinely interested in satisfying the citizens' requirements. A second phase is *quality-checking* and *fully evaluative*. At this time, the subject checks whether the regime has truly fulfilled the requirements and, according to the evaluation of the performance, expresses a 'final judgement' about its legitimacy.

I used inverted commas for *final* judgement, because, on the practical level, things are much more complicated, and the process of evaluation does not really get to an end. The space of public debate, in fact, hosts not only discussions about the values at stake, but also about the congruence of the regime's performances with respect to individuals' requirements. Realistically speaking, it is unlikely that the regime can fully satisfy people's requirement. Rather, the regime's output (even in cases of regimes that are truly available to acquiesce citizens' standards) is the result of a compromise where the feasibility of the realization of certain aims is at stake. Indeed, the regime not only has its own interests (at least in terms of maintaining order and stability) but also scarce resources. Borrowing a Weberian concept, even when there is space for an ethic of convictions, the ethic of

responsibility still needs to have a place[138]. We can imagine a theoretical situation where the regime receives some inputs (subject's requirements), elaborates some outputs (regime's practical compromise), and then the subject evaluates the quality of the output and the justification, provided by the regime, that explains the nature of the compromise. Imagine a group within a regime that claims that the regime, to be legitimate, needs to provide economic security to all of its citizens. Imagine now a regime that is genuinely interested in having such a political order, but does not have the resources to actually provide all the citizens with a minimum economic welfare state. The regime, which participates to the public debate space, justifies the incapacity to fully satisfy the requirement and suggests a compromise. At that point, the evaluation made by citizens needs to take into consideration the authenticity of the regime's reply – whether it actually has the constraints it claims to have, and whether the solution proposed is still acceptable. The narrative I am proposing here does not aim at explaining the actual functioning of the exchanges among groups, individuals, and the regime in a real political configuration. Rather, the purpose is to show that, in this account, the assessment of a regime legitimacy is never-ending and always under the pressure of the political evolution. Indeed, new political challenges make new needs to emerge.

One may object at this point that the role of the public debate space, in which symbolic mechanisms take place, blurs the distinction between 'the political' and the concept of legitimacy. Here a demarcation is needed, in order to avoid the risk of collapsing the two concepts in a way that impedes to distinguish between legitimate and illegitimate *political* regimes.

I claim that the distinction depends on what we do with symbols in the public debate space. The formulation of aims and meanings and, more specifically, the definition of the values on which to ground conceptions of legitimacy belongs to the political. It does not belong to the concept of legitimacy because, as I tried to show before, the values which people believe in are prior to the evaluation of their political regime. In a sense, they are prior to politics too, because when an individual, let's say, believes in the importance of justice, she probably does so independently of the context where justice is thought to be applied.

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[138] Weber uses the concepts of ethic of conviction and ethic of responsibility to refer to the politician. However, I think it is possible to use the idea of a tension between ideal principles and the attention to consequences even for reading the regimes' behaviours, as the core of the tension seems to be the same.

However, those pre-political values assume a political shape under some conditions. First, they are applied to groups of people that do not have personal relationships (familiar, or of friendship). Second, they are thought of for a context where a restricted group of people has the monopoly of the use of physical force. Third, they are applied to a context where the scarcity of resources and questions of feasibility are to be faced. To get back to symbols, it is possible to say, using a terminology I suggested before, that both the definitional and promotional role of symbols, and the mechanisms involved to pursue those aims, properly belong to the political.

In contrast, the concept of legitimacy concerns the evaluation individuals make about the regime, according to the standards they elaborate. As consequence, legitimacy can be defined as the characteristic of a regime that establishes a political order, which reflects citizens' standards. Therefore, it is possible to argue that *legitimacy is the characteristic of a regime where individuals consider themselves as the authors, or sources, of their own political obligations*, given that a legitimate regime imposes an order that conforms to people's requirements[139].

This definition makes a step beyond the conceptualization provided in chapter 1, where the focus was on the individuals instead on the regime. There, I claimed that the concept of legitimacy qualifies as the characteristic that can be ascribed to a political regime, according to the internal individuals' perception of the positive qualities possessed by the regime. This new elaboration of the concept works as a bridge toward a definition of legitimacy that can be embraced by external individuals, without denying the internal perspective. In other words, the aim is to elaborate a concept that can be used, as an external standard, to evaluate the legitimacy of a political regime, where this standard does not deny the validity of internal individuals' perspectives. As a conclusion of this section, I want to indicate a possible direction toward this aim.

Claiming that legitimacy is the characteristic of a regime where individuals *consider themselves* as the authors, or sources, of their own political obligations seems to be still far from indicating an external standard. Indeed, an external standard would rather require that legitimacy is a characteristic of a regime where individuals *are* the authors, or sources, of their own political obligations. So the question is how we get (if we do) from there to here. In

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[139] This formulation – although starting from a different standpoint – evokes Pettit's conceptualization, when he claims that "legitimacy is the ideal, under a natural formulation, of having a social order that is imposed only insofar as it satisfies terms that people actually endorse" (Pettit, 2012: 144).

other words, since such a judgement would be made by the external individual, how can she both respect internal individuals' beliefs about their regime and be able to affirm that individuals are objectively the sources of their own political obligation? The problem seems to be that, especially in cases of autocratic regimes, people may be manipulated in believing that their regime performs in conformity to their own will, so that the fact that people consider themselves the authors of their political obligation may not reflect the fact that they actually are the authors. On the other hand, I claimed that the risk of any external standard for evaluating political legitimacy is to underestimate the role of people´s beliefs. As a consequence, the external standard cannot judge the quality of those political obligations, but it should evaluate whether the internal individuals' conviction of being the authors of their political obligation is the result of manipulation. More schematically, I claim that according to an external observer, a regime is legitimate when the individuals are the authors, or sources, of their political obligations, provided some constraints on the external individual's judgement. First, she is not allowed to qualify a regime as (il)legitimate according to her judgement about the values internal individuals support when elaborating their belief in legitimacy. Second, she is allowed to deny the regime's legitimacy when internal individuals consider themselves authors of their own political obligation, but such a belief is the product of a manipulative intervention by the regime. An example may be of help. Imagine a regime R_1 where internal individuals (IIs) think the regime is legitimate because it implements a great amount of freedom. Accordingly, the regime promulgates laws that favour freedom over other values, let's say, equality. IIs consider themselves the sources of their own political obligations, as the rules implemented by the regime reflect their vision of the world according to which a regime must establish an order that guarantee a large amount of freedom. Now imagine an external individual (EI) wanting to apply an external standard to judge R_1 legitimacy. EI strongly believes that equality is a very important value and that R_1 does not meet a sufficient standard of equality. EI cannot declare R_1 illegitimate, even if, according to her vision of the world, R_1 would be illegitimate because it fails to provide equality. Yet it is a different case whether EI can claim that IIs' conviction of being the authors of their own political obligation is wrong. Imagine that EI can prove that the rules implemented by the regime do not reflect the IIs' requirements: for instance, norms that restrict internet contents are promulgated by the regime. In this case, IIs are not the sources of their own political

obligations, as the rules they are asked to respect are actually in contrast with their own vision of how the political community should be shaped. In this case, EI is allowed to declare that the regime is not legitimate, and she can do so without judging IIs' values and beliefs about how the political order should be shaped.

IV. Legitimacy, democracy and responsibility

This definition of legitimacy leads to face three different sorts of questions. First, whether this concept of legitimacy is normative. Second, whether this definition collapses on the one of democracy. Third, which kind of responsibility citizens have of the quality of their regimes. To be sure, these are enormous issues and it is not my job here either to provide a definitive answer nor to take a position in the prolific debates related to those questions. Rather, the aim is to show, in concluding the exposition of my account of legitimacy, how these questions are relevant and can be investigated within this perspective.

4.1 Is legitimacy a normative concept?

To address the first question, I think it is fruitful to start by quoting Rainer Forst's standpoint. He claims that "legitimacy is a *normatively dependent* concept […]: where it has a normative content, either in theory or in practice, it derives this content from another – if you will: deeper – 'source'" (Forst, 2017: 133). The concept of legitimacy "can be used in a descriptive or a normative way" (Forst, 2017: 132), yet when we opt for the second, the concept borrows its normative content from the one of justice. I take a different direction in individuating the 'other source' of normativity, although I maintain that Forst's idea of legitimacy as a normatively dependent concept is extremely powerful and I borrow his expression to explain further the nature of my concept of legitimacy.

In my account, I distinguish a normativity on the *theoretical* level and on a *practical* one. I claim that, on the former, legitimacy is a *fully-normative* concept. On the latter, is a *contingently-normative* concept. On the theoretical level, legitimacy is a normative concept because it implies the respect of people's view, be it conceived from the standpoint of the internal

individual and the external one. I claimed before that legitimacy is a characteristic of a regime where individuals are/considers themselves the authors, or sources, of their own political obligations[140]. If this is a reasonable way to describe legitimacy, then it implies that legitimacy has a value *per se*, because it guarantees that the regime respects the system of values of individuals living in the regime.

According to my standpoint, I myself may object that the regime may comply with people's requirements only for prudential reasons (e.g. maintaining stability). Yet here is my defence. In fact, such a criticism does not undermine the normativity of the concept when taken on the theoretical level. Rather, it suggests that, on the practical level, the concept assumes further nuances. Besides, a concept of legitimacy that includes the value of respecting people's authorship still reflects the idea of legitimacy people support, independently of what the regime actually does in the political reality. In other words, when people claim their regime is not legitimate, they are indeed saying that it does not respect their authorship as sources of the standards the regime should fulfil. In fact, they are actually using the theoretical formulation of the concept (respect of authorship) to criticise the real use of power practiced by the regime.

Differently, on the practical level, the normativity of the concept of legitimacy depends on the value individuals put as central in their conceptions. In this case, legitimacy is a normatively dependent concept in Forst's sense, although my explanation of that dependence takes a different direction. Indeed, when individuals support a moral conception of legitimacy, the concept of legitimacy borrows its normativity from the value x included in their belief, e.g. justice, equality, freedom, etc.

However, we may use 'normative' as referred to something that has value *per se*, but not necessarily a moral one. In a sense, all the conceptions of legitimacy have a dependent normativity, as the individuals supporting their own conception all believe that the feature x expressed in their belief has value *per se*, that x is an irrevocable, necessary feature for a regime to be legitimate. Notwithstanding, we may have the feeling that, for example, the case of legal conception is different from the rational one. When individuals support a legal conception of legitimacy, the concept of legitimacy borrows its normativity from the concept

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[140] Here it does not make any difference whether we are looking at the concept from the II´s or EI´s standpoint, because in both the cases the individuals charge the concept with normativity – independently of their failing in evaluating accurately the correspondence between individuals' requirements and regime's performances.

of law: it reduces arbitrariness, promotes transparency, respects people's interest in not being arbitrarily ruled. Yet we may wonder whether a rational and a symbolic conception of legitimacy has the same degree of normativity, according to the concept from which those conceptions are supposed to borrow their normative trait. The question would be whether the concepts of security, trust and care have their own normative core. However, this is not the focus here, as what I need to clarify is only that, on the practical level, my account of legitimacy is normatively dependent to the values people identify as central in their beliefs.

4.2 Who's responsible for the regime's quality?

I claimed that legitimacy is the characteristic of a regime that establishes a political order according to people's standards, or on a theoretical level, that legitimacy is the characteristic of a regime where citizens are the source of their own political obligations. This definition includes the availability of the regime to comply with people's requirements. Therefore, looked upon the regime's side, legitimacy is the characteristic of a regime that fulfils individuals' standards, or on a theoretical level, that treats individuals as the sources of their own political obligations, as autonomous – in a Kantian sense.

Undoubtedly, the regime may not do that, or do it for very different kinds of reasons. Those reasons affect the output the regime provides, at least to some extent. In fact, when a regime is a 'moral' one, it is engaged with the idea of people's authorship and, compatibly with the resources at disposal, will probably provide outcomes that highly satisfy people's requirements. On the contrary, when the regime's compliance is motivated by the pure interest in stability, the regime is likely to satisfy people's requirements to the minimum extent that permits the maintenance of order and power. The difference in the regime's nature, therefore, results in a certain regime's performance and quality.

So, it is natural to say that, when we debate about the quality of a regime's performance, we charge the regime with the responsibility of the negative outcomes of its policies. Undoubtedly, the regime does have a huge responsibility of the kind of political order it establishes.

However, I would like to suggest that individuals as well share that responsibility. Indeed, they are responsible of the standards they claim the regime should respect, standards
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included in their conceptions of legitimacy. The more the regime complies with individuals' requirements, the higher is the responsibility on individuals. In fact, even when we think of a regime that complies with individuals' requirements for pure instrumental reasons, it has to realise at least some of the individuals' requirements. The individuals have double responsibility: about the content of the standards and about the strength with which the standard is presented to the regime. With regard to the content of the standards, it is on the individuals the commitment to elaborate conceptions of legitimacy within which the value x at stake is normatively rich. In other words, it depends on them to elaborate conceptions – and, therefore, standards – that have a moral connotation. To make an example, it is up to the individuals to not be happy with a conception of legitimacy that is hinged on a basic idea of security only, and to ask for more. Certainly, it is not just a matter of asking, and this is why the term 'responsibility' assumes its full meaning. Indeed, when individuals claim the regime should be, let's say, just, they are engaging personally with the value of justice: they are asking for justice as the value that gives shape to the political order toward which they have a political obligation. In other words, if a regime is legitimate when citizens are the source of their own political obligation, the content of their standards is what they are both asking the regime to do and agreeing to be themselves obliged to do.

Furthermore, the responsibility over the strength with which a certain standard struggle for support depends on the type of regime individuals are living in. The possibility to propose and share visions of the world depends on how much freedom the regime allows. Consequently, while in democracies individuals have a strong responsibility for having a certain aim realised, and such an outcome depends a lot on their participation to the public debate space, in autocratic regimes individuals are discharged of that responsibility. Although the regime has still an interest in opening a public debate space, it will do that to the minimum extent that allows the regime to maintain stability, and will delimitate as much as possible the development of new standards to be imposed by individuals to the political power.

4.3 Legitimacy and democracy

A last order of questions addresses the issue whether the account of legitimacy I provide here ends up collapsing on the concept of democracy, at least in my theoretical

version where legitimacy is defined in terms of respect of people's authorship. It is worthy splitting the question on the theoretical and practical level. Forst describes the "core" of the idea of democracy as following: "that those who are subjected to a normative order must be able to be the co-authors of this order" in a real and verifiable way (Forst, 2017: 134). He also adds that "the principle that those subjected to norms must be able to be the authors expresses a central moral idea, namely, the Kantian idea of autonomy, which, in the political domain becomes the idea of democracy as the expression of collective self-determination" (Forst, 2017: 134). From this idea, he makes an operation similar to the one involving the concept of legitimacy, as he claims that neither democracy is a normatively independent concept: its normativity is borrowed from the concept of autonomy, which, in the political context, is embodied within the idea of justice and corresponds to the fact of treating all the individuals as equals. Therefore, we may wonder whether defining legitimacy in terms of respect of authorship coincides with providing a definition of democracy. If the answer is positive, then we would end up saying that, first, only democracies can be legitimate and, second, all democracies are legitimate.

In contrast, I argue that democracies are more likely to be legitimate and, probably, 'more legitimate' than autocratic regimes, but also autocratic regimes can be legitimate. To claim this, I will leave aside the theoretical level of discussion, which would require a separate effort in which concepts such as democracy, autonomy, and justice are confronted[141].

Rather, I will focus on some objections that belong to the practical level on which we investigate the concept of legitimacy. Here, the distinction between my account of legitimacy and democracy gets much clearer. First, democracies require a series of institutions, structures, and rules that go beyond the fact of configuring a political order that is in accordance with people's requirements. From this, it is possible to conclude that the fact of thinking legitimacy as the characteristic of a regime that complies with people's requirements does not make my definition to coincide with the one of democracy. In fact, my notion of authorship as displayed here is thinner than the one included in theories of democracy. Second, the regime may comply with people's requirements just for instrumental reasons.

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[141] First, it would be useful to clarify the connection between democracy and autonomy. It is undoubtedly true that the idea of autonomy is included in the concept of democracy, but the former probably does not exhaust the latter. Or, at least, it depends on the way in which we define autonomy, which leads to the second point and, specifically, to the relation between the concepts of autonomy and justice. Again, it is undoubtedly true that autonomy implies treating all the individuals as equals, but this is probably not all we can say about justice.

This represents a further difference. Indeed, when we think of democracies, we imagine a political regime that shares some moral principles such as freedom, equality, etc., and not only some contingent rules or outcomes. In other words, we expect democracies to be grounded on principles and not just on a contingent and *de facto* equal treatment of individuals. Out of abstraction, we may have some resistance in affirming that a regime that, by pure instrumental interest, listens to and tries to satisfy individuals' requirement, is a democracy. Third, my account of legitimacy envisages bottom-up standards and does not prescribe any threshold (be it either moral or cognitive) to be reached by those standards. This implies that my account of legitimacy is not able to rule out cases of immoral regimes, when genuinely supported by their citizens. Although unlikely it may be, we could confront a regime where the majority of people grounds their conception of legitimacy on immoral principles and, being the regime compliant with their requirements, they must be said the author of their own political obligations. Unfortunately, this account of legitimacy does not provide more than a hope that – through the public debate space – very unfair principles are ruled out and do not get consideration. In contrast, democracies are based on principles of equality that we are not available to renounce to and are part of the definition of democracy itself.

Conclusive observations

The account of legitimacy I drew in this dissertation presents some advantages. First, it truly lets people speak, because even when getting to the final judgement by the political theorist, the individual's perspective is never put aside. Second, it does not prescribe any moral threshold to be reached. This allows, on the theoretical level, to keep it distinct the concept of legitimacy from any other moral concepts. On the practical level, it allows to investigate autocratic regimes where citizens authentically believe in the positivity of their political order. Third, although it imposes an epistemic threshold (the coherence test), it represents a very minimal requirement that can be easily fulfilled by any individual. The standard of coherence, besides, is internal to the belief in legitimacy – and this is why it allows not to ignore the individuals' standpoints. Forth, the standard of coherence entails the creation of a public debate space where some adjustments of the beliefs can be made. Indeed, while this account does not have intrinsically any tool to rule out cases of manipulation and immoral outcomes, the public debate space, combined with the duty to be coherent, pushes toward the verification of the beliefs' validity, by the dialogue with both internal and external individuals.

As a general consideration, this account hopes to show that – even starting from a beliefs-based approach to legitimacy – we can get to a fully normative concept of legitimacy, especially in the second version suggested, which connects legitimacy and autonomy. In this sense, this account seems to avoid the risk of falling into moralism, still present even when elaborating external standards that claim to be genuinely political. This is the reason why I claim it to be in-between Weber's and Williams' account.

To be sure, its standing in-between is significant also for its level of normativity. Indeed, while putting forward Weber's instance of grounding legitimacy on individuals' beliefs, this account entails a minimum normative standard. However, it is normatively less rich that Williams' account, because it is not able to rule out (at least not in a first instance) cases where the regime manages, through coercion, to convince people about its rightness. This position in-between may insinuate an irrevocable limit of political realism too, if we consider that Williams himself has been charged of falling into moralism. The question is

how far political realism can go in elaborating a normative account of legitimacy, without implicitly implying any moral category.

However, this account leaves many further questions open, especially with regard to the role of the public debate space in potentially correcting outcomes that result from manipulation. I claimed that a belief in legitimacy is composed of a belief B_1 that regards the external world (the regime's properties) and a belief B_2 that regards the individual's preferences about values (her preferences in elaborating the value x). So, a first order of questions regards how far the external individual can go in criticising the content of B_2. In fact, while B_1 regards the external world and it is a belief to which the category true/false is applicable, B_2 regards the sphere of principles and values that does not fit with a true/false category; rather, they are values often resulting from a specific culture or tradition. For an external individual to criticise B_2 there can be a risk of being either disrespectful of the other cultures, or paternalistic in claiming that the individual is not able to recognize what is her good.

Someone may object that if coherence is just a formal requirement that looks at the form of reasoning, then the external individual can do little by the only use of that tool. However, the external individual can challenge the coherence of a belief by adding new information in the public debate space, information that contradict a certain belief about the positivity of x, maybe showing some unknown implications. These questions would entail a reflection on the distinction between *facts and values*, and how such a distinction affects the belief in legitimacy and the prescription to be coherent. Besides, an investigation of the notion of *respect* is required.

In fact, the danger of disrespecting other culture is still present, and aggravated by the fact that, as external individuals, we are not subject to the power we might be investigating. Remind the four cases I mentioned in chapter 1: when we are in a situation where the internal individual thinks her regime is illegitimate, while the external one thinks it is legitimate, the external risks to deny the feeling of being arbitrarily ruled. In a nutshell, the question becomes: if the public debate space has the role of disclosing cases of manipulation, how can it occur without hurting internal individuals' feelings? And, ultimately, should we sacrifice either the aim of avoiding manipulation and immoral outcomes, or the aim of respecting different values? Unfortunately, these questions are complicated by the fact that, many times,

our judgement, as external individuals, about other regimes, is not out of a neutral observation; we rather have interests at stake, or connections such as migration phenomena.

All these observations show the need for a further investigation on the rules that should regulate the public debate space and the interaction among internal and external individuals. To be sure, such an analysis would help also in setting a way to understand the relationships, on the international arena, between different states (an example may be the attempt made by Western societies to import democracy in autocratic regimes), or between sovereign states and supranational organizations (for example, the relation between states and the European Union).

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