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Max Weber and the Legitimacy of the Modern State

Abstract: Max Weber's typology of legitimate 'Herrschaft' has provided the basis for the treatment of legitimacy in twentieth century sociology and political science. The thesis of the article is that this typology is a misleading tool for the analysis of the modern state, and especially for the comparative analysis of political systems. This is because of basic flaws in Weber's conceptualisation of legitimacy itself, and in his account of the normative basis of authority. The article offers an alternative, multi-dimensional, account of political legitimacy, and suggests how it might be used to develop a typology of forms of 'Herrschaft' more appropriate to the analysis of the modern state.

The argument of this article is that Weber's typology of legitimate 'Herrschaft' is fundamentally flawed as a basis for analysing political legitimacy, and especially the legitimacy of the modern state. If my argument is sound, then it has significant consequences, in view of the fact that the large majority of sociologists and political scientists in the twentieth century who have written about legitimacy have either adopted the Weberian typology as it stands, or have used it as the basis for further developments of their own. Even those who have rejected it have failed to establish a wholly convincing alternative, so that Weber's typology is left holding the field, if only by default. I shall begin by briefly reviewing Weber's typology and the uses to which he put it. I shall then show why the categories he developed misrepresent the nature of legitimacy, and serve to confuse rather than elucidate its complexity. In particular, I shall argue, they cannot provide an adequate account of legitimacy in the modern state and in different contemporary political systems. In the third part of the article I shall develop and defend an alternative approach to analysing legitimacy that follows from my critique of Weber. Finally, I shall conclude by saying why I think Weber developed the kind of typology he did, and why it has proved plausible to those who have followed him.

The importance to Weber of his typology of legitimate 'Herrschaft' can be judged from the fact that it appears no fewer than five times in his work in

different contexts. Its earliest formulation occurs in the second part of *Wirtschaft und Gesellschaft* (largely completed before 1914, but not published because of the outbreak of the war). Here it serves as an introduction to, and principle of organisation for, the substantial chapters on bureaucracy, on patriarchy, patrimonialism and feudalism, and on charismatic authority respectively (Weber 1972, 541-687). The typology is repeated in slightly different form in the later Part I of the same work, where it is situated among the basic sociological categories which were intended to serve as an introduction to the revised volume as a whole (Weber 1972, 122-58). The typology occurs again in the Introduction to *Die Wirtschaftsethik der Weltreligionen*, in an elucidation of the terms to be used throughout the studies on the major world religions (Weber 1920, 267-73). It is repeated once more in the lecture *Politik als Beruf*, by way of introduction to Weber's discussion of the role of charisma in party and electoral politics (Weber 1958, 495ff.). Finally, the typology itself and the main features associated with each type are given their most succinct formulation in the posthumously published article "Die drei reinen Typen der legitimen Herrschaft" (Weber 1922). Although there are variations in some of the terminology, in the order of exposition and in the degree of elaboration as between these different passages, they are sufficiently consistent to treat as a common source for the purposes of analysis.

The fact that Weber repeats the typology in such different contexts is evidence of the importance of the categories to all the major areas of his sociology - economic, religious and political - and of the general significance of the phenomenon of 'Herrschaft' to all three. 'Herrschaft' Weber defines as a relationship of command and obedience, such that those subordinate to it can be expected to carry out an instruction regardless of its content (Weber 1972, 29; cf. 544-5). Legitimacy he defines sociologically as the *belief* in the rightfulness of a given 'Herrschaft', and he typically puts the term "legitimacy" in inverted commas to indicate that it is the belief of the relevant agents, not the normative judgement of the investigator, that is at issue (Weber 1972, 122; cf. 549). As Weber makes clear, legitimacy is not a necessary condition of 'Herrschaft', since obedience to commands may under certain circumstances be predictably secured on the basis of coercion alone. This makes the English translation of "Herrschaft" problematic, since "authority" is usually defined as "legitimate power" (so that "legitimate authority" would be pleonastic), whereas "domination" is simply too strong a term, "rule" too specifically political and "power" far too general. In view of this unusual inadequacy of the English language, I have kept the German word "Herrschaft" where appropriate.

Although the belief in legitimacy, then, is not a necessary condition for 'Herrschaft' according to Weber's definition, it is nevertheless a typical concomitant of it. This is because, first, all those exercising power have a psychological need of self-justification, and all those socially advantaged need to see their advantage as deserved or legitimate, and not arbitrary (Weber 1972, 549). But, secondly, it also serves to maintain the stability of 'Herrschaft' if those subordi-

nate to it believe in its legitimacy as well, since obedience based upon considerations of habit, self-interest or personal inclination alone is relatively unstable. In one place Weber makes this point in relation to the subordinate as a whole (Weber 1922, 1); in another he speaks of the significance of legitimacy for ensuring the obedience of the administrative apparatus to the ruler, and of the subordinate to both (Weber 1972, 549); and in yet another he singles out the administrative apparatus alone, and acknowledges that the 'Beherrschten' may be so impotent in the face of an overwhelming organisation of power, that any belief in the legitimacy of 'Herrschaft' on their part becomes irrelevant (Weber 1972, 122-3). Such differences (and even inconsistencies) are unimportant to Weber, however, because he is not primarily interested in questions of stability, or in degrees of legitimacy, or in the contrast between legitimate and non-legitimate 'Herrschaft'. His primary interest lies elsewhere: in the ground or principle on which legitimacy is claimed, and the consequences which follow for the form of organisation of 'Herrschaft', regardless of the degree to which that claim is actually acknowledged. "Je nach der Art der beanspruchten Legitimität aber ist auch der Typus des Gehorchens, des zu dessen Garantie bestimmten Verwaltungsstabes und der Charakter der Ausübung der Herrschaft grundverschieden." (Weber 1972, 122)

It is only after establishing that the significance of legitimacy for him lies in the difference that different principles or grounds of legitimacy have for the form of organisation of 'Herrschaft' that Weber proceeds to announce his familiar typology. There is legal 'Herrschaft', based upon belief in the authority of rules which have been established by the formally correct procedures; here obedience is owed to the impersonal rules, and to a *'Beamte'* whose sphere of authority is defined according to these rules. There is, secondly, traditional 'Herrschaft', based upon belief in the sanctity of tradition; here obedience is owed to the person of the *'Herr'*, whose sphere of authority is determined by personal discretion within the spirit of traditional norms and obligations. There is, thirdly, charismatic 'Herrschaft', based upon belief in the exceptional qualities of an outstanding individual; here obedience is owed to the person of the *'Führer'*, whose authority stands outside any rule or precedent, and depends upon the continued demonstration of charismatic qualities. Of the three, the first two belong in the sphere of the everyday, as opposed to the extraordinary or charismatic, while the last two are forms of personal authority, as opposed to the impersonality of legal 'Herrschaft'. As Weber repeatedly insists, these distinctions constitute pure or 'ideal' types; in practice there exist all kinds of admixture between them, and forms of transition from one to the next (see Weber 1922, etc.).

Now there is no denying that Weber's typology gave him a most effective instrument for organising and categorising an enormous range of historical material. In particular, it enabled him to identify and conceptualise key features in the development of the modern state in contrast to the traditional order, such

as: the separation of the public from the private domain; the principle of legal enactment and codification; the concept of officialdom, exercising a delimited sphere of competence within a rule-governed hierarchy; the commitment to impersonality and procedural correctness; and so on. It also produced the distinctive Weberian account of modern mass democracy as 'Führerdemokratie', where the political leader's legitimacy was derived from a mixture of charismatic and legal components, of personal qualities and electoral rules together (see Mommsen 1963; 1974, ch. 4). Above all, the typology was to give central place to bureaucracy in Weber's account of the modern state, as the focal point of two quite different contrasts. Facing in one direction - backwards - bureaucracy was distinguished from traditional forms of administration, based upon customary allegiances, private financing, personally defined spheres of competence, etc. Facing in another direction - upwards - bureaucracy was subordinated to the contrasting charismatic principle of the elected leader, exercising an individual authority for the determination of policy on the basis of the voluntary support of a mass following (Beetham 1987, 57-71).

These distinctive features of Weber's typology are well known, and have been responsible for its widespread adoption. However, the typology quickly becomes incoherent as soon as it is used to analyse comparative political systems in the modern era, particularly in the twentieth century. Political scientists, for example, have frequently got bogged down in trying to decide which of the three types, or which mixture of them, best characterised the Communist model of government. Some have argued that its legitimating principle was primarily charismatic, focused upon the exceptional leader (Gill 1982); others that the leader's charisma had become routinised and developed into a legally validated office (Heller 1982); yet others that there was a historical component deriving from the prestige of the revolution and longer-standing national traditions (Lane 1984); while Rigby has discovered a fourth Weberian type - the goal rational - involving progress towards the ideal Communist society (Rigby 1982). If we turn to liberal democracies, on the other hand, it soon becomes evident that no amount of commitment to legality and procedural correctness can explain just what it is that gives the electoral rules of appointment to office their validity (as opposed, say, to some other rules); and that the charisma of leadership is quite insufficient to fill this gap in the account of legitimation. When it comes, finally, to the most common regime type of the twentieth century, the military dictatorship, Weber's lack of concern with non-legitimate 'Herrschaft' becomes a crucial handicap. Here it can no longer be plausibly asserted that it is the *difference* between legitimating principles that is most significant, when it is precisely the *absence* of legitimacy that differentiates military regimes from others, and gives them their distinctive character and trajectory.

These deficiencies are not merely accidental ones, but stem from basic problems in Weber's typology and in the conception of legitimacy that underpins it. The nature of these problems can be identified by examining, first, the

contrast between the 'legal' and the 'traditional' grounds or principles of legitimacy; then by an examination of the 'charismatic' type. I shall consider each of these in turn.

If we examine the contrast Weber draws between the legal and traditional types of legitimacy - the contrast which is central to his analysis of the modern state - two things stand out as odd about it. The first is that the key component of legal 'Herrschaft', that legitimacy is derived from rules or laws, by implication has no place in traditional 'Herrschaft', since rule-derived legitimacy or legal validity is singled out as the defining characteristic of this particular *type*. Yet a moment's thought will reveal that legitimacy in a traditional order must have been based on rules - for example, the rule that property and position were inherited through birth - and such rules would typically have been legally defined and enforceable. Anyone in a traditional order seeking to justify their position as legitimate would first have appealed to the fact that it had been acquired according to the law; only secondarily (if at all) would they have appealed to the principle which justified the laws of inheritance, viz. that the pedigree of one's family guaranteed the qualities necessary to occupy a superior position and exercise authority. Indeed, we could go further, and say that the first move for anyone seeking to legitimate their position is to appeal to a rule which shows its acquisition to be lawful (whether the rule is customary or legally defined is immaterial here). The first condition of all legitimacy, in other words, is *legality*. And the most frequent arena of dispute about legitimacy concerns the adjudication of legality, in traditional societies as in any other (e.g. who really was the first born? was the birth a legitimate one, i.e. conceived within a lawful marriage? etc.).

Could Weber have overlooked this obvious point? Surely not. And if we read the small print in his account of traditional authority, we do in fact find an acknowledgement that the acquisition of power there is rule-governed, since this is precisely what distinguishes routine from non-routinised forms of 'Herrschaft'. Thus he writes that "Der Herr (oder: die mehreren Herren) sind kraft traditional überkommener Regel bestimmt" and that "die traditionale Herrschaft ist ... ebenfalls regelhaft orientiert" (Weber 1972, 130, 141). Again, after enumerating the different ways in which charismatic authority could become routinised into the traditional type, he concludes: "stets begann damit in irgendeiner Art die Herrschaft von *Regeln*" (Weber 1920, 270). So on the one hand Weber seems to accept it as a feature of any routine form of authority that the legitimacy of the individual derives from a set of rules; on the other hand he wants to insist that this is a distinctive and special feature of what he calls, significantly, 'legale Herrschaft'.

How are we to make sense of this apparent contradiction? One way is to make a clear distinction between the legitimacy of the individual authority-figure, which derives from the rules, and the legitimacy of the rules or *system* of 'Herrschaft'. Thus in a traditional order, the rules of accession to position which

legitimate the individual will be legitimated in turn by a belief in the authority of succession from the past and in the superiority of noble pedigree. The legitimacy of 'Herrschaft' is thus a two-stage affair: the legitimacy of individuals derives from the rules, while the legitimacy of the rules derives from a set of beliefs or accepted principles about the rightful source of authority, which underpins them. But if this is so - and I would argue that it is - then what exactly legitimates the rules under Weber's legal type of authority? That individuals derive their legitimacy from a system of law cannot be sufficient *on its own,* since this is only the first stage of legitimacy. From whence do the rules or laws derive their legitimacy?

Here is the second striking oddity about Weber's typology: that the so-called legal form of 'Herrschaft' is left suspended without any set of beliefs about the rightful source of authority to underpin it. To say that the rules which legitimate the individual are in turn legitimated by other rules simply leads to an infinite regress. What, we might ask, is the belief equivalent to the traditional belief in pedigree that underpins systems of authority in the modern world? If our concern is with the state, and with political authority, then the decisive shift that marked the transition to modernity was that epitomised by the French revolution: the shift from the dynastic principle of legitimacy, which defined the rightful source of authority as residing in the pedigree of the ruling family, to the principle of popular sovereignty, which defined the only rightful source of political authority as residing in the people. So the French Declaration of the Rights of Man in 1789 stated that "the nation is essentially the source of all sovereignty" (article 3), and the same principle is enunciated in article 21 of the UN Declaration of Human Rights, which states that "the will of the people shall be the basis of the authority of government".

Now this principle of popular sovereignty may in practice be qualified by coexistence with another principle of authority which serves to limit it: for example, by the persistence of the traditional principle, as in monarchical systems such as present-day Jordan or Morocco; or by the belief in a religious source of authority, as in Iran; or by the belief in the doctrines of Marxism-Leninism and in the Communist party as their exclusive interpreter, as in the classical Soviet model. Yet that some effective acknowledgement in the constitutional order should be given to the principle of popular sovereignty is now an almost universal condition of political legitimacy. And the potency of the principle can be seen in the irresistible moral force of popular movements which seek to remove the qualifications and limitations upon its exercise; and by the fact that, once fully realised in a liberal-democratic order, it proves *irreversible* as a principle of legitimacy, even though it may be temporarily suspended by a non-legitimate form of 'Herrschaft'.

Why did Weber mention none of this, which to a student of the modern as well as of the contemporary state seems so evident? Why is his legal type of authority left unanchored by any legitimating beliefs or principles? Among the

different possible answers that can be given, one should be mentioned here. This is that Weber failed to observe a crucial distinction between two different kinds of answer to the question: from whence do rules or laws derive their legitimacy? One kind of answer - a juridical answer - looks to the *source of the rules or laws* in question. A second kind of answer - a normative or philosophical one - looks to the substantive normative principles which the laws embody; in the case of the state, to the substantive principles about the *rightful source of authority for political power*. Now Weber's contrast between traditional and legal 'Herrschaft' is constructed entirely according to the juridical mode. According to his distinction, 'under traditional authority the law is validated by tradition and by the sanctity of precedent: "die Heiligkeit altüberkommener ('von jeher bestehender') Ordnungen" (Weber 1972, 130). Under legal authority law is validated by virtue of its enactment by a validly constituted authority; legitimacy rests on "rational gesatzter ... Regel, und die Legitimation zur Satzung dieser Regeln wiederum auf rational gesatzter oder interpretierter 'Verfassung'" (Weber 1920, 267-8). In other words, it is the difference in the source of law and in the criteria for its validation, between tradition and rule-governed enactment, that is for Weber the crucial point of difference between the two types of authority.

Now this wholly juridical distinction undoubtedly points to an important difference in the character of law between traditional and modern societies. Yet it cannot provide a full explanation for the legitimacy of the rules determining access to political power. These must also embody a substantive principle, relating to the rightful source of political authority, that is widely acknowledged within the society - whether of dynastic succession, divine authorisation, popular sovereignty, superior knowledge of the historical process (Marxism-Leninism), or whatever. It is the failure to provide any account at all of the normative (as opposed to the juridical) legitimation of the law that invalidates Weber's account of political legitimacy. And this failure rests in turn on a confusion between the juridical basis of legitimation (the rightful source from which the law *derives)* and the normative-substantive basis (the rightful principle of political authority that the law *embodies)*. Moreover it is a confusion that is repeated in most of the Weber-inspired accounts of political legitimacy in the social scientific literature.

I should emphasize at this point that I am not repeating the well-trodden critique of Weber from a natural-law standpoint (Strauss 1953), nor yet that of other political philosophers who object to the lack of normative engagement or moral judgement in Weber's account of legitimacy (e.g. Schaar 1969, 284; Pitkin 1972, 283). My criticism is entirely from a social-scientific perspective: Weber's account omits elements that are necessary to a social-scientific analysis of legitimacy, since they relate to dimensions of what people actually believe and to principles that are actually embodied in constitutional rules. It is because it is incomplete, not because it fails to be properly philosophical, that Weber's conception of legitimacy is defective. Furthermore, the analysis of the charismatic type, to which I turn next, will reveal a further important lacuna in his account.

Weber distinguishes the charismatic form of authority from the others by the fact that, as a pure type, it is constituted outside the framework of any rules, and without the enforcement of any sanctions. Of all his types it is the one that has been subjected to the most sustained criticism, on a variety of grounds: e.g. that it gives undue emphasis to the supposedly exceptional qualities of individuals, rather than to the content of their message, or to the situation which gives it credibility; that there is a contradiction between Weber's claim that charisma is a value-free concept, and his assertion that it is the 'truly creative force' of history; that there is an acute analytical problem about the criteria by which we might recognise a 'charismatic' element in authority, once it ceases to be a pure type; and so on. Taken together, these deficiencies give a decidedly apologetic flavour to the term "charisma" once it is employed in a contemporary political context.

However, it is a different aspect of charismatic authority that I wish to concentrate on here, since it exposes a more general weakness in Weber's account of legitimacy. This is the question of what exactly it is that establishes the legitimacy of the charismatic leader. It cannot be merely the claim to possess exceptional qualities or a distinctive mission, since these might not be recognised by anyone else. Nor can it even be the belief on the part of others that an individual possesses these qualities. Rather it is the *act* of following that establishes the legitimacy of the charismatic leader. The actions of followers *confer* legitimacy. Moreover, what is true of the borderline, a-typical case of charismatic authority is, so I would argue, true of authority in general, and especially of political authority. Legitimacy is conferred by the appropriate actions of subordinates.

What kinds of actions and by whom? Clearly simple obedience to orders will not suffice to confer legitimacy, since obedience can be secured through coercion. Actions must provide evidence of express consent to authority on the part of those qualified to give it. What form such actions take will depend upon the conventions of the particular society or political system. Swearing an oath of allegiance, joining in acclamation, concluding an agreement with a superior party, voting in an election or plebiscite: any of these may provide evidence of consent according to the context. Equally, who is qualified to give it will vary. One of the characteristic features of traditional forms of political authority was that membership of the political community was confined to the socially and economically privileged; and that in expressing consent or allegiance to a superior, they did so on behalf of their subordinates and dependents as well. Demonstrating consent to political authority as a criterion of political legitimacy is not unique to the modern age. What is distinctive is that consent has to be given by the individual in person (or by someone explicitly authorised as their representative); and that who is qualified to give it has been extended to include the whole adult population.

In twentieth century political systems, however, it is possible to distinguish two different modes of popular consent. There is the electoral mode, patterned on the liberal contract, in which there is a choice between alternatives, and the act of

voting itself determines who the government shall be. Here it is electoral partici-
pation that demonstrates consent to government - on the part of the majority,
because they have voted for it; on the part of the minority, because in taking part
in the election they are deemed to have endorsed the rules under which it takes
place. Under the electoral mode, parties have the function of selecting and mar-
keting candidates and policies for electoral competition. By contrast there is what
could be called the 'mobilisation mode' of consent, in which political partici-
pation is divorced from the process whereby rulers are selected for office, and
where consent to authority is demonstrated by the extent and degree of popular
activism and voluntary commitment in its service. Here parties serve the purpose
of continuous mobilisation of activists in the regime's cause, as most typically in
the classical Communist model of political system.

Although the second of these modes of consent bears some similarities to
Weber's description of a charismatic following, it is important to insist that it
does not necessarily entail commitment to an individual leader, rather than to a
cause or a movement. Moreover, what is significant about Weber's approach to
legitimacy is that it omits any mention of the fact that legitimacy is something
conferred and confirmed by the actions of relevant subordinates. Legitimacy for
Weber is defined as the 'belief in legitimacy' or 'Legitimitätsglaube', and it is
wholly constituted by the beliefs of the relevant agents. Yet actions can confer
legitimacy without being based upon any 'belief in legitimacy'. It is central to the
whole liberal tradition of contract theorising, for example, that contracts can be
undertaken, and consent be expressed, entirely out of considerations of self-
interest. It is the *actions,* involving implicit or explicit commitments, that create
a normative relationship and reciprocal obligations, not any prior 'belief in legi-
timacy'. For just this reason, the politically powerful have always taken good
care to 'bind in' at least the most significant among their subordinates by actions
expressive of consent to their rule. Such actions are typically institutionalised,
and the institutions that give effect to them are among the most important of any
political system.

We are now in a position to identify the fundamental flaw in Weber's
conception of legitimacy. This is that he reduces a complex of different elements
that go to make up the legitimacy of 'Herrschaft' to a single dimension: the belief
in legitimacy ('Legitimitätsglaube'). For all the complexity of his typology, it is
built upon a mistaken simplification. Legitimacy is a multi-layered concept, and
the legitimation of power occurs at a number of different levels, which need to be
carefully distinguished. What are these different levels? Political power is legiti-
mate, we can say, to the extent that:

  a) it is acquired and exercised in accordance with the rules or the laws; and

  b) the rules or laws embody an acknowledged principle of political authority,
      in terms of which they can be justified; and

  c) there is evidence of express consent to authority on the part of those quali-
      fied to give it.

Each of these three components - legality, normative justifiability, express consent - is qualitatively different from the others. However, they are not alternatives, since all are necessary to legitimacy. Legitimacy is a composite of different elements: rules, appropriate beliefs, relevant actions. And to the extent that they are present, we can say, not that people believe in the legitimacy of power, but that it *is* legitimate in the given context.

Now each of these three necessary components of legitimacy takes historically variable forms; and the differences between them serve to define the distinctive character of a political system. In respect of the first dimension, there will be differences in the way the law is determined, and in how far relations of power are regulated by law or by custom and practice (unwritten rules). In respect of the second dimension, political systems will differ according to the source of political authority that is acknowledged as valid within the society. In respect of the third, they will differ according to who is qualified to give consent, and how that consent is organised and mobilised. It is the combination of the three that defines the type of state or political system; and tracing the internal connections between them is one of the key contributions that legitimacy theory can make to the study of comparative politics.

According to these criteria, then, the modern state is to be distinguished from the traditional, not only in the manner in which the law is determined, and in the extent to which public offices are precisely regulated by law (the only distinction that Weber's juridical account of legitimacy gives us). It is also distinguished by the principle of popular sovereignty, which has profound implications for the question of nationhood (who constitutes the people?) as well as for the rules determining access to office. It is further distinguished by the fact that those who are qualified to give consent now extend to the whole adult population. Moreover, within the modern state itself, political systems can be distinguished, as liberal-democratic from monarchical, communist, or theocratic, according to how far the principle of popular sovereignty is qualified by some other principle of political authority, and by the mode through which mass consent is organised. These differences are what determine the central institutions of the political system: the rules governing access to and exercise of state power, and the institutions of representation, political parties, etc. through which consent is organised and expressed.

The identification of legitimacy as a multi-dimensional phenomenon further enables us to distinguish different ways in which power may be non-legitimate. It may be acquired or exercised in breach of the rules or of the law, in which case we call it *illegitimate*. Alternatively, the rules by which power is obtained may be only weakly supported by beliefs about the valid source of authority - whether because the supporting principles have become eroded over time, or because the rules do not adequately reflect them, or because they are subject to radical disagreement within the society. Here we can talk of a *legitimacy deficit*. Finally, those whose consent is necessary to legitimate the given form of power may

withold it or withdraw it in a very public way, in which case we talk of *delegiti-mation*. To each of these corresponds a different kind of non-legitimate pheno-menon, such as coup d'état, loss of political authority, revolutionary mobilisa-tion, and so on. The distinctive feature of a military dictatorship is that it fails on all three criteria simultaneously. Born of illegality, it has no valid source of authority to underpin its rules of office, and its mission is precisely to suppress the political activity that is necessary to demonstrate mass consent in the contem-porary world.

In a forthcoming book I have developed this multi-layered conception of legi-timacy more fully, and shown how it can be used to analyse and differentiate a wide range of contemporary political phenomena in a convincing manner (Beetham 1991). My argument in this article is that Weber's typology is simply inadequate to grasp the complexity of legitimacy, especially in respect of the modern state. It remains by way of conclusion to explain why he developed the typology that he did. I would argue that the explanation lies deeply embedded within his philosophical and political convictions. On the one hand he dismissed the idea of popular sovereignty as a myth, and held that, with the demise of natural law theorising, political principles could never be other than matters of subjective affirmation and commitment. This inclined him to a purely procedural or juridical account of the modern state as a set of rule-governed offices, and of its legitimacy as procedurally derived. On the other hand his own commitment to the values of individualism and to a conception of the individual calling as the source of innovative achievement within the world meant that his accounts of both liberalism and democracy in the bureaucratic age could never be *purely* procedural. They also had to find room for the creative role of the individual, not any more through privately or independently financed activity, but at the head of major institutions and through leadership of a voluntary mass following. To affirm this element, the concept of charismatic authority provided a most appro-priate category (Beetham 1985, 1-7; 1989).

What is more surprising is that a typology whose source lay in Weber's own political and philosophical inspiration (see Mommsen 1965) should have had such an influence on later social scientists. The explanation lies not only in the exalted standing of Weber, and the central place he gave the typology in his own work. It also has to do with the fact that each of Weber's types does contain, concealed within it and in a misleading manner, a different element necessary to legitimacy; so that, if they are combined together, the typology appears to have some credibi-lity as an analytical instrument. Thus the legal type, as its name implies, focuses attention on the element of legal validity. The traditional type can serve in turn to characterise the beliefs established within a given society about the rightful source of political authority. And the charismatic type can, if attention is directed towards the actions of followers rather than the assumed qualities of leaders, serve to identify the element of consent that is necessary to legitimacy. However, in Weber's typology each of these appears in a distorted form, since what I have

argued to be necessary elements of legitimacy *as such* become transposed into an independent and self-sufficient *type* of legitimacy. I hope I have not only convincingly shown where Weber was mistaken; but also have demonstrated that a multi-layered conception provides us with the only satisfactory way of elucidating the complexity of legitimacy, and in particular the legitimacy of the modern state.

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