

## LEGAL AND POLITICAL SCIENCE PERSPECTIVES ON THE ANALYTICAL ELEMENTS OF POWER LEGITIMACY: DIMENSIONS AND CATEGORIES. PRELIMINARY ANALYSIS

Dr. Bożena Iwanowska

University of Economics and Human Sciences in Warsaw, Poland  
e-mail: [b.iwanowska@vizja.pl](mailto:b.iwanowska@vizja.pl); <https://orcid.org/0000-0003-1331-2866>

Dr. Yan Kapranov

University of Economics and Human Sciences in Warsaw, Poland  
e-mail: [y.kapranov@vizja.pl](mailto:y.kapranov@vizja.pl); <https://orcid.org/0000-0003-2915-038X>

Dr. Dawid Stadniczeńko

University of Economics and Human Sciences in Warsaw, Poland  
e-mail: [d.stadniczenko@vizja.pl](mailto:d.stadniczenko@vizja.pl); <https://orcid.org/0000-0001-6826-3366>

Dr. Tomasz Wierzchowski

University of Economics and Human Sciences in Warsaw, Poland  
e-mail: [t.wierzchowski@vizja.pl](mailto:t.wierzchowski@vizja.pl); <https://orcid.org/0000-0002-3986-8187>

**Abstract.** The primary objective of this paper is to examine the intricacies surrounding power legitimacy, identifying its multifaceted aspects in various categories. The authors discuss key factors necessary to determine power's legitimacy and meticulously elaborate on the pertinent dimensions encompassing it. The article focuses on the factors that threaten the maintenance of unchallenged power, specifically the spectre of illegitimacy, and those that reinforce its consolidation. By concentrating exclusively on two key pillars – dimensions and categories – the article aims to establish a theoretical framework for investigating the legitimisation of political authority. This endeavour is crucial in comprehending the intricate interplay between society and power. It also has a clear research objective, i.e. to identify the specific area, scope, and pivotal junctures in the legitimisation process where dimensions and categories exert their most profound and immediate impact. Consequently, the reader gains a thorough understanding of the complex and diverse processes involved in legitimisation, encompassing legal, political, and societal dynamics.

**Keywords:** law; power; legitimacy; efficiency; political structure

## INTRODUCTION

Legitimacy assumes a complex nature, intricately intertwining three essential components: legality, normative justification, and the acceptance of authority. This intricate interplay has garnered the attention of political scientists and sociologists, who acknowledge the multifaceted nature of political power legitimacy. This nuanced approach to assessing the legitimacy of authority finds increasing resonance among scholars dedicated to the study of power's legitimacy. The legitimization of political authority exerts a substantial influence on the dynamics of power and the political apparatus, and this article undertakes an exhaustive analysis from the dual perspectives of jurisprudence and political science. The significance of both these vantage points is paramount in this context, as legitimacy stands as a multifaceted construct that amalgamates diverse facets, encompassing legality (the legal dimension), normative rationale (the legal dimension), and a degree of power acceptance (the political dimension). In the realm of political theory, a frequently embraced stance posits that political authority achieves legitimacy when: a) its acquisition and exercise adhere to established norms and rules; b) the underpinnings of its authority, including norms and the objectives and principles guiding its exercise, can be justified in accordance with widely accepted societal beliefs; c) the position of authority garners explicit support, acquiescence, and recognition from other sources of authority.

## 1. THE DIMENSIONS OF POWER LEGITIMACY

The dimensions of power legitimacy can be scrutinized from two distinct vantage points: firstly, within the framework of qualities inherent to the concept of power legitimacy, which either emanate from its definition or pertain to political structures such as the state, encompassing its constitutional values, principles, and the governmental apparatus comprising individuals entrusted with ministerial and political responsibilities [Beetham 1991, 15-25; Sokół 1997, 64-67].

Let us direct our attention to the initial facet of our inquiry. In accordance with the most comprehensive delineation of power legitimacy, it encompasses a triad of constituent elements that, when interwoven, confer upon authority its full legitimacy. These constituent elements are as follows.

A) Adherence to established norms and regulations in both the acquisition and exercise of power. These norms, often termed as *the rules of power*, may, in established democracies, exist in unwritten traditions rooted in mutual trust between the governing entities and society. Nonetheless,

to preclude practical complications, most societies opt for a more explicit articulation of these rules, typically enshrined in detailed legal codes. Predominantly, the bedrock of these rules resides in the constitutional framework. It is not uncommon for such rules to age over time, leading governments to contemplate amendments to their constitutions, often sparking contentious debates within parliamentary chambers among competing political factions.

When power is acquired and wielded in strict adherence to these rules, it garners legitimacy. In such cases, those in positions of power tend to enjoy popularity and enhance their prospects for subsequent terms, potentially extending their influence onto the international stage. However, there are instances where the acquisition of power aligns with established norms, but its subsequent exercise deviates. Frequently, two principal actors within the political milieu emerge as adversaries to such rulers: opposition party representatives and certain media outlets. To safeguard their legitimacy, those in power might adjust their policies to some extent in order to appease their critics. In the contemporary world, the measure of legitimacy can be quantified through society's support, gauged through opinion polls. If those in power are mindful of their political careers, aiming to secure their prospects in forthcoming elections, they may endeavor to align their policies with societal expectations, thereby ameliorating their standing. In the gravest of scenarios, leaders who exhibit a lack of concern for their future political fortunes simply conclude their terms and relinquish their positions.

Circumstances may arise wherein power is procured in disregard of established norms and wielded in a manner that transgresses their boundaries. In such a scenario, the resulting power is inherently bereft of legitimacy. The illegitimacy arising from this transgression, particularly concerning the acquisition of power, elicits widespread disapproval within societies. This is because it invariably engenders a manifestly illegal situation that defies explication through recourse to established legal norms. The unlawful seizure of authority, commonly referred to as *usurpation*, stands in stark contrast to the principled exercise of power in accordance with established rules. It is indeed a challenge to envision usurpation of power coexisting harmoniously with the conscientious adherence to established norms. Invariably, the usurper, having illicitly appropriated power, finds themselves eventually divested of their ill-gotten authority.

In summary, it is imperative to underscore that power legitimacy attains its zenith when authority is acquired through lawful means and its subsequent exercise adheres diligently to established regulations. This phenomenon is predominantly observed in contemporary democratic nations, where the rule of law and adherence to prescribed norms prevail. Conversely, a more prevalent scenario emerges when the acquisition of power duly aligns

with established norms, yet its exercise exceeds the confines set by these norms. In such instances, the legitimacy of such power becomes tenuous, and it may even teeter on the precipice of illegitimacy. The durability of this power hinges upon the prevailing political framework within a given country. Generally, the more democratic the nation, the swifter the erosion of such power, and this phenomenon finds a typical manifestation in the so-called *illiberal democracies*. These states, while ostensibly possessing democratic institutions, exhibit a distinct *modus operandi* in the exercise of power, deviating markedly from the practices observed in fully democratic nations.

B) Turning our attention to the second facet, the dimension of legitimacy becomes intimately intertwined with the justification of the governing rules. According to Beetham [1991], mere legal validity alone proves insufficient to underpin legitimacy, for the very rules themselves demand substantiation. Thus, the legitimacy of power is intrinsically contingent upon the extent to which these rules governing power can be justified from the perspective of shared beliefs held in common by both the powerful and the subordinate factions.

Legitimacy bestows its imprimatur upon power when several criteria are met: 1) authority derives from a legitimate source, 2) the attributes of those entrusted with wielding power align with the requisites stipulated within the rules of power, and 3) the structure of power dutifully serves the collective interests rather than the parochial interests of the powerful. These justifications are intricately bound to the prevailing societal beliefs concerning a range of critical facets, including the rightful fount of authority, the requisite qualities necessary for the judicious exercise of power, and the methods employed by individuals to attain these qualities. Additionally, these beliefs extend to encompass a broader conceptualization of common interests, benefits, and needs that a given power system purports to fulfill.

However, it is essential to acknowledge that beliefs are far from uniform across societies; indeed, variations in belief systems manifest not only between the powerful and the subordinate but also within the ranks of the subordinate population itself. Consequently, there arises a pressing need for a foundational set of shared beliefs to serve as the bedrock upon which the justification of power's rules can be predicated.

Should the rules of power fail to find resonance within the realm of shared beliefs, they are inevitably divested of legitimacy to a certain extent. This predicament can be attributed to several underlying factors: 1) the absence of a consensus in a given society's belief systems, 2) the erosion of the foundational underpinnings of power's rules due to shifts in prevailing beliefs (e.g., diminished faith in certain pivotal qualities and values), or 3) the frailty of existing justifications buttressing these rules. The aforementioned line

of reasoning underscores the possibility of power's rules bearing a feeble veneer of legitimacy or, in some instances, encountering a legitimacy deficit of varying degrees.

C) In the context of the third dimension, legitimacy hinges on the consent of those subordinate individuals who, by and large, find themselves subject to power dynamics predominantly shaped by the powerful entities. This consent assumes tangible form through actions such as negotiating agreements with the powerful, pledging allegiance, and participating in electoral processes. These actions effectively signify consent, irrespective of the underlying motives that impel the subordinate individuals to engage in them. Moreover, participants in these actions invariably undertake a moral commitment to affirm their endorsement of the positions held by the powerful. Consequently, these actions metamorphose into public expressions that confirm the legitimacy of those in power. The wielders of authority can strategically leverage these expressions when interacting with other groups that have refrained from partaking in such actions or have abstained from endorsing power in any form.

The specific nature of the consent requisite for the acknowledgment of the powerful as legitimate is subject to the prevailing political culture, which is typically rooted in the customary practices of a given society. Nonetheless, it is imperative to underscore that, universally, when bestowing legitimacy upon authority, at the very least, the most influential faction among the subordinate populace – usually their elite – must manifest their consent through actions or public ceremonies. This consent is construed as a solemn obligation of the subordinate segment towards those in power and serves as conclusive proof of the legitimacy conferred upon the powerful. Most crucially, it is solely through the public actions of the subordinate individuals who articulate their consent that the process of legitimizing power unfolds in its authentic form. In contrast, other scenarios may entail instances of propaganda or public relations campaigns, which, while contributing to the semblance of legitimacy, do not capture its intrinsic essence. Importantly, the renunciation or denial of consent constitutes a pivotal factor in the erosion of legitimacy. The magnitude of this erosion is contingent upon the number of individuals embroiled in the process of delegitimizing power.

Within the domain of social science, the concept of legitimacy as it relates to political structures has garnered the attention of scholars such as Almond, Powell, Strøm, et al. [2008]. These political structures, akin to all wielders of power, inherently necessitate legitimacy. From this vantage point, Easton has thoughtfully delineated, within the realm of politics, three distinct objects that crave societal validation: 1) society, connoting the state in its broader interpretation; 2) regime, encapsulating the prevailing

dominant ideological values, constitutional principles, administrative structures, and the prescribed rules of political engagement; 3) government, encompassing the governing body itself and other individuals occupying formal political roles [Easton 1979, 270].

It is worth noting that these enumerated objects may vary in their capacity to secure social support. For instance, during the 19th century in France, various political factions ardently endeavored to undermine one another and the exercise of authority, yet none ventured to impugn the legitimacy of the French state itself. In a more generalized context, one may infer that the legitimacy of a political system seldom serves as the root cause of significant issues. Instead, it is often nationalism that emerges as the pivotal factor underpinning the legitimacy of modern nation-states [Sokół 1997, 64].

In recent decades, the Western world has been confronted with discernible indicators of delegitimization directed towards the state [Rychard and Domański 2010]. These manifestations manifest as anti-state nationalism or separatist movements, often articulated by certain segments of society within liberal democracies. These groups express their convictions not only through peaceful means but also resort to criminal activities, exemplified by the Basques in Spain or the Irish in Northern Ireland, a constituent part of the United Kingdom. The impetus behind these political phenomena often derives from ethnic, linguistic, or occasionally religious motivations. Similar tendencies have surfaced in Quebec, one of Canada's provinces, and are currently witnessed in Belgium, where the Flemish and Walloon communities contend for greater political influence. Likewise, such dynamics have unfolded in Georgia, situated on the eastern coast of the Black Sea, where two regions, Abkhazia and South Ossetia, have been recognized as independent states by Russia.

The indications of delegitimization manifest as crisis scenarios intertwined with the intricate matter of national identity, posing profound challenges for resolution. Nations grappling with such crises commonly endeavor to address their predicaments through several avenues: a) cultivating robust nationalism, often personified by a charismatic leader; b) contemplating the partitioning of the national state into distinct entities, as witnessed in historical instances like Pakistan and Bangladesh; c) pursuing a nuanced approach characterized by limited pluralism, moderated coercion, and the incorporation of acceptable state symbols [Sokół 1997, 65].

In democratic societies, the underpinning of legal legitimacy is intricately tied to the principle of popular sovereignty. This foundational principle harmonizes with various other convictions concerning the rightful sources of authority. Consequently, within constitutional monarchies, deep-seated beliefs in tradition and hereditary succession persist, casting power as a pivotal and unifying force that mitigates ethnic schisms. This perspective sheds

light on the preponderance of Western stable democracies adopting monarchical structures, encompassing nations such as Great Britain, Sweden, Norway, Denmark, the Netherlands, Belgium, Luxembourg, Australia, Canada, and New Zealand [ibid.].

In well-established democracies, the influence of traditionalism and traditional legitimacy extends to the realm of ritualism, which, in its political guise, finds expression in a society during national holidays. These occasions and the accompanying symbols serve to mold the political culture of a society and cultivate an atmosphere of legitimacy.

Two distinct models of political culture can be delineated concerning their impact on legitimacy: a homogeneous or uniform model and a heterogeneous or diverse one. For instance, the United States has forged a common, homogeneous culture rooted in the veneration of the republic's founding fathers, such as Abraham Lincoln and Theodore Roosevelt. However, in some European nations characterized by a heterogeneous model of political culture, disparate sets of symbols and national heroes find recognition, typically aligned with left-wing or right-wing political factions. This divergence is a consequence of the prevailing political system, where political parties find it challenging to unite people under a common set of national symbols and heroes due to the acceptance of disparate traditions within each political orientation. Consequently, in a pluralistic political landscape, great emphasis is placed on election strategies and techniques designed to garner support for specific political entities. The legitimacy of these entities can only be achieved through the process of legitimization.

In the domain of international relations, the governmental dimension of legitimacy has been elucidated by J. d'Aspremont. This scholar posits that states, in legal terms, act through their respective governments. However, governments themselves exist for finite durations, contingent primarily on the political system's form and the internal stability of the state. According to d'Aspremont, the frequent turnovers in government personnel necessitate the formulation of criteria to determine who possesses the authority to represent and act on behalf of the state. In his perspective, "the imperative to designate each state's representative in the international arena is at the core of the concept of legitimacy in international relations" [d'Aspremont 2005, 878]. Only a legitimate (authorized) authority, typically a government, is endowed with the lawful capacity to speak and act in the name of the state. Importantly, d'Aspremont contends that there are no objective criteria for ascertaining governmental legitimacy, as it emerges from the subjective evaluation of relevant stakeholders [ibid., 878-79].

On one hand, this entails that each sovereign state retains the prerogative to acknowledge the authority claimed by an entity purporting to represent another state, especially within the framework of bilateral relations.

Conversely, every state reserves the right to assess the legitimacy of a foreign government based on the criteria it deems pertinent. Consequently, this dichotomy gives rise to contentious debates surrounding the legitimacy of governments, a particularly salient issue when an elected government fails to uphold the essential tenets of democracy. Such states with governments of this nature are often classified as illiberal democracies.

Illiberal democracies have endured over extended periods and, following the conclusion of the Cold War, were often tolerated in the realm of international relations. Many observers believed that these states, by neglecting key democratic principles, were undergoing a transitional phase, and with time, would ultimately embrace the necessary democratic norms [d'Aspremont 2005, 879]. While some illiberal democracies have indeed made the transition to full-fledged democracies, others have persisted and even consolidated their illiberal practices. Additionally, new instances of illiberal democracies have emerged, particularly in the Middle East, exemplified by countries such as Iran, Pakistan, Palestine, Libya, Tunisia, and Egypt.

The latter two nations, Tunisia and Egypt, witnessed popular uprisings in the initial quarter of 2011, leading to the ousting of their ruling regimes. Subsequent developments in these countries will determine the nature of their future governance. In the realm of international relations, it is not uncommon for a particular government to be recognized as legitimate by some states while being deemed illegitimate by others. Illiberal democracies exhibit certain democratic characteristics since their governments typically undergo electoral processes. However, they fall short of being recognized as fully legitimate entities due to their failure to adhere to essential democratic principles.

As elucidated in the preceding deliberations, the legitimacy of governments is poised to assume an increasingly pivotal role in the contemporary global landscape, characterized by the close cooperation among nations across diverse realms of political, economic, and cultural endeavors.

## 2. ALTERNATIVE DIMENSIONS OF POWER LEGITIMACY

The formula for legitimization stands as a foundational concept, irrespective of its constituents. It hinges upon citizens perceiving it as justifiable, a perception that necessitates a certain degree of freedom and belief in its legitimacy. A consensus among the majority of researchers suggests that legitimacy emerges from a standardized consent to the fundamental principles that shape the social order [Sokół 1997, 97].

For instance, there is a perspective that contends the communist system was capable of attaining legitimacy [ibid., 98]. Despite any negative verdict



regarding the legal validity of the communist system, it prompts inquiries into several facets: 1) To what extent did the system reconstruct its structural identity and stability, thereby establishing the foundation for power legitimation? 2) How did the system manage to foster its development while invoking the doctrine of Marxism-Leninism, a process that commenced in 1917 within the Soviet Union? 3) Why does such a system exhibit a dearth of political structural legitimacy? Scholars also posit that within the communist system, the absence of a shared foundation for legitimacy hindered the establishment of an accord between ruling groups and subordinate entities concerning the values and essential norms governing the social order [Bellina, Darbon, Eriksen, et al. 2009].

### 3. THE OBJECTS OF LEGITIMIZATION

The divergence of opinion regarding the entities that constitute, or should constitute, the focal points of legitimation becomes evident within the realm of legitimizing theories. Two distinct approaches to the legitimization process emerge: a narrower perspective, primarily prevalent in political science, and a broader one, frequently encountered in sociology. Within the expanded conception of legitimacy, it is postulated that “everything, every institution, every form of social initiative can be the subject of a legitimizing relationship” [Biernat 2000, 85]. Broadly speaking, political power or the political system represents objects of legitimation. However, from a more specific vantage point, legitimacy extends to various domains of social existence [Karpinski 2010, 135-55].

One can also examine the objects of legitimation from a human-centric viewpoint (who, which individuals are subject to legitimation) and from a subject-oriented perspective (what system, structure, authority, organization, public or legal institution serves as the subject of legitimation). In the narrower framework, Biernat discerns six elements that form the foundations of political order and, by extension, serve as the objects of power legitimation [Biernat 2000, 38]: 1) macro-structural organizations, primarily the State and highly integrated ethnic groups; 2) power institutions, encompassing the scope of their dominion; 3) standard systems and subsystems that regulate political relationships, including the normative systems governing the creation of authority, such as political and legal norms; 4) political action, comprising the methods and forms of power exercise – both adhering to norms and transgressing the rules prescribed by standard systems; 5) modes and forms of communication inherent to a political system; 6) the political class, signifying individuals or groups engaged in political action, whether as wielders of authority, aspirants vying for power, or even those asserting the right to belong to one of the aforementioned categories.

#### 4. THE RATIONALE FOR LEGITIMIZATION

In essence, these legitimizing arguments primarily pertain to the objects of legitimation, the titles to rule, and the agendas or political visions embraced by those in power. In practice, the most frequently invoked arguments revolve around the exercise of power through democratic procedures and the symbolism inherent in political rituals. Authorities often endeavor to manifest a reality that necessitates improvement – a state of affairs aligned with the expectations of the governed, offering the promise of better fulfillment of their diverse needs. Such arguments are strategically employed to garner public support for the ruling entity, often embodied by the ruling political party.

Here, we present a set of multi-faceted arguments that substantiate claims to authority [Sokół 1997, 32-34].

##### **4.1. The origin of power**

- 1) Power emanates from superior authority, whether the sovereign, which can be the monarch or the people in contemporary times, whose will designates a specific individual or political party to wield power.
- 2) The foundation of power may rest upon a contract forged among the most significant societal groups.

##### **4.2. The attributes of power**

- 1) Power adheres to a rational interpretation of the natural order, challenging it is considered counterintuitive and potentially perilous.
- 2) Power aligns with age-old traditions that permeate all facets of life.
- 3) The source and exercise of power are underpinned by binding legal norms.
- 4) In the absence of a viable alternative to authority, recognizing it may become a pragmatic necessity, even if it lacks widespread societal support.
- 5) Noble objectives, ideals, and values espoused by authority are expected to ensure success and garner elite support.
- 6) Intellectual and informational assets at the disposal of authority are employed to substantiate the validity of its objectives, thereby rendering opposition to power as irrational.
- 7) The advantage of the present regime over its predecessor is attributed to the knowledge and experience gained from past political systems.
- 8) Past successes of the ruling entity can be invoked to overshadow current failures, promising a brighter future.

### 4.3. The vision of benevolent power

- 1) A positive outlook for the future is often tied to a change in leadership and governance approaches, especially during times of systemic transformation.
- 2) Demonstrated achievements in socioeconomic goals serve as persuasive arguments for recognizing an authority. Typically, such achievements highlight elements that are perceivable or palpable to society. In cases where certain spheres of state activity lack success, authorities tend to bypass these areas in their propaganda efforts and may resort to disinformation regarding the state of affairs in other countries.
- 3) The alignment of the interests of the governing authorities with those of the most influential social groups serves as the foundation for engaging these societal factions. By fostering a sense of identification with the ruling entities, this alignment offers social recognition and contributes to stability.

The entirety of endeavors aimed at legitimization serves as an adjunct to a legitimization framework for a political system. Legitimizing procedures encompass legal mechanisms that ensure the binding nature of decisions made by the State. These procedures can be categorized into three distinct types: electoral procedures, which secure a political consensus of opinion; legislative procedures, governing the transformation of established plans into binding programs, typically in the form of laws; and judicial procedures, serving as a means to absorb social dissatisfaction in isolated instances.

According to Luhmann, the proponent of legitimacy through procedures, the existence of such procedures liberates politically motivated decisions from the need for continuous justification [Baumann and Krücken 2019]. Moreover, procedures facilitate the prior approval of strategies aimed at realizing predetermined objectives. According to Luhmann, the legitimacy achieved through procedures is contingent upon the presence of a democratic societal structure, as only in a democratic framework can representatives of various social groups be appointed and held accountable to the public for their decisions and their subsequent implementation [Luhmann 1990; Shulman 2023].

Functioning procedures within a democratic system can also serve as sources of legitimizing arguments. For instance, the fundamental role of an electoral procedure is to bestow legitimacy upon the exercise of power by the victor in an election. This often compels political parties to amend electoral procedures to align them with their electoral strategies.

Legitimizing symbols, on the other hand, serve a role akin to arguments and legitimizing procedures, complementing the overall legitimization framework of a system. These symbols encompass state and national

emblems, holidays, commemorations (whether national, regional, professional, or customary), and are integral components of the political system's ritual. In some instances, these celebrations are even likened to a *secular religion*.

For example, within the communist system, May 1st (Labour Day) was a distinctive public holiday marked by massive worker marches in the presence of state leaders. This political ritual typically manifested in two dimensions: the veneration of communist ideologies and symbols, serving as a re-affirmation of the communist sacred; and a display of animosity towards adversaries of communism, effectively negating the communist profane aspects of society.

Legitimizing claims represent the assertions put forth by political authorities to establish their legitimacy. These claims encompass what the ruling entities seek to legitimize and to what extent. They are underpinned by a combination of arguments, actions, procedures, and symbols employed in the process of legitimation. Consequently, the concept of legitimizing claims bears a semantic proximity to the legitimizing objects. In essence, legitimizing claims revolve around the utilization of arguments, actions, procedures, and legitimizing symbols to persuade that the authority, as the object of legitimation, is indeed legitimate.

In more straightforward terms, the legitimizing claims made by those in power aim to induce recognition among the governed that the authority's rule is legally binding and hence legitimate. These claims presuppose that the ruling entities aspire to establish power relationships with the governed in which they assert the right – due to their advantageous position within these relationships – to determine both the content and form of their governance. In this endeavor, the authorities seek to substantiate their advantage and delineate the scope of their legitimacy. Consequently, they articulate legitimizing claims bolstered by valid arguments. Notably, it was Max Weber who first introduced the concept of legitimation to encompass both the assertion of power (in the sense of rule) and the approval of this claim to power (legitimizing belief, belief in legitimacy) [Weber 1922; Idem 1968].

The target audience of these legitimizing claims, as posited by Weber, is society as a whole. Weber also underscored the unique role played by bureaucracy in this context. Nevertheless, Weber's central contention revolved around the notion that a social order is deemed legitimate if, at the very least, a portion of society – especially the ruling elite – recognizes it as such. This viewpoint aligns with the perspective shared by numerous scholars, emphasizing the strategic significance of elites and dominant social groups in legitimizing power. Conversely, the loss of legitimacy among the elites poses a more severe threat to authority than a decrease in legitimacy among the general population.

Legitimizing techniques encompass specialized methods and approaches employed by governing authorities with the explicit goal of securing legitimacy. In the context of a particular political system, those in power may deploy a range of legitimizing techniques that are distinct to that system. For instance, pragmatic legitimacy can be pursued through strategies such as the manipulation of public sentiment and the provision of financial incentives [Mueller 1973, 135]. Within the behavioral framework of legitimation, legitimacy is often attained through the practice of co-optation. Additionally, the utilization of symbols is classified as one of these legitimizing techniques. In the case of the communist system, as outlined by Lamentowicz, various techniques for legitimation included revolutionary *raison d'état*, doctrinal dissemination, historical narratives, party member morale, and sociological formulations [Lamentowicz 1983, 20-39].

Legitimizing techniques manifest themselves in actions primarily within the realm of public opinion management. This entails the implementation of information policies, with propaganda playing a central role. Within a broader context, these actions encompass several dimensions [Notkowski 1987, 8]: 1) Development of a Distinct Information and Argumentative Language: Crafting and employing a specialized lexicon of information and arguments to shape public discourse; 2) Control of Mass Media: Seizing influence over the mass media by appointing individuals aligned with the government's political stance to managerial positions; 3) Restrictions on Competitive Communication Agencies: Imposing limitations on organizations that offer alternative channels of social communication; 4) Attitude and Behavior Shaping: Influencing public attitudes and social behaviors through diverse techniques, including persuasion and manipulation.

These legitimizing techniques constitute the strategies that authorities employ to gain and maintain legitimacy within their respective political systems.

The concept of the legitimizing belief finds its origins in the theories of Max Weber, who introduced phrases such as "belief in legal validity," "belief in the significance of legal institutionalized power," "belief in authority," and "belief in the extraordinary qualities of a leader [Biernat 2000, 102]. According to Weber, a belief in legal validity constitutes the bedrock of a system of governance, a pivotal component of its legal authority, and the seed from which a structure of legitimacy sprouts [Weber 1922; Idem 1968]. However, it's crucial to recognize that within power dynamics, loyalty and obedience to those in authority may also stem from various other motivations aside from the legitimizing belief. Weber identified factors such as the fear of retribution, the prospect of rewards, and a range of individual interests as additional drivers of obedience among the governed.

In the intellectual lineage of Weber, the legitimizing belief has been portrayed as a means to attain legitimacy. For certain scholars, it is considered an indispensable component of legitimacy itself. Almond and Powell, for instance, elucidate the foundation of power legitimacy through the legitimizing belief. From their perspective, "Political power is legitimized when citizens obey laws established and enacted by authorities not out of fear of punishment for disobedience but because they believe that such obedience is justified." [Almond and Powell 1988, 55]. They argue that if the majority of citizens believe in the legal authority of the government, the enforcement of laws becomes a less resource-intensive endeavor. Furthermore, a solid basis of legitimation provides authorities with the flexibility and time to address complex economic and social challenges effectively, especially in demanding circumstances.

The underlying principle of this argument is that it is considerably simpler to secure subordination and compliance when both the citizenry and elite classes have faith in the legitimacy of the governing authority. This conviction holds true even in cases where governments employ coercive and forceful tactics. Governments, regardless of their nature, make concerted efforts to persuade citizens to believe that adherence to political principles is necessary, and that authorities possess valid grounds for applying force to implement these principles. As stated by Almond and Powell [1988, 55], "The relationship emphasized in the aforementioned description between power and the legal validity of power underscores that the legitimizing belief is an indispensable element of legitimacy." This assertion is grounded in several key premises: 1) the legitimizing belief bolsters the ease of governance when prevalent among the majority of citizens, 2) it enhances the effectiveness of authority with fewer resource expenditures, and 3) in times of governance challenges, the legitimizing belief exerts a stabilizing influence on the political system.

T. H. Rigby expresses a similar viewpoint, asserting that the extent to which a system attains legitimacy is contingent upon the belief held by those being governed. Specifically, it hinges on the belief that the foundation upon which the system's demands are constructed is morally sound. This suggests that such a belief need not be uniform across society; it can vary depending on the group, individual, or specific issue [Rigby 1980, 10]. This definition underscores the relative nature of the legitimizing belief and its capacity to fluctuate in intensity.

W. Wesołowski has also explored the concept of the legitimizing belief in the context of reflective action [Wesołowski 1988].

Polish scholars J. Tarkowski and T. Biernat acknowledge that defining and pinpointing the notion of belief is a complex endeavor [Biernat 2000, 106]. Consequently, the study of beliefs presents methodological challenges,

which are even more pronounced when investigating beliefs in the context of legitimacy. Nevertheless, Biernat contends that employing the concept of belief to elucidate a legitimizing relationship is warranted. Firstly, discussions about beliefs as the underpinning of legitimation often employ related terms such as convictions, ideas, attitudes, approaches, and perspectives. Secondly, belief, as a facet of consciousness, manifests in various iterations within legitimizing relationships based on the foundations of social order and the associated value systems [ibid., 106-108].

When delving into the intricate realm of power legitimacy, it becomes imperative to expound upon the potential perils that could encroach upon this pivotal political and legal institution. Among these perils, one salient concern pertains to informational challenges that encompass both the substance of legitimacy and its legal establishment. This issue assumes paramount significance, particularly when scrutinizing how society perceives power legitimacy and comprehends its nuances.

Primarily, the practical application and the doctrinal interpretation of the law in this domain appear to be somewhat nebulous and inadequately defined. The concept of information, in particular, has yet to receive a universally accepted and meticulously delineated definition. Moreover, there lacks a single comprehensive term that universally encapsulates the multifaceted dimensions of information across diverse fields [Kurek Vel Kokościńska 2004, 11].

This predicament is concurred with by scholars hailing from a myriad of scientific disciplines [Barański 2017, 19-22]. In the realm of doctrine, J. Janowski's [Janowski 2009] stance holds prominence. He contends that within the current landscape of perception, a precise overarching definition of information remains elusive. Consequently, he proposes three distinct methodologies for effectively employing this term.

The first approach, termed *the descriptive variant*, entails employing the term *information* by elucidating its inherent characteristics or functions. The second methodology, characterized as *the intuitive approach*, represents a more abstract form of comprehension, wherein information is perceived as an indistinct concept understood intuitively, yet it still enables the formulation of more intricate definitions. The third method, known as *the systemic approach*, entails deploying the term *information* based on pre-existing definitions but restricts its application to specific domains or contexts [ibid., 71].

The dichotomy between objective and subjective models of information comprehension, as elucidated by Wessel [1976, 69], has garnered recognition. It is, however, imperative to avoid conflating this dichotomy with the concepts of subjective and objective information. According to Wessel, the absolute comprehension of a principle or fact, even when grounded

in scientific validation, remains an elusive pursuit. What we may scrutinize, nonetheless, is the conveyance of an observation, which may either align with absolute truth or diverge from it. The objective or subjective character of the communicated observation hinges on its potential utility and may undergo a metamorphosis contingent upon the manner of application [Wessel 1976, 69]. Even within the exclusive realm of legality, a parallel discourse unfolds. Herein, the term *information* assumes an enigmatic quality, susceptible to multifarious interpretations [Cisek, Jezioro, and Wiebe 2005, 18]. In accordance with a certain proposition, information's nexus transcends the confines of specific legal actions, instead manifesting profound relevance within any legal sphere [Goralczyk 2006].

Furthermore, a pivotal distinction must be drawn between the notions of data and information. Data do not equate to information; they constitute mere constituent elements from which information may be forged, premised on the presumption that the mode of presenting identical information may exhibit variations [Dobrzeński 2008, 27]. Dobrzeński espouses the “in-fological theory of information,” endowing this concept with the definition of the meaning ascribed to data through the prism of appropriate conventions, all the while considering psychosociological, linguistic, and semantic factors [ibid., 27-28].

From the perspective of legal discourse, the term *information* permeates various branches of law. Its intricate nature is duly acknowledged, notably by the judiciary, which accentuates its labyrinthine character.<sup>1</sup> As astutely observed, the relentless progression of society, converging toward an *information society*, coupled with technological advancements, has engendered hypotheses and perspectives striving to delineate the conceptual ambit of information within the legal domain. This phenomenon assumes conspicuous proportions not only in the domain of criminal law, as elucidated in this discourse, but perhaps principally in civil law. Consequently, the adoption of precise legal provisions exerts indubitable implications upon the legal edifice concerning the safeguarding of information and the legal constructs in which information assumes a pivotal role, irrespective of the specific legal discipline. This assertion is substantiated within the domain of doctrine, where the ambiguity enveloping information in the legal context perpetually garners emphasis, alongside its detachment from any single legal branch, while retaining its pertinence across the entire legal spectrum.<sup>2</sup>

Furthermore, the intricate nature of information is the root cause behind its conspicuous absence from the statutory framework of the Polish legal

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<sup>1</sup> Supreme Court Resolution of 22 January 2003, ref. no. I KZP 43/02, OSNKW 2003, No. 1, item 17.

<sup>2</sup> Act of 6 September 2011 on access to public information, Journal of Laws of 2022, item 902.



system. Instead, it assumes its rightful place within the category of *key civilization concepts*, akin to terms such as *matter*, *culture*, and *light*. Attempts have been undertaken, albeit with limited success, to furnish a comprehensive definition, or at the very least, a determination of information applicable across all legal disciplines, thereby necessitating a degree of standardization. This proclivity steers toward the repudiation of intuitive and cybernetic-formal models of information, favoring instead the adoption of a semantic model. Under the purview of the semantic model, information is portrayed as a specific content, conveyed through linguistic symbols transmitted by the sender in the form of a message [Dobrzaniecki 2008, 26]. The doctrinal deliberations concerning these aspects are poised to endure indefinitely.

Another pivotal aspect deserving our attention pertains to the concept of the *information society*. Much like the term *information* itself, this notion is relatively nascent, making its public debut after World War II, although it was initially introduced in 1937 by economist Frederick von Hayek within the context of information as a tangible commodity [Boettke, Schaeffer, and Snow 2010, 69-86]. The conclusion of World War II signified a profound inflection point as the ensuing political ramifications prompted endeavors to redefine a society forged in the crucible of warfare, notably the last of the world wars, during the industrial era. This undertaking became imperative in light of the global realization that society could no longer be neatly compartmentalized into the two antagonistic political systems of capitalism and socialism. Consequently, there arose an initiative to architect an entirely novel societal model, one fundamentally distinct from the prism of political categorization, founded instead upon functional underpinnings. It is worth noting that this shift was in no small part undergirded by the dynamic advancements in various academic disciplines, including game theory, operations research, cryptography, and information theory. A veritable watershed moment occurred on American soil in 1960 with the establishment of the Commission of the Year 2000, tasked with the prescient mission of prognosticating the economic trajectory and enduring sociocultural and structural transformations.

The terminology *Information Society* made its inaugural appearance in 1963, introduced by ethnologist Tadeo Umesao in his formulation of a society premised on information processing. This paradigm subsequently gained traction through the endeavors of media theorist Kenichi Koyama, who leveraged the concept in his 1968 dissertation titled "Introduction to Information Theory" [Goban-Klas 2005, 2]. A pivotal milestone arrived in 1971 when the Japan Computer Usage Development Institute sanctioned a blueprint for the implementation of an information society in Japan, designating it as a national aspiration to be realized by the year 2000. Noteworthy among its architects was Yoneji Masuda, who delineated the steps requisite

for constructing such a society via targeted governmental initiatives, encompassing the establishment of a central data repository, a remotely operated medical system, and a workforce qualification framework. The ultimate ambition was to transform Japan into the vanguard of the world's inaugural information society.

Across the European landscape, the term *Information Society* gained prominence through the efforts of Alain Minc and Simna Nora, who deployed it in their 1978 report titled "L'Informatisation de la Societe," crafted in homage to the President of the French Republic.<sup>3</sup> The substantial contribution of Martin Bangemann, who held the role of EU Commissioner responsible for the development of telecommunications and information technology from 1993 to 1999, is conspicuously discernible in this report. Bangemann further authored the report "Europe and the Global Information Society: Recommendations to the European Council" [Mattelart 2004].

The delineation of the information society remains a nuanced subject, marked by a conspicuous absence of unanimous consensus, both in semantic and substantive terms, concerning its interpretation. Nonetheless, there is a concurrence among scholars regarding a fundamental facet: it signifies the emergence of a novel socio-economic structure. However, this unanimity dissipates when attempting to articulate its essence, as the specific constituents tend to vary. This variability stems from the disciplinary lens applied to its definition, whether it is scrutinized through the perspectives of sociology, economics, or law.

The seminal underpinnings of this definitional discourse were initially laid out by the Organization for Economic Cooperation and Development (OECD). The term was officially introduced within the OECD's purview in 1975, and a concerted effort was undertaken in 1977 to formulate a model that would classify member states along a continuum leading toward an information society. In 1988, a document that encapsulated the proceedings of the Committee for Information, Computer, and Communication Policy drew upon an analogy. It envisioned the forthcoming economy as one predicated on information, with society undergoing a progressive transformation into an information-centric entity. This prognosis implies that information will constitute the preeminent constituent of added value across a multitude of goods and services, while activities founded upon information will increasingly characterize both households and individual citizens.

H. Kubicek introduced a thought-provoking conceptualization of the information society [Kubicek and Noack 2010]. He characterized it as a socio-economic formation wherein the productive harnessing of the invaluable

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<sup>3</sup> See [https://monoskop.org/images/1/11/Nora\\_Simon\\_Minc\\_Alain\\_The\\_Computerization\\_of\\_Society\\_1980.pdf](https://monoskop.org/images/1/11/Nora_Simon_Minc_Alain_The_Computerization_of_Society_1980.pdf) [accessed: 01.09.2023].

resource known as information, coupled with knowledge-intensive production, assumes a paramount role. The term is employed to depict a society in which individuals – whether in their capacities as consumers or as employees – comprehensively leverage information.

The pivotal criterion in this context undeniably rests upon a profound level of technological advancement. Consequently, these criteria should not be narrowly restricted solely to processes within the IT sector; instead, they must encompass the broader continuum of technological progress. As we conclude this segment, it is imperative to illuminate an alternative definitional perspective, one articulated by the eminent Umberto Eco [Eco 1996, 15]. In accordance with Eco's framework, society stands to be categorized into three distinct social strata: the television proletariat, the dignitary, and the cognitariat. Within the television proletariat, we encounter individuals grappling with contemporary IT devices – comprising the elderly, denizens of nations with limited development, and those indifferent to emerging technologies, effectively ensconced within the bygone era of television. The dignitary faction consists of individuals proficient in the manipulation of modern devices, having attained mastery over the infosphere, computers, and the Internet, although they remain unengaged in contemplating their underlying mechanisms. At the zenith of the social hierarchy, we find the ICT specialists, the cognitariat, distinguished by their adeptness in orchestrating electronic devices, encompassing the formidable ability to program computers.

A comprehensive portrayal of the information society would be remiss without even a cursory acknowledgment of the totalitarian model that undeniably finds its zenith in the ongoing trials of China's Social Credit System, as delineated by Bartoszewicz [2020, 58-67]. The Social Credit System represents a governmental apparatus implemented in China, dedicated to the vigilant scrutiny and appraisal of citizens' comportment *vis-à-vis* their adherence to legal and societal conventions. Its operational bedrock hinges upon a network of databases fed by diverse sources, encompassing state registries, judicial tribunals, public administrative organs, urban surveillance mechanisms, and mobile applications.

At its core, the foundational intent underpinning the inception and perpetuation of the Chinese Social Credit System is the cultivation of a society characterized by an elevated echelon of trust, wherein both individuals and entities conscientiously adhere to not only the letter of the law but also the implicit norms governing social conduct. This endeavor entails the assignment of social ratings to individuals, predicated upon their behavior, with these ratings exerting tangible ramifications upon their quotidian existence. Elevated ratings afford seamless access to an extensive array of public amenities, while lower scores precipitate a forfeiture of social trust, thereby

encumbering access to welfare benefits, the housing market, or credit facilities. In the most extreme instances, a diminished rating could culminate in mobility constraints, even extending to international travel.

The expansive purview of the Social Credit System, perpetually evolving and refining its mechanisms, extends its surveillance and evaluative ambit beyond the individual sphere, encompassing corporate entities. Participation within this system is compulsory and extends its compass to encompass all companies, domestic and foreign, registered within the territorial confines of China. Corporate operations undergo ceaseless scrutiny, tasked with ensuring alignment with both the contours of established jurisprudence and the nebulous yet potent conventions of societal coexistence. A lack of acumen pertaining to the domains wherein a given entity must align with the system's prerequisites could imperil its standing in the realm of social trust, potentially leading to the ignominious designation on the so-called *blacklist*.

The multifaceted facets detailed above illuminate the modus operandi of a totalitarian paradigm within the information society. In this paradigm, information, in addition to its traditional roles encompassing economic, social, and civilization-shaping functions, emerges as an instrument of societal control. Importantly, this construct is not solely germane to autocratic regimes; it presents a plausible scenario even within democratic societies, especially as we consider the potential ascendancy of artificial intelligence (AI) in shaping decisions of sociopolitical import. Undoubtedly, this portends a matter of future significance, but it is incumbent upon us to acknowledge the incipient lack of legal preparedness to address these challenges, a lacuna extending beyond criminal law into the very heart of civil jurisprudence.

## CONCLUSIONS

The multifaceted nature of power legitimation emanates from its intricate tripartite structure encompassing legality, normative justification, and the acceptance of power. Correspondingly, we can delineate three distinct dimensions: the governance's acquisition and exercise of power, the validation of governing rules, and the consensus of subordinates regarding power dynamics. Primarily, power legitimacy attains its zenith when authority is procured and wielded in strict accordance with legal precepts. Secondly, the governance's rules must be justified within the framework of convictions shared by both those in power and those subject to their authority. Thirdly, the public at large should not only acquiesce to authority but also publicly declare their consent.

As for indicators of illegitimacy, they encompass phenomena like anti-state nationalism and environmental separatism, which imperil national identity. Conversely, factors that bolster authority are often found in the traditions and rituals characteristic of constitutional monarchies and stable democracies. However, controversy abounds in the context of illiberal democracies, wherein governance fails to respect the essential tenets of democracy, leading to doubts about the maturity of their legitimacy. Furthermore, in international relations, the recognition of a government's legitimacy can vary, as different states adhere to diverse legitimacy criteria.

Furthermore, depending on an array of factors, including cultural nuances and political systems, governing authorities employ a myriad of techniques to legitimize their power, yielding distinct outcomes.

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