Dynamics of Legitimacy: Formal and Informal Contexts

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Since the late-1980s I have carried out ethnographic research on processes of political change. My initial interest was stimulated by the increasing opposition against the centralizing role of political parties in Italy, which extended well beyond the political sphere to almost every aspect of social life. This form of corruption of the Italian political system became widely known as *partitocrazia* (party-ocracy). In some cases, the overwhelming power of the political parties led to individual resistance to the system from within. Above all, however, this system of party rule was opposed by protest groups that had initially organized outside the institutional political arena. These groups raised central issues on the relationship of political representation, also questioning the legitimacy of the politicians' decision-making. In response to widespread grassroots discontent and in the context of broader Europe-wide changes, some traditional parties engaged in self-restructuring and re-branding, changing their name and logo, and attempted new styles of local governance.

In Brindisi, where I carried out my fieldwork, the activity of protest groups against *partitocrazia* culminated in the opposition to the construction of a new power-station (Prato 1995). The events around the construction of the plant provided more than an ethnography of local political processes; they brought out key aspects of the relationship between local politics and central government, and of the effects of political ideologies on economic policies (Prato 2018).

Ethnographic research addressed three major questions: 1) How political parties have exercised and abused their power beyond their democratic mandate; 2) the ethics of responsibility demanded by different political and administrative roles and the attendant moralities, loyalties and potential conflicts; 3) the relevance and actual impact of 'new forms' of political action in influencing change in the system. These three questions emerged as crucially significant in a situation in which people's distrust of the traditional parties and their values was increasingly expressed in seeking alternative forms of representation.

What I observed in Brindisi in the late-1980s and early-1990s was much more than an expression of discontent of local significance. The new, initially informal, political organizations that emerged there were not locally isolated phenomena; most significantly, they advocated a new approach to politics and were harbingers of revolutionary changes to come both a local and national level (Prato 1995, 2017). The opposition embodied by the kind of political formations that I observed in Brindisi has triggered legislative changes on administrative decentralization; the significance of these new laws to local governance and to politics more generally has been the object of detailed analysis (Prato 2000).

Throughout the fieldwork my aim was to clarify how the moralities and attitudes to politics of people in public office are affected by the role played by political parties. Ethnographic analysis brought out a conflict between an 'impartial', bureaucratic sense of

responsibility and a 'committed', political one, which in turn might as well serve a partisan cause or be directed towards the common good. This Italian case has highlighted how in contemporary democracy the power of political parties may extend well beyond formal and, at times, legally recognised boundaries. In Italy, traditional parties have used this power through hidden practices of government — known as *sottogoverno* (sub-government). As a researcher, I was faced with a situation where the political system, the legitimacy and stability of which should have been safeguarded by law, was in fact self-legitimising, and then reproducing, itself on the basis of actions, choices and moralities that may have been licit to the actors involved, but were not regarded as legitimate by 'ordinary' citizens, nor were they always legal.

This Italian ethnography has pointed directly and problematically to the legitimacy of the political order and representation in contemporary democracy. In democracy, such legitimacy should be a given, for the authority of the elected representatives is supposed to stem 'from the people'; it should take the form of 'centripetal' power (Weber 1947), radiating from the periphery (the constituency of electors) to the centre (the elected leaders). However critically one wishes to engage with the work of Max Weber, it is indisputable that in addressing legitimacy in liberal democracies most social scientists have taken as a starting reference the Weberian tripartite classification of authority. In all three cases, their legitimacy comes across as the 'recognized right' to rule and to exercise power; that is, a power that should enjoy authority (Weber 1947). Much confusion has been generated by the difficulty in providing a precise English translation of the German word *herrschaft*, which has been variably rendered as 'power', 'rule', 'domination'. Noteworthy, Weber describes *herrschaft* as 'the chance of a specific (or, of all) command(s) being obeyed by a specified group of people' (1978: 122). Obedience can be voluntary or imposed by force. In both instances, the power to command is linked to the exercise of social control. However, the power 'to exercise' does not automatically 'enjoy legitimacy', for a power that comes from acts of coercion (whether by brute force or ideological imposition) is, as Pardo notes (2000: 7), a power without authority.

In analysing contemporary liberal democracies, most social scientists have focused on the legal-rational aspects of legitimacy, grossly overlooking the fact that Weber's classification addresses three 'pure' ideal-types and that elements of each type may coexist in any given context, often leading to competing claims of legitimate authority. Thus, Weber's argument that under bureaucratic principles 'formal' rationality supersedes 'substantive' rationality has been rigidly embraced, reducing legitimacy to a set of technical rules — to be applied according to impersonal principles — while ignoring the values and ethical norms that might influence both rulers' decision-making and people's acceptance of such decisions.

Moving beyond the purely legalistic approach, Pardo (1996) has addressed some ambiguities in parts of Weber's work; in particular, a certain measure of perspectivism in his theory of legitimacy, which is probably traceable to a broader tension in the Weberian definitions of morality and rational conduct (Pardo 1996: Ch. 7 and 2000a: 4). In his seminal work on 'morals of legitimacy' (1995, 1996, 2000), Pardo argues that people do not

automatically accept as legitimate what is officially legal, nor do they necessarily regard as morally illegitimate actions that, by definition, fall outside the strictly-defined boundaries of the law (Pardo 2000a). Interestingly, Mosca (1923) challenged the legal positivistic approach to legitimacy suggesting that in a modern liberal democracy rulers cannot justify their power merely through domination; of course, power has to have a legal basis, but in order to be accepted as legitimate it must also have moral consent.

The social construction, and deconstruction, of legitimacy has, thus, to do more with shared values than with a technical application of specific bounding procedures, such as, among others, political elections. This argument is implicit in Weber's discussion of rational bureaucratic authority when he says that in a democratic government a person elected to office becomes the 'servant of those under his authority' (1947: 389). He also notes, however, that with the historical transformation of the liberal State power has increasingly shifted from the representative body (Parliament) to political parties; that is, to the institutions that should democratically regulate the election of such representative body. MPs have thus *de facto* ceased to be the representatives of the citizens who elect them, becoming instead the delegates of party factions or selected interests. This raises issues of accountability and trust between citizens and their elected representatives. I have argued that lack of accountability (which may or may not be constitutionally prescribed) erodes people's trust in their elected representatives. Furthermore, breaches of trust weaken the legitimacy of the rulers, posing serious challenges to the social and political order (Pardo 2010: 27) as they run counter a key task of governance; that is, to nurture the connection with citizens' values, needs and expectations (Pardo and Prato 2010).

In my study of political representation, I sought to provide answers to the long-debated and difficult relation of theory to practice. My study of the relationship between political philosophies and actual (and effective) policies in Italy has addressed two main questions. First, I have asked to what extent an ethnographic study of politics can contribute to our understanding of broader processes while steering clear of abstract speculation. Second, I have contended that an informed study of contemporary politics must go beyond the dichotomy between a political philosophical study of the situation as 'it ought to be' and an anthropological study of the situation 'as it is'. From this perspective, I have investigated 'intersubjective' meanings alongside the meanings that individuals give to the social and political contexts in which they operate and have sought to understand the 'ethics of responsibility' that informs people's actions. I have sought to understand what ideal of society and political system individuals aim to accomplish when they, for instance, bring to life a new political organization or advocate new forms of political action. Significantly, a major aim of the new political formations that I observed in Brindisi was to bring 'integrity' back into local administration, which became a fundamental aspect of a new law on local autonomies (Law 14-6-1990 No. 142). According to this law, people who have been legally prosecuted and found guilty of crimes of corruption and of actions against the interests of the state and its citizens cannot be elected to public office. It also states that elected politicians who commit such crimes while in office should be immediately suspended — alas, this Law

has been often changed and selectively applied. For analytical purposes, we need a conceptual definition of 'integrity' beyond political rhetoric. Integrity implies adherence to the moral and ethical principles on the basis of which people evaluate the 'soundness' of a person's moral character and, ultimately, their honesty, accountability and responsibility. As such, integrity carries expectations of other people's actions. While the view of a person's integrity is a significant element in all social relations, it becomes particularly relevant for people who have decision-making power. The challenges raised by the opposition to *partitocrazia* did produce changes in the system. Over time, however, such changes have paradoxically brought about the 'institutionalization' of *sottogoverno*. As new lines of conduct threatened the survival of *sottogoverno*, some established parties preached 'revolutionary changes' that, when acted upon, de facto enforced its rules by law. As Pardo (2000b, 2004) has pointed out, in the post-*tangentopoli* situation, appropriate legislative changes have decriminalized actions that had been previously instrumental in bringing down most political parties, but not, I reiterate, the old party-system.[1]

Earlier I mentioned that in the 1990s some traditional Italian parties began a re-branding process also in view of broader changes that were occurring in Europe, specifically in the countries of real socialism. In 1991, during the last phase of my first extended fieldwork in Brindisi, I witnessed the arrival of thousands of illegal Albanian immigrants who wanted to settle in Italy. This was intriguing for many reasons. One was that, at the time, while in many Western European democracies the majority of the population was clearly dissatisfied with what they regarded as a 'corrupt' system of governance, several European Communist countries like Albania were experiencing more or less vociferous movements that demanded democratization. So, almost naturally, my ethnographic interest extended to Albania.

In 1999, I began fieldwork in Albania mainly to study regime change and legal reforms, and their implications for democratic governance (Prato 2004, 2010). Allegations — and proved cases — of corruption and illegality were among the major concerns of foreign observers. Corruption, it was argued, was *the* major obstacle to the Albania's transition to democracy. So, the country's interest in gaining international credibility spurred substantial anti-corruption investigations. Successive governments have implemented various policies in fulfilment of their pledge to fight corruption. Today, foreign commentators seem to take a positive view of what appears to be a decrease of corruption in many institutional sectors. Significantly, however, while the praise of the international community has clearly granted the kind of institutional credibility and legitimacy demanded by supranational organizations, they do not seem to have led to citizens' recognition of such credibility and legitimacy.

My ethnography suggests that the empirical situation in today's Albania is far more complex and articulated than a narrow focus on corruption could reveal. To begin with, I have addressed critically the concept of transition, arguing that an informed analysis should

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[1] Pardo (2018) and Sarfati (2018) discuss a similar impact of legislative changes, respectively with reference to Naples and Seoul.

take into account the gradual adjustments, adaptations, negotiations and redefinitions of social identities that are inevitable and necessary in implementing democratic institutions based on the rule of law. In particular, I wanted to know to what extent the new written democratic constitution would guarantee citizens' political participation and full inclusion in society. True, the Preamble of the new Albanian Constitution (1998) emphasizes the aim of building a 'social and democratic state' based on the rule of law and of guaranteeing human rights and equality of opportunity in the framework of a market economy. On paper all this is Constitutionally guaranteed, real life is much diversified.

The majority of Albanians do not feel that they are in control of, or have any influence on, what happens in their country, let alone in their life. My field notes bring out how many feel that some rights are, in fact, denied to them. Furthermore, malpractice, allegations of corruption and abuses of office continue to make the headlines and to be experienced at the grassroots. There is a widespread view of the political élite 'as people who', as an informant put it, 'are just interested in signing international agreements and devising procedures and pursuing personal power, while ostensibly ignoring citizens' needs'. As the partially accomplished economic and judicial reforms have fostered people's discontent, opposition parties have turned what had the making of a serious breakdown of the 'social contract' into an opportunity to gather electoral support, while continuing to be observably unable, or unwilling, to manage the economic and political crises. As another informant recently said, this seems to be a never-ending story in a continuously changing scenario. On the one hand, as in the case of informal urban areas, new approaches to citizens' needs raised among many ordinary Albanians hope for significant change in local governance. On the other hand, this informant remarked, 'national political leaders continue to rely on international "powers", especially the EU and the US, to affirm their legitimacy; meanwhile, they delegate to those powers the task of fulfilling responsibilities that we would expect to be met by our national leaders'. This last observation brings to the fore another important aspect of legitimacy in contemporary society; that is, the role of the international community in legitimizing national affairs (see Koechlin 2018, Mollica 2018 and Spyridakis 2018). As the Albanian case shows, external interventions, can indeed undermine the legitimacy of national rulers and contribute to alienate people further from the formal state's institutions.

Let me offer some concluding remarks on what I learned from these two ethnographic studies. The Italian and Albanian cases suggest that political institutions may be examples of rational-legal formal legitimation (*à la* Weber) but their legitimacy in society is significantly influenced by *how* rulers exercise their *personal* responsibility beyond institutional power and the attendant social prestige. Both cases suggest that the relationship between government and citizens needs to be conceived — and acted upon — as one of reciprocity, in the sense that political legitimacy and citizens' loyalty, or obedience, cannot be separated from the belief that the state and its governing institutions will protect their rights and will efficiently respond to their needs. The analysis of both cases has highlighted the important fact that citizens grant — or do not grant — legitimacy by constantly assessing the actions and motivations of their rulers. Both cases ultimately show that the legitimacy of political and

social order is not static; it is complex and changes over time. They show that different sources and competing claims of legitimacy may coexist in a given context. I argue that ethnographic research may help to unravel the complexity and ramification of these competing claims by addressing the aspects of legitimacy that spring from people's shared beliefs and values and how these play out in different contexts, beyond the observance of legal, technical rules.

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