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Delegitimization: A Useful Category for Political History

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Abstract

Like its symmetrical opposite «legitimization», the term/concept «delegitimization» does not indicate a state or quality of a power relationship (for which we would talk of illegitimacy or legitimacy), but a process aiming to deny or withdraw recognition of the political opponent's legitimacy by representing him/her as extraneous to the shared constitutional perimeter. The article proposes to shift the issue of legitimization/delegitimization from a vertical power set-up (meaning command/obedience between the wielder of power and the subjects) to a horizontal frame of relationship and recognition among political leaders competing to govern a State. In this «horizontal» perspective delegitimization does not refer to groups that feel prejudicially opposite, or posit any absolute negation of values; it indicates an attempt to transform a legitimate adversary into an enemy.

Keywords: *Political History, Legitimization, Delegitimization, Max Weber*

The term «*delegittimazione*» (delegitimization) has fairly recently come into vogue in the public debate in Italy, and, outside the field of the social sciences, it has understandably been Italian historians who have first made deliberate, articulate use of this concept in historical argument[1]. Very few works, as yet, have attempted to employ this Weberian-style

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[1] I began looking deeper into the topic of delegitimization as a category of historical inquiry (following an insight by L. Cafagna, *Legittimazione e delegittimazione nella storia politica italiana*, in L. Di Nucci, E. Galli della Loggia (eds.), *Due Nazioni. Legittimazione e delegittimazione nella storia dell'Italia contemporanea*, Bologna, Il Mulino, 2003) in F. Cammarano, S. Cavazza (eds.), *Il Nemico in politica. La delegittimazione dell'avversario nell'Europa contemporanea*, Bologna, Il Mulino, 2010 and in the article: F. Cammarano, S. Cavazza, *Delegittimazione: note per un approccio storico*, in «Krypton», 2 (2013), pp. 56-64. The issue then formed the subject of a research project, funded by Miur (Prin - Progetti di rilevante interesse nazionale), which I planned and in due course coordinated (at the beginning with Paolo Pombeni). The research involved seven universities (Bergamo, Verona, Bologna, Firenze, Roma, Napoli, Bari) and produced an international meeting organized by me and Stefano Cavazza at Bologna *Pratiche, linguaggi e teorie della delegittimazione politica nell'Europa contemporanea* (9-10 dicembre 2015), and later the following books: F. Mazzei (ed.), *Nazione e anti-nazione. 1: Il movimento nazionalista da Adua alla guerra di Libia (1896-1911)*, Roma, Viella, 2015; P. Salvatori (ed.), *Nazione e anti-nazione. 2: Il movimento nazionalista dalla guerra di Libia al fascismo (1911-1923)*, Roma, Viella, 2016; G. Orsina, G. Panvini (eds.), *La delegittimazione politica nell'età contemporanea. 1: Nemici e avversari politici nell'Italia repubblicana*, Roma, Viella, 2016; B. Baldi (ed.), *La delegittimazione politica nell'età contemporanea. 2: Parole nemiche: teorie, pratiche e linguaggi*, Roma, Viella, 2017. The following are also currently in the process of publication (publisher Viella): F. Cammarano (ed.), *Praxis, Language and Theory of Delegitimization (19th-20th century)*; F. Cammarano (ed.), *Il nemico nell'urna. Delegittimazione politica e propaganda elettorale*

idealtype as a key term of broad-ranging historical survey, following the now hallowed tradition of crossing history with social science[2]. Since history is acknowledged always to be «history of the present», it is only natural that a category hitherto used largely in political science, sociology and law[3] should now come to be used by historians as a lever by which to unlock and compare certain features of political conflict in 19th-20th century Europe and the United States.

Another inference may perhaps be drawn from such widening of the scientific bounds: viz. that the word has now emerged from the academic world, where it was relatively uncommon, and found its way into political and cultural terminology in many other international milieus. As Quentin Skinner aptly remarks: «the surest sign that a society has entered into the self-conscious possession of a new concept is that a corresponding vocabulary will be developed, a vocabulary which can then be used to pick out and discuss the concept in question with consistency»[4]. Although the concept clearly existed without the term, the word *delegittimazione* has now forced its way into daily vocabulary in Italy, bringing far wider awareness of the phenomenon itself, and clearly calling for closer definition of this corner of the political and institutional image-store, with all its complex social and psychological variables.

One explicit reference to constant mutual delegitimization between opposing sectors of political life occurred in Italy following the decision by entrepreneur Silvio Berlusconi in 1994 to set up a political party and take over the political helm of the country. When Berlusconi took the field it caused a radical split in the national political system: the existing party formations were driven into a bipolar line-up, daily engaging in mutual delegitimization. Over the twenty years in which Berlusconi was the key figure in the political system, the whole country split in a propagandist effort to show the opposition were unreliable, if not unconstitutional: for the centre-right that meant all those hankering after an illiberal communist ideology; for the centre-left it was all who subscribed to a disreputable, illiberal web of self-interest. The battle exposed Italian public opinion to a constant delegitimizing barrage against the political opposition. In their turn, Italian historians became inured as citizens to an argumentative political and cultural arena – one where conflict often amounts to denying one's rival all political legitimacy.

in Europa e negli Stati Uniti (1861-1989); P. Macry, L. Masella (eds.), *Legittimazione e delegittimazione politica. Europa fra Otto e Novecento*; R. Camurri (ed.), *La delegittimazione politica nell'esperienza dell'esilio e delle migrazioni (1848-1948)*.
[2] One noteworthy history essay of the few that have explicitly used the concept is by Denis Peschanski who illustrated the process of delegitimizing the Vichy regime: D. Peschanski *Legitimacy/ Legitimation/Delegitimation: France in the Dark Years, a Textbook Case,* in «Contemporary European History», 13 (2004), pp. 409-423.
[3] «Legitimacy is a fundamental concept in several fields of human knowledge. It plays an important role in policy and doctrine for diplomacy, development, warfare, and other endeavours and has been an important topic in the political, sociological, anthropological, psychological, philosophical, business management, and organizational studies literature». (R. Lamb, *Rethinking Legitimacy and Illegitimacy: A New Approach to Assessing Support and Opposition across Disciplines*, CSIS, Rowman and Littlefield, Lanham, 2014, p. 1).
[4] Q. Skinner, *Visions of Politics. Regarding Method*, vol. I, Cambridge, Cambridge University Press, 2002, p.160.

Delegitimization obviously comes from the term legitimacy/legitimization, and is a fairly recent derivation. It too expresses an issue and a concept that existed well prior to Max Weber's formulation of the legitimacy of power theory, though, until him, the right word to define it at all extensively was lacking. Before Weber's works began to circulate, the noun legitimation (or legitimization) was almost exclusively confined to the legal world, usually signifying attribution or recognition of «legality». By way of example, a search for the word «legitimation» in «The Times» from 1874 to 1927 comes up with only 102 instances, all without exception related to law and administration. It served to define documents (pieces of legitimation, certificates of legitimation), civil status certification and recognition of identity. From its foundation in March 1876 down to 1929, the «Corriere della Sera» uses the term «*legittimazione*» only slightly more often (558 times), with the same attributes. The adjective «legitimate» is quite another matter. It occurs more often, classically defining, say, a political body and/or institution, and meaning that it is recognised as being based on just and regular origins.

Let us begin precisely from that more complex phenomenon of *recognition*, taking as our starting point the Hegelian category that defines the ambit of conflict, namely the post-French Revolutionary engine of modernity; for that shows us why the concept of legitimacy came into being and how indispensable it was as a key to comprehending the slippery terrain of contemporary politics. Usually the concept is used in reference to the State, though it is more complex in origin, being strictly interwoven with *recognition*.

With Weber the legitimacy concept came to refer, in principle, to the nature of the political relationship between those in command and those obeying: a relationship based on the latter recognising the «legitimate» power of the former. It thus came to mean a complex ethical and social process going far beyond any mere legal definition. To Weber, then, quite apart from the three pure types of power that he identifies and defines (legal, traditional and charismatic authority), legitimacy is always the outcome of a process of legitimization, the *result* of recognition and not a point of origin; it is an opportunity, not a necessity. Legitimacy, in that sense, expresses higher normative status than legality, since it entails the State being based on principles and values that make it *worthy* of being recognised, at home and abroad. To Weber, preventing State legitimacy from becoming mere bureaucratic legality was the most urgent of political issues, since it implied obedience being reduced to discipline and routine, the basis for which lies only in the subject population's material need for subsistence.

Along with the sister term of legitimization, delegitimization may be used in politics to describe a range of differing situations. In the first place we should distinguish delegitimizing one's opponent from delegitimizing the system. The latter process is the only lens through which social science interprets the phenomenon of legitimization/delegitimization: how and why citizens or subjects legitimize or delegitimize the power system that rules them. Querying legitimacy in this case means taking into account the categories and/or principles that make it possible for restricted elites to get and keep their hands on power. While Weber dwelled on three kinds of legitimization, a modern historian and sociologist like Guglielmo Ferrero, when seeking an explanation of how a solid legitimate power might melt away in the space of a few hours, claimed that there are only four such principles in western society: elective, hereditary,

aristo-monarchical and democratic. A power thus becomes legitimate if it is created and wielded in conformity with those principles[5]. Such a formulation seems to us a vertical approach based on the relations between governors and governed. The «top» – a sovereign or a ruling elite – works to maintain legitimacy from the «bottom», or people. But this is to overlook a «horizontal» principle where the «battle for legitimization» is seen as an inside struggle within the political class, i.e. «equals». Or rather, among those legitimately competing for power since they share the founding principles of the existing political set-up and hence are not bent on overthrowing it or setting up an alternative regime.

In either case delegitimization boils down to contestation of power, though with a clearly distinct objective. But the term only acquires meaning inside a common value system, or one whose principles are deemed sharable at least in part by the agents in play, leaving them free to contest the interpretation their opponents give of them, to such a radical extent as to turn them into enemies. In the name, again, of a value one thinks is being betrayed or denied, one may mount a delegitimization campaign that even targets the existing system, seeking to redefine it in a more functional way consistent with the common fabric of values that is being betrayed by the regime in power but is nonetheless accepted by everyone. It follows that delegitimization is not confined to denial of legitimacy, but implicitly conjures up (and alludes to) the continuous process of constitution-forming that ebbs and flows with lesser or greater vigour throughout 19th-20th century political societies.

If we are to introduce the conceptual dyad legitimization/delegitimization into a concrete historical investigation of political conflict between opponents within 19th-20th century constitutional systems, we shall have to endeavour to formalise the idealtype in such a way as to provide a yardstick for historical phenomena in all their immense variability. Political legitimization, then, implies that a rival in wielding political power within a given community should recognise the legitimacy of another person's identical claim, however much their concrete *expression* of it may need contesting[6]. On the contrary, by delegitimization we mean an attitude of more or less radical contestation of a power or aspiring power's legitimacy. Obviously the two terms only acquire meaning in reference to one and the same well-defined constitution, in its various interpretations. Like its symmetrical opposite «legitimization», the term/concept «delegitimization» does not indicate a *state* or quality of a power relationship (for which we would talk of illegitimacy or legitimacy), but a *process* aiming to deny or withdraw recognition of the political opponent's legitimacy by representing him/her as extraneous to the shared constitutional perimeter.

One significant instance of such contestation which aims to oust the opponent by branding him as an enemy may be seen in the political struggle of the Italian 1880s.

The build-up of rivalries after the 1882 electoral reform brought about an overt change in language and imagery as compared with before; there was a sharp increase in potentially delegitimizing rhetoric. Two of the most influential dailies catering for moderate public

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[5] Cf. G. Ferrero, *Potere. I Geni invisibili della Città*, Milano, SugarCo, 1981, p. 151.
[6] L. Cafagna, *Legittimazione e delegittimazione*, cit., pp. 20-24.

opinion – the «Corriere» and «La Perseveranza» – piled on the images of future peril ensuing on a radical victory (barricades and bloodshed, summary justice and dynamiters[7]); while another paper of radical leanings, «Il Secolo», took more and more frequently to the language of delegitimization targeting the past record of the moderates. Preening itself on the radicals' patriotic zeal, that newspaper cited examples from history:

> and were recent history not enough, [the radicals] can quote from anywhere in the story of the country's Risorgimento, on every page of which are blazoned the services they performed for the fatherland. Who but the radicals challenged the ferocity of Austria and persecution by other despotic governments? Who lit the sacred fire of national pride at times of deep depression? Who kept it alight with books, with conspiracy, with ever-renewed attempts at insurrection? Who founded the Giovine Italia movement [...]; who fell at Cosenza under the Bourbons' lead, for rousing the people to liberty: who except the radicals? Were not radicals the foremost fighters of Milan's Five Days, defenders of Venice and Mestre, combatants for Rome, the most intrepid of the Thousand, martyrs at Mentana? So when a party that has left scraps of its flesh and streams of its precious blood on all the battlefields, and brought Italy most of her national unity, is doggedly attacked every day and every hour with weapons often unallowed, one can only suspect that the leaders and chief financiers of this war are prompted more by regret for the fall of the overthrown tyrannies than by any love of freedom[8].

So when Marco Minghetti, at that time leader of the traditional Right, stepped up the tone in describing the radicals as «ravening wolves» (*lupi rapaci*), «Il Secolo» struck back on the historical legitimacy issue, his rhetorical device being to compare the generous disinterested democrats, who had fought for fatherland and liberty, with the timorous cautious moderates who had sided to the last with the fallen *Signorie* of old:

> These radicals respect the present form of government, as elected by the majority, but do not have the small-minded, mean love of homeland to dare say, with Minghetti, that Italy would go to pieces if the current form of government were to cease. Over and above all men and all forms of government, there stands Italy [...], Italy in whose glory all parties ought to band together, instead of hurling abuse at one another, as Minghetti does[9].

This example explains why delegitimization is a phenomenon that cannot be analysed or summed up in purely legal terms, but implies reference to a complex system of social, political, cultural, symbolic, argumentative or rhetorical factors which, taken together, define the «material constitution» of a given society, the horizon of meaning shared by all taking part in politics, only inside which does a delegitimization strategy become comprehensible.

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[7] Cf. *La lotta a Milano*, in «Corriere della Sera», 27/28-10-1882; *Essi e noi*, in «La Perseveranza», 27-10-1882.

[8] *La guerra ai radicali,* in «Il Secolo», 14/15-10-1882.

[9] *Lupi rapaci*, in «Il Secolo», 19/20-10-1882.

1.   An horizontal relationship

The novel feature I would like to propose is the need to shift the issue of legitimization/delegitimization from a vertical power set-up (meaning command/obedience between the wielder of power and the subjects) to a horizontal frame of relationship and recognition among political leaders competing to govern a State. It is thus not delegitimization as a form of resistance or disobedience to a power on the part of those who ought to obey, but strategies of discourse and rhetoric by which legitimate politicians step beyond even heated political conflict and resort to branding the opponent as an enemy of the polity, dangerous to that community's values if he/she should come to govern it. In that «horizontal» perspective delegitimization does not refer to groups that feel prejudicially opposite, or posit any absolute negation of values; it indicates an attempt to transform a legitimate adversary into an enemy.

From this standpoint one of the best vantage points from which to capture this process is undeniably that of electoral campaign analysis, where those involved stand on a horizontal plane vis-à-vis the common goal of gaining power, and where one can most clearly note any tactics of language tending to delegitimize the opponent. Such tactics strike at the personality of the candidate – his suitability or not –, the values he cites (seen as anti-system), his political vision (considered harmful to political health and collective security).

It is also the best wicket on which to analyse the process in dynamic and not static terms, as compared to a prior order, precisely because the language and communication strategies employed change according to the various stages of the political battle. From this angle, delegitimization marks a step *backwards*, a departure from a state of legitimacy. Hence it is not the opposite of legitimization, but the *negation* of it. Unlike illegitimacy which is a definite static condition, delegitimization is a dynamic process, a movement from in to out.

In this sense, though indebted to Weber's theory of types of legitimate power, delegitimization stands in a different conceptual horizon from Weber's since it demands a relationship of parity among «politicians by profession», as mentioned above, and not a relationship between one who wields power and others who obey.

It must here be said that social science has paid little attention to legitimization as a relation among individuals competing for political leadership[10]. Such a perspective, significantly, calls for a historical approach and becomes of central importance above all after the birth of the constitutional systems and processes of power-sharing that follow on the American and French Revolutions at the end of the eighteenth century.

Delegitimization seeks as a rule to transform the mechanisms neutralizing political conflict that are characteristic of all constitutional systems (regardless of the kind of regime) into a process of redressing the political community's values, though this may also reopen conflict over the constitution itself – in which case it goes beyond the limit of what we might call «legitimate delegitimization». While it presupposes and even thrives on political conflict between

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[10] On social science's failure to detect the role of delegitimization among political opponents, see M. Dogan, *Political Legitimacy: New Criteria and Anachronistic Theories,* in «International Social Sciences Journal», 60 (2009), pp. 195-210.

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opponents, delegitimization of the kind I am proposing should be distinguished from revolution and civil war, which entail a radical critique of the existing constitution and call for violence and taking constituent power into one's own hands.

Delegitimization of a legitimate political opponent (on a par with virtuous correction of a system) presupposes and does not challenge (even bolsters) the shared belief in a legitimate set-up, whereas delegitimization of the existing system, challenging as it does the very legitimacy of the system, may give way to outright war over the political constitution or, in Schmitt's sense, to a conflict capable of driving a wedge into the friend/foe fronts from a constitutive point of view. Thus, even bitter political conflict does not necessarily presuppose a process of delegitimization, any more than the opposite, a declared revolutionary intent to overthrow the system. So, in a political conflict the opponent is said to be against the interest of the community, but in a process of delegitimization he is presented as inimical to its values and thus a potential enemy.

There is a line, then, along which we may fix the constantly shifting bounds between legitimate and illegitimate delegitimization: the former adheres to the policy of refusing to recognise the legitimate opponent and, even if it goes so far as to brand him as an enemy of the constitutional set-up and hence outside its perimeter (beyond the pale), does not seek to overthrow that set-up; the latter, by contrast, radicalizes the conflict to a revolutionary pitch and hence addresses the system as such, seeking to overthrow it. In this second case, representation of the opponent as an enemy is no longer a rhetorical strategy aiming to improve or defend the set-up (or «restore» it to authentic legitimacy), but a political weapon used to overthrow it. In short, delegitimization presupposes belief in the legitimacy of the set-up, whereas revolution or civil war – absolute hostility – aim to topple it. Naturally the problem of fixing the boundaries of legitimate delegitimization remains open-ended, the solution varying according to the period, the types of political system and the nature of the people involved. At this stage we are not so much interested in investigating the causes (social, political, economic, cultural) behind the various arguments for delegitimization, or inquiring into its effect on political systems, which would mean broadening the research to the whole field of humane and social sciences, as in producing a kind of historical phenomenology of delegitimization across a gamut of institutional and national settings. The conceptual dyad legitimization/delegitimization seems to us useful, in short, as a way of interpreting the *white heat* of power, personal or institutional, that occurs throughout the contemporary era.

The very fact that it is hard to discern the difference and the shifting border between heated political conflict and delegitimization shows that legitimization and delegitimization are historical concepts. They describe unstable conditions where no regime, let alone political leader, can feel stably legitimized. The daily flux of concrete political conflict is nothing else than a continuous conflict of legitimization, a struggle comprised of law, «storytelling» and symbolism, designed to produce meaning and thereby fence round the confines of the ever-changing material constitution. A struggle that, naturally, spares no-one and potentially involves all the main actors who are constantly in danger of ending up «off-side». The process of delegitimizing one's opponent thus describes perennial opposing needs to re-draw the «true» boundaries of

the constitutional precinct in one's own favour; to exclude and curb other opposing versions that might radically alter those boundaries for the worse. A natural mechanism, since «in every such situation he who is more favoured feels the never ceasing need to look upon his position as in some way "legitimate", upon his advantage as "deserved"»[11].

Using the category of delegitimization in historical research enables us to pinpoint a more exact degree of intensity in the battle to gain and control political power within 19th and 20th century constitutional systems. Often the harsh language and quarrelling among opponents might deceive the observer as to the real constitutional intensity of the political battle. Employing the idealtype of delegitimization among opponents takes us to the core of the battle, beginning with the claim to centrality which is always contested. For if we assume that political conflict is not always a process of delegitimization, we need to ponder the reasons (historical, cultural and personal) why individual politicians, power groups or parties yield to the temptation to turn an opponent into an enemy (the opponent may be an individual or a body representing more general interest and ideas). The dynamics of language and argument above all in electoral campaigns are an important testing-ground for the need to prevail in the ceaseless bid for legitimization, either by «hogging» the centre after expelling the others, or by strengthening one's own position by recognition of the whole system, including the opposition.

In the wake of 1989 there has formed a virtually homogeneous community of values which ultimately abides by a kind of constitutionalism. It interprets the bases of liberal culture in a more or less authoritarian way, quite often rejecting some of them, but never explicitly so. This seems, in prospect, to provide an ideal breeding ground for ever-more numerous kinds of delegitimization process. Leaving aside the conflict with Islamic fundamentalism – which can hardly stand as an alternative ideology to liberalism since it entails an unrecognizable political code which will never square with any secular scale of human values –, what actually remains is a universe of *virtual opponents*; that is to say, a political class that is no longer able to identify enemies, meaning those who advocate a radically alternative world view. Since there are practically no more enemies in Schmitt's sense of the word, we are left with mere opponents. Hence the proliferation of delegitimization processes within political systems signals the loss of any real arena of dispute. Losing its actual basis, conflict becomes essentially virtual, targeting virtual enemies that come and go; instead of generating radical conflict of a systemic kind, they are vague fleeting figures of opposition. As liberal constitutionalism – liberal common sense seen as devoid of alternatives – spreads worldwide, it loses concrete actuality and the ability to underpin a political order: everything tends to become virtual. Opponents have other life-conditioning things in common (technology, consumerism, the capitalist mentality, etc.), but no longer shared political or constitutional «values», which will tend to diverge in directions that no longer follow a traditional constitutional line (for example, the material boundaries of legitimacy circumscribing national-social States), but «ideological», «cultural» or «religious» lines, or lines connected with lifestyles and consumer patterns. Delegitimization increases, but the conflict loses «tightness».

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[11] M. Weber, *Economy and Society*, Berkeley-Los Angeles-London, University of California Press, 1978, vol. II, p. 953. On this cf. S. Costantino, *Sfere di legittimità e processi di legittimazione. Weber, Schmitt, Luhmann, Habermas*, Turin, Giappichelli, 1994, pp. 37-39.

So, where one has opponents devoid of common constitutional values, held together by the absence of any «other» future prospect of clashing, even terminally, one can only imagine that the practice of political delegitimization is bound to spread. That will inevitably take the communicative edge off the «struggle» for recognition or legitimation, in a world whose constitutional value precincts seem destined to grow increasingly less clear-cut or safeguarded.

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