

THE PROCESS OF CRESCIVE LEGITIMATION: THEORY, SIMULATION MODEL, AND THREE EMPIRICAL TESTS *

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It is argued that the source of crescive legitimation lies in social conditions that permit nonconformities to normative expectations, so that unsanctioned violations increase and spread. This, together with the paucity of palpable reactions create the positive feedback that propels legitimation. Crescive delegitimation, the reverse process, originates in open challenges to legitimate objects when they appear to conflict with established norms or beliefs. It is driven by a positive feedback in the opposite direction. This theoretical argument was transformed into a System Dynamics simulation model and tested with time series data on unmarried cohabitation (U.S.A., 1960-1994), reform marriages in Israel (1990-1996), and homosexuality (U.S.A., 1973-1996). The plotted output matched the data trends in each set, and the model reproduced over 85% of the variance of the data.

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In contemporary societies, many modes of behavior that were once illegitimate have been legitimized. Conversely, hitherto acceptable practices are now condemned. Unmarried cohabitation, for example, which only 25 years ago was socially unacceptable, has now become legitimate behavior. Smoking in the company of others, which not long ago was the sociable thing to do, has been delegitimized. Strangely, crescive legitimation has not received much attention from sociologists. Perhaps the reason is that the process is usually protracted and hardly noticeable. Moreover, once an object has been effectively legitimized or delegitimized, its new status is apt to be taken for granted, so that it seems relatively unimportant how it arrived at its current state.

But it can be very important. A collectivity's continued functioning may depend on the speedy legitimation of some new idea or practice, or on an unequivocal denial of legitimacy if the object poses an imminent threat. Conversely, it may be imperative to delegitimize something that is currently accepted, or to prevent something else from being delegitimized.

There are many examples of such problems, yet so far we have no general theory, let alone research evidence to explain how these processes are generated or how they may be expedited or arrested.

Analyses of legitimation as a process are very few and limited in scope (Zelditch & Walker, 1984; Ridgeway & Berger, 1986; Hannan & Freeman, 1989; Suchman, 1995). Most studies of legitimacy have focused on its effects, rather than on how it is attained (Maurer, 1971; Michener & Burt, 1975; Dornbusch & Scott, 1975; Walker, et al., 1986). Even Weber's discussion of the bases of legitimate domination (Weber, 1947) does not deal with the necessary and sufficient conditions for legitimation to occur. While Walker and Zelditch (1993) do present an outline of a theory, they themselves write that "our theory has been concerned with the effects, not the causes of legitimacy." But under what conditions will a change in individual normative expectations coalesce into social legitimacy? What propels this process, and how does it evolve over time? This article attempts to provide both a theory and some empir-

ical tests to answer these questions.

Basic Concepts. Unfortunately, dictionary definitions as well as common usage often treat legitimacy as almost synonymous with legality. This is misleading because, unlike legality, legitimacy also has an important 'subjective dimension' (Bourricaud, 1987:p.66; Suchman, 1995). The same act may be considered legitimate by some persons and illegitimate by others. Physicians, for example, may think it legitimate to ask about a patient's most intimate concerns, while some patients consider such questions illegitimate prying.

Moreover, the many objects of legitimacy, including not only acts, persons, and structures (Walker & Zelditch, 1993), but also ideas, relationships, roles and norms, may be illegal and yet quite legitimate, just as they may be illegitimate but permitted or even required by law. In some countries, for example, it is illegal to discriminate on the basis of sex, race, or ethnic origin, yet there are many who would consider such discrimination legitimate. Conversely, it may be legally permitted to raise prices when demand exceeds supply, but regular customers are likely to see this as illegitimate profiteering. The two concepts should therefore be held analytically distinct, even though in real cases they do frequently overlap (Ferrarotti, 1987).

To avoid ambiguity and distinguish between the concepts, I shall define legitimacy here as the state in which something is considered 'right and proper' (Lipset, 1960:p.46), reasonable or acceptable, irrespective of its legal status. It is one pole of an ideal-typical continuum at whose opposite end is illegitimacy. The process of legitimation occurs when objects are moved from some point along this continuum towards legitimacy (Luckmann, 1987). *Crescive legitimation is the growth of informal agreement in a collectivity about the propriety of an object that differs from current normative expectations, giving it what Berger and Luckmann (1967) have called 'a normative dignity.'*

Whenever traditional folkways or customs get gradually replaced by new informal norms, it is by crescive legitimation. In democratic societies this process normally precedes formal enactment, but the order may also be reversed, e.g., when the management of an organization imposes new regulations.

Whichever way, the process manifests itself by increasing agreement in a collectivity that an object which was hitherto unacceptable is now correct, proper, or reasonable.

Conditions. Many new ideas and practices appear at first as deviations, oddities, or just plain nonsense, and suffer from a 'liability of newness' (Freeman, et al. 1983). However, crescive legitimation is not simply the diffusion of innovations. A practice may be legitimized by the majority of a population but, for all sorts of reasons, adopted by only a tiny minority. In the case of unmarried cohabitation, for example, less than 6% of unmarried adults in the U.S. have adopted the practice to date, but it is considered legitimate by almost 80% (see below).

Note that, when I use terms like violation, non-conformity, or deviance, I only mean to convey the fact that the object does not meet current normative expectations. Whether or not legitimacy does in fact emerge and grow will depend in the first place on the perceptions of those who witness it: whether they perceive it as a deviation from their normative expectations or not.

Perceived nonconformity presumes an awareness of the current norm, what Berger and Luckmann (1967, p.111) have called its 'cognitive validity' and, as they write, such knowledge precedes the evaluation of any object's legitimacy. (Ignorance of the norm is one important reason for indifference to its violation, see below.) But if the norm is known, acquiescence with its violation will occur under conditions where people can expect nonconformities to persist and to spread.

By following in the footsteps of Smelser's "value added" strategy in his theory of collective behavior (Smelser, 1963), we may specify such conditions more precisely. First, a situation has to be structurally conducive to a definition of reality as one in which non-conformity with normative expectations is not likely to elicit negative reactions. This happens if there are structural impediments to the mechanisms of social control, as in modern urban settings for example. There is less autonomous control by internalized norms because individuals are typically socialized inconsistently by different role-models. Informal control by role partners is less frequently activated because people tend to be anonymous and mobile. Thus,

social regulation is performed primarily by formal agencies of control, and these have inherent limitations of budget, manpower, and jurisdiction (Goffman, 1971; Jacobsen and Bronson, 1985).

In such structural settings, norm violations in general are likely to increase, and people come to expect them. Some of the violations remain sporadic and isolated events, but others spread and become patterned or "institutionalized evasions." Much of this difference is due to Smelser's second situational condition, 'structural strain.' It arises when rapid or frequent changes '... require adaptive behavior which is at odds with long-standing norms, sentiments, and practices' (Merton, 1957 p.318), so that people see violations as ways to overcome a force majeure (Jacobsen and Bronson 1985, pp.35-40). Social control may check the violations, but it will also add to the strain because the real-life exigencies remain at odds with the norms. Thus, when the strain is widely felt and social control is less effective too, norm violations are likely to remain unsanctioned, to persist, multiply, and spread.

Smelser's third condition, 'generalized beliefs,' affects expectations of norm violations by being taken as justifications of nonconformity *per se*. For example, values like originality, achievement, innovativeness, permissiveness, and toleration tend to give broad license to many nonconformities. Thus norm violations can not only persist, multiply and spread: they can also be justified on more general grounds by what Bacharach and Shedd (in press) have aptly called a "logic of transaction."

The process is triggered and set on its path of growth by an initial impulse (Smelser's "precipitating factor"). Though not the "cause" of crescive legitimation, it is the "last straw" and usually unpredictable, even when it is a deliberate act to make the nonconformity look preferable to the current norm.

Smelser posits the "mobilization of participants for action" as a fifth necessary condition for collective behavior to erupt. When applied to crescive legitimation, however, this term is not appropriate because the process develops gradually and does not erupt. Instead, the nonconformists have a "demonstration effect" on others who may be similarly inclined. The impact of the effect depends on the number of violators and of the publicity which the nonconformity gets.

In sum, there are five necessary conditions that together are sufficient for crescive legitimation to occur. The process is engendered in social settings where violations of normative expectations are possible and likely. The violations spread if structural strains make conformity dysfunctional. They will be tolerated if there are generalized beliefs which can justify nonconformity *per se*. The process is triggered by an initial impulse, and then propagated by the demonstration effect and amplified by publicity.

Reactions. People's normative expectations get reflected in their reactions when these are not being met. As Walker and Zelditch have pointed out (1993), such reactions may either propel the process of legitimation or hamper it. However, they mention only one evaluative dimension of reactions, support or censure, which raises or lowers the probability of 'change-responses.' Another, no less significant dimension of reactions is the degree to which they are perceived by others. This can vary from public approval and reward through benign toleration, indifference or apathy, restrained disapproval, all the way to open censure and punishment (Cohen, 1971; Jacobsen, 1979).

If all reactions are positive, the nonconformity is already legitimate because approval of a nonconformity is tantamount to a denial of the legitimacy of the current normative expectation, or at least of its applicability to the present situation. Of course, the specific expectations that are reflected in approval may vary, e.g., protest against the current norm, peer pressure, or the behest of an innovative charismatic leader. Similarly with overt censure. The reasons for the open censure may be purely personal, ideological, or situation-specific, but if all reactions condemn the nonconformity, *crescive* legitimation is impossible (though formal legitimation through legalization by constituted authorities is another matter). Approval and censure will at times manifest themselves in informal but tangible reward and punishment. A speeding taxi driver may get a generous tip from a grateful passenger hard pressed for time. Conversely, an inconsiderate road-hog may be squeezed off the paved highway by an irate driver hurrying to work. But incidents like these are comparatively rare, and for every case of such a reaction there are untold more equivocal ones. Some people will openly approve and some will open-

ly oppose, but many others will react in one of the less obvious ways.

The quiet toleration of perceived nonconformities reflects a judgement of the event as exceptional in one way or another. We can describe three foci for such exceptions. One, the deviating actor, who may be perceived as a someone entitled to allowances, e.g., a handicapped or elderly person. Two, the situation, which may merit or require consideration, e.g., an emergency, or a very relaxed setting. Three, the norm itself, which may be perceived as unimportant, irrelevant, or outdated. The common element in all three kinds of exception is that the toleration eases the existential strains between adaptive needs and the legitimate norms (Merton 1957, p.338). But since toleration typically is a silent reaction, it can be (and is) easily perceived as acquiescence with and legitimation of the nonconformity.

A similar situation arises when disapproval is restrained. No overt reaction is evident either, because the incipient reaction is arrested by some constraint. It may be a lack of authority or power, expediency, fear of consequences, or some psychological inhibition. Whatever the immediate cause of the constraint, in the end it always is an impediment of one kind or another to the mechanisms of social control (Jacobsen and Bronson, 1985). It is this that deters people from reacting overtly and to suffer the nonconformity in silence. Again, it is but a small step from the absence of a perceptible reaction to legitimation.

The generic reason for indifference to nonconformity is distance, whether it be geographical, temporal, social or psychological. The concept of distance merits more extensive treatment than is possible to give it here. For our purposes suffice it to note three matters. First, indifference varies directly with distance, just as involvement varies directly with proximity. We react when our expectations are violated close by, but remain relatively unaffected if they are far removed. People are indifferent to violations when they are too far away either to know the norm or to be aware of its violation. Second, distance may be objective or subjective, but it is only the subjectively perceived distance that affects our reactions. Social or psychological distance may either be a cause or a result of the indifference. Third, distance may be deliberately created, or it may be unintended. Unintended distance occurs when circumstances isolate people, leaving

them unaware of certain norms and/or oblivious to their violation. It is deliberately created when a person leaves a scene to avoid involvement and having to react, or when someone is generally alienated from the collectivity. In all cases, the greater people's distance is from a nonconforming object, the more likely they will be indifferent to it.

At first glance, the effect of indifference on the process of *crescive* legitimation should be neutral, since it is neither support nor censure. But this is deceptive, because indifference looks so very much like toleration or restraint. In fact, it is characteristic of indifference, toleration, and restraint that they all appear the same to the offending actors. Whether the nonconformity is tolerated or suffered or ignored, the effect is one of apparent acquiescence, and that means a step towards *crescive* legitimation. Moreover, this effect is typically not intended. With toleration, the legitimation may be intended, but it is rarely so when the nonconformity is ignored, and never in the case of restraint. Thus indifference "does make cowards of us all" by creating traditions-by-default that legitimize objects regardless of our intentions.

Toleration, restraint, indifference, and of course approval all contribute to *crescive* legitimation. The difference between them is in the timing of the effect they have. With approval it is immediate, since such a reaction rests on some prior belief or sentiment that justifies the nonconformity before it actually occurs (Mosca 1972, p.249). Toleration, although also based on an existing sentiment, is a reaction to the violation that must be perceived to be tolerated, so that the effect will be slightly delayed. Legitimation from restraint will be delayed much or little, varying inversely with the force of the constraint. If the constraint is a personal or weak one, say embarrassment, it may be easily overcome so that the censure soon becomes manifest and retards legitimation. On the other hand, if the constraint is a severe one, the delay to legitimation will be relatively short, because both parties realize that no negative reaction is likely. By contrast, the legitimation through indifference is always considerably delayed because it takes time and repetition to create a tradition, including a tradition-by-default.

In sum, the process of *crescive* legitimation arises from nonconformities to normative expectations. It is propelled faster or slower by the mix of reactions to

such nonconformities. Apart from open approval, the more people either tolerate nonconformities, or ignore or suffer them in silence, the more likely it is that the nonconformity will be crescively legitimized.

Dynamics. As crescive legitimation is a result of social give-and-take (Goffman, 1971), the process involves inherent feedbacks. When norm-complying people can see violators get away with nonconformity without evoking negative reactions, the demonstration effect will persuade some of them to do likewise when they are in a similar situation. Hannan and Freeman make essentially the same point in their discussion of the effect of density on legitimacy (1989), to wit, that there is safety in numbers. But since not everyone is necessarily a potential violator, the impact of the demonstration effect also depends on the publicity given to the nonconformity in question.

If nonconformists increase in number, the demonstration effect grows and activates a positive feedback cycle which creates more and more violators. Any reaction other than censure augments the positive feedback, and even censure may result in positive feedback if it comes from a negative reference group.

The additional violators directly affect legitimacy because violators are apt to claim that, since "everybody is doing it," the nonconformity is already legitimate (Weber, 1968,II). With growing legitimacy, deterrence declines and increases violators. These two are the primary feedback loops. Both are positive and thus make for an increase in violators, and with it growing legitimacy (see Figure 1).

But there are other feedbacks, not only positive. Growing legitimacy encourages tolerators and some of the indifferent to openly approve the deviance. It encourages silent sufferers and others among the indifferent to openly condemn it. The increase in legitimacy may even spur some approvers to actually reward the violators, and some condemners to punish them. Apart from that, indifference will decline because the increase in violators makes it progressively more difficult to ignore them. Some of the indifferent will be sufficiently aroused to condemn them, some will merely suffer in silence, and some will decide to tolerate them. Thus, though the overall balance for and against the nonconformity will not change much, legitimation by default will be delayed.

But that delay will be offset by feedbacks in the

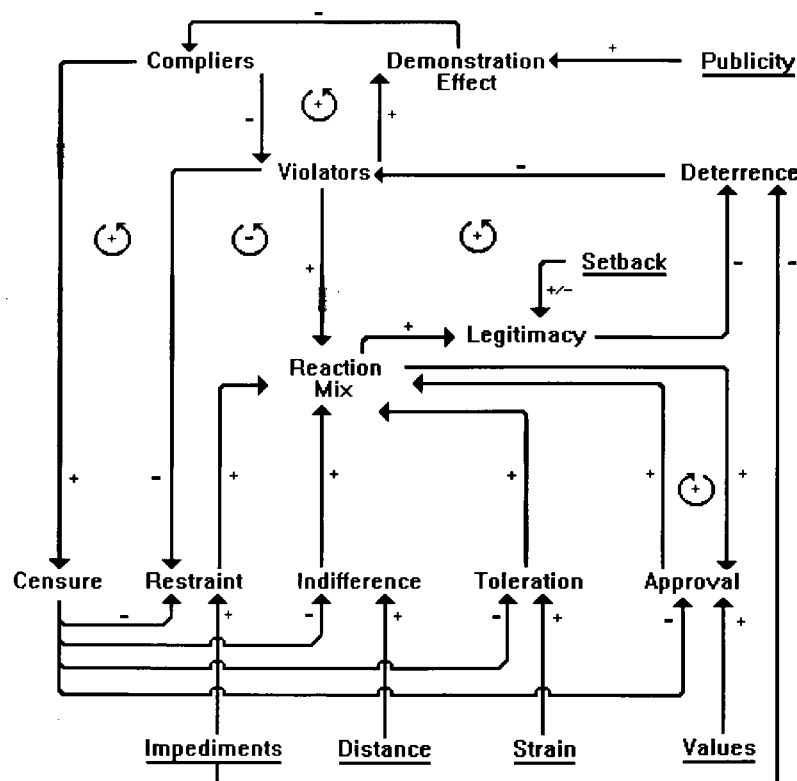


Figure 1. Causal Loop Diagram

opposite direction. If legitimacy increases, some of those who had previously condemned the violations will see their protests as futile and lapse into indifference, while some of the approvers will no longer have reason for their support and become apathetic too. In sum, the relative strengths of the multiple feedback loops are likely to make for continued growth of legitimacy.

Surges and Setbacks. We cannot assume that the process of crecive legitimation will run smoothly from beginning to end, or indeed that legitimacy will always result. On the contrary, surges as well as setbacks of varying lengths and strengths are to be expected in the process. The discovery or disclosure of evidence that justifies an object can accelerate the process. For instance, the publication of new research findings supporting an illegitimate object can speed up its legitimation. On the other hand, a public scandal or a perceived danger can retard legitimation and even halt the process altogether.

If such discoveries or findings are purely fortuitous, we may estimate the random probability of their occurrence. On the other hand, there are many deliberate leaks and disclosures, real, fabricated, or embellished, which are calculated to influence the legitimation process. Such "red herrings" are more predictable - election politics at all levels are replete with examples. Where they are known to have occurred, they should be quantified and taken into account in the calculus of the legitimation process.

Delegitimation. Ongoing social interaction, being at the heart of crecive legitimation, can also delegitimize objects. Crescive delegitimation is precipitated when a legitimate object is openly challenged because of a perceived conflict with an accepted logic of transaction. For example, in written English the standard usage of male pronouns was challenged because it was seen to conflict with the contemporary value of equality between the sexes. By now, it is well on the way to being an illegitimate practice. Of course, such challenges will be made only if open protests are possible. In totalitarian regimes or autocratically run organizations, the probability of crecive delegitimation is low. But where the situation is more open to dissent, challenges to legitimate objects are likely to engender a bandwagon effect and reverberate, particularly if they

come from authoritative sources.

The dynamics of the process are similar to those of crecive legitimation. One example that has been documented (Jacobsen and Bronson, 1989) is smoking in enclosed public places, which was crecively delegitimized in this manner before it was made illegal. The challenge in this case came from the medical profession and was based on the value of Public Health. What transpired took the path of legitimation in reverse. The American Cancer Society among others added publicity to the challenge, which gained general approval despite the tobacco industry's protests. Even those who were indifferent did not remain so for long, since it was claimed that passive smokers also are affected. Instead, backed by the medical profession's prestige, there was approval, toleration, and restraint (the latter being mainly on the part of smokers). The challenge had a bandwagon effect on the public at large, and this created positive feedback towards widespread agreement that the practice is no longer acceptable. Smoking in company had been crecively delegitimized.

The Model. The assertions and hypotheses in this essay cannot be regarded as a sociological theory until the concepts and relationships are specified more precisely and the postulated dynamics verified empirically. The strategy we used to do this is based on computer simulation (Jacobsen *et al.*, 1990). The case for this strategy has been described in detail in Jacobsen and Bronson (1995). Suffice it to say here that all concepts and their interrelationships are tranformed into a computer model, which is then run against a variety of time series of real data. By this procedure, we can test the interaction of not just certain specific variables at one point in time, but observe the behavior of the entire system over a protracted period. If the model reproduces the empirical trends of different data sets, the underlying theory is empirically adequate to explain the data.

A System Dynamics model was constructed in which all concepts and interrelationships in the theory are defined as mathematical equations. This model produced the predicted trends, i.e., its behavior matched the theoretical argument. That, of course, is no test of the theory, but it makes the theory testable, because now anyone can take time series of relevant data and compare it to the model's output. If the out-

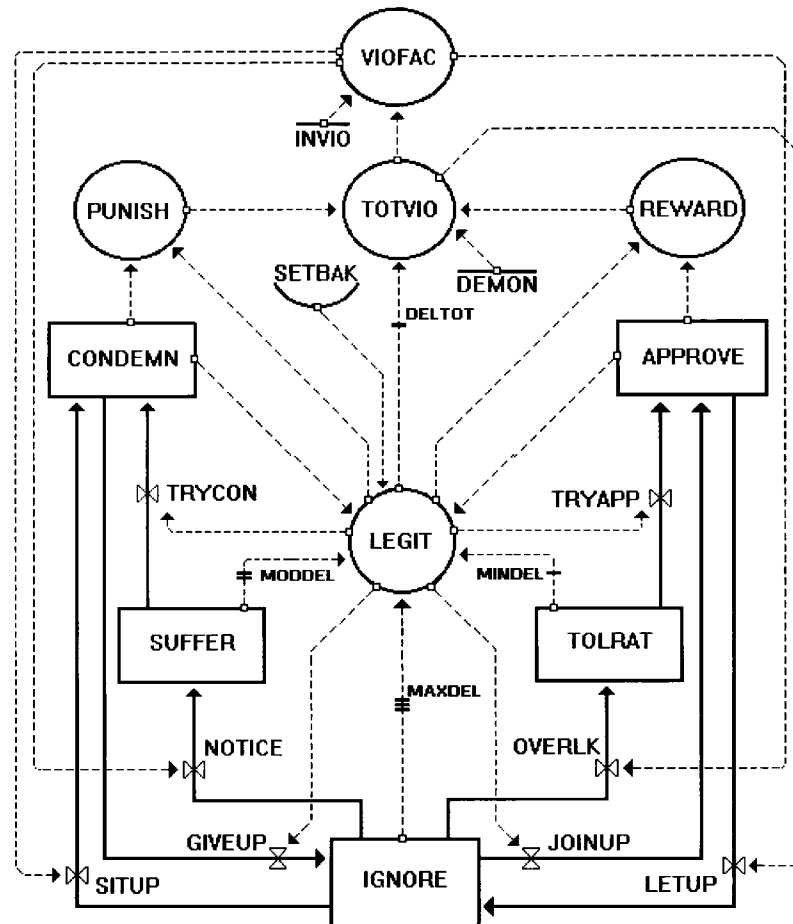


Figure 2. Rate-Level Diagram

LEVELS:
 APPROVE - % Approvers
 CONDEMN - % Condemners
 IGNORE - % Indifferent
 SUFFER - % Sufferers
 TOLRAT - % Tolerators

AUXILIARY VARIABLES:
 TOTVIO - % Violators
 VIOFAC - Violator Factor
 PUNISH - % Punishers
 REWARD - % Rewarders
 LEGIT - % of Legitimation

EXOGENOUS VARIABLES:
 SETBAK - Surges or Setbacks

RATES of FLOW:
 JOINUP - IGNORE to APPROVE
 SITUP - IGNORE to CONDEMN
 OVERLK - IGNORE to TOLERATE
 NOTICE - IGNORE to SUFFER
 LETUP - APPROVE to IGNORE
 GIVEUP - CONDEMN to IGNORE
 TRYAPP - TOLRAT to APPROVE
 TRYCON - SUFFER to CONDEMN

DELAYS:
 MINDEL - Minimal Delay
 MODDEL - Moderate Delay
 MAXDEL - Maximal Delay
 DELTOT - Delay to TOTVIO

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put matches the real data, we have evidence that the theory is empirically adequate.

Figure 2 is a graphic display of the model (the documented code, in DYNAMO, is available from the author). All theoretical concepts appear as acronyms, representing quantified variables.

Apart from the reaction types (rectangles), the intervening variables (circles), and the flow rates of people

from one type to another (valves), the diagram also shows most of the feedbacks discussed in the previous section (broken-lined arrows).

Here now are data from three cases of crescive legitimation that have occurred within recent memory. In each case we have identified a precipitating event that may have triggered the process, quantified it by reliable data, and entered it as the "triggering

index" (-SETBAK) into the model. The model should then calculate all the variables over time and, in particular, reproduce the variance as well as the shapes of the data trends with their corresponding model variable, and thus account for the process with the underlying theory.

Case #1: Unmarried Cohabitation (U.S.A., 1960-1994). While more than 90% of U.S. adults marry according to the traditional norm, there can be little doubt that there has been a change. Unmarried cohabitation, which in 1960 was limited to the fringes of society and taboo in its conventional parts, has developed into a widely known and legitimate pattern of behavior (Manting, 1996). The practice has spread in the last 35 years from 1.02% of unmarried adults to 5.33%, i.e., a growth by a factor of five (U.S. Bureau of the Census, 1975-95). According to the theory, it is this relative growth (VIOFAC) which has prompted the shifts in reactions to the perceived non-conformity that led to its legitimation.

The official data give the percent of unmarried couples (TOTVIO) for each year of the simulated period, so the time series corresponding to VIOFAC is a simple ratio. Until 1976 the data show very little change, but then there was a surge upward. We believe that the initial surge was precipitated by The Pill, and there is evidence to support that hypothesis. The number of oral contraceptives on the U.S. market jumped from just one in 1960 to 21 in 1973 and to 38 in 1978 (Odol and Pratt, 1973; Billups, 1978), abruptly making birth control much more practicable and convenient. These data were inserted as the exogenous variable -SETBAK into the model.

The initial mix of reactions was estimated on the basis of the social situation in the U.S. in 1960 (see Table 1, col.2).

Significantly, the simulations forced us to accept that in each case (see below) half the population or more ignored the practice at first, and that fully 95% showed no perceptible reaction (TOLRATE+SUFFER+IGNORE) to unmarried cohabitation. A change of 5% in either direction made the model unable to reproduce the empirical trends satisfactorily. In other words, the model is highly sensitive to the initial values given to the reaction mix. To assess the degree to which the model reproduces the data trends, we first visually compare the plotted output (VIOFAC in this case) with the data. If the trends are

similar, we go on to calculate the summary measure TI (Trend Index), which is the percent of data variance reproduced by the corresponding model variable. Both tests are necessary. On the one hand, the trends may look alike but differ in amplitude or timing, resulting in a low TI. On the other hand, if there are inflections in the data, a straight least squares regression line may yield a high TI but leave the data trends virtually unreproduced.

Figure 3 shows that our simulation reproduced the

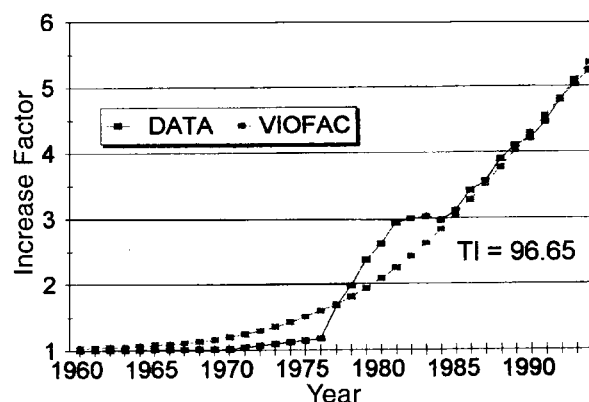


Figure 3. Unmarried Cohabitation: Data and Model Variable

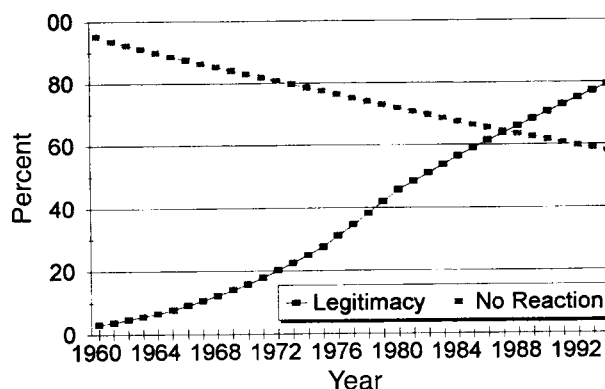


Figure 4. Unmarried Cohabitation: Legitimacy & No Reaction

data trend closely. How closely, we learn from the TI which says that model variable VIOFAC reproduced 96.65% of the data variance. Figure 4 shows the simulated variable legitimacy as it grew from 3% in 1960 to 79% in 1994, while non-reactors dropped from 95% to 58% in the same period.

Case #2: Jewish Reform Marriages (Israel, 1990-1996). In Israel, Jewish marriages are officially recognized only if they have been performed by an ortho-

dox rabbi. Observant as well as non-observant Israeli Jews have lived with this curtailment of their civil rights for many years. In 1990, however, a large wave of immigrants began to arrive from the former Soviet Union, and many of them had trouble in proving their Jewish identity to the orthodox rabbinate in order to get married. These troubles and the hardships they caused triggered a demand for alternatives to orthodox marriages.

Responding to the demand, reform rabbis are performing weddings in increasing numbers, even though they constitute nonconformities to normative expectations and are officially illegitimate. But it is not just the rabbis who deviate from the conventional norm by conducting these ceremonies. The couples, their families and guests are similarly deviant, and they number many more than the dozen or so reform rabbis. It is the spread of this nonconformity that suggests that reform marriages are being crescively legitimized.

The Council of Progressive Rabbis (Maram) has recorded all marriage ceremonies performed by any of its member rabbis since 1990, complete with dates, place, and names of witnesses. These, arranged by quarters and computed as the percentage of all Jewish marriages (Central Bureau of Statistics, 1997), constitute the raw data for this analysis. While the percentage of couples married by reform rabbis remains negligible, the trend is unmistakable and still accelerating: from .073% it has risen to .879%, i.e., VIOFAC has increased by a factor of more than 12.

Without doubt, the initial impulse in this case was the wave of immigration from the former USSR. Immigration from Europe swelled from 16,800 in 1989 to 189,000 in 1990 (Central Bureau of Statistics, 1996). These data were entered into as -SETBAK into the model. The estimates of initial reactions (Table 1, col.3) are based on a previously published study of religious attitudes in Israel (Ministry of Religious Affairs 1988), according to which 12% see themselves as orthodox, another 12% as either conservative or reform Jews, and 76% do not identify with any of the religious streams.

Testing followed the same procedure as before. The variable VIOFAC reproduced the ascending pattern well (Figure 5). TI is relatively low (73.2%) compared to the previous case, but this is clearly due to the cyclical yearly fluctuations in the data. Figure 6 lends

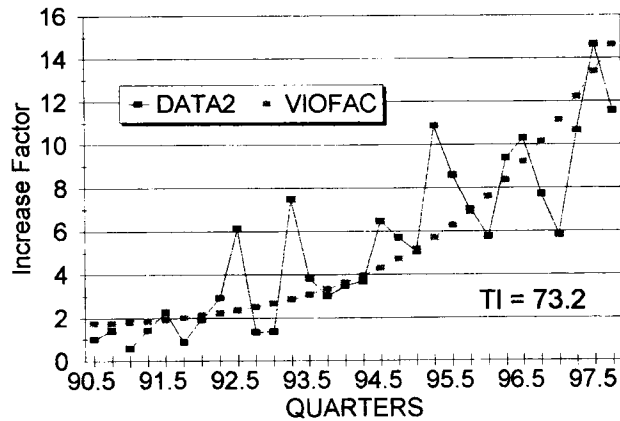


Figure 5. Reform Marriages: Data and Model Variable

further support to the theory, showing the growth of legitimacy together with the decrease of those indifferent.

Case #3: The Gay Community (U.S.A., 1973-1996). The great change that has occurred over the last 25 years with regard to homosexuals is not so

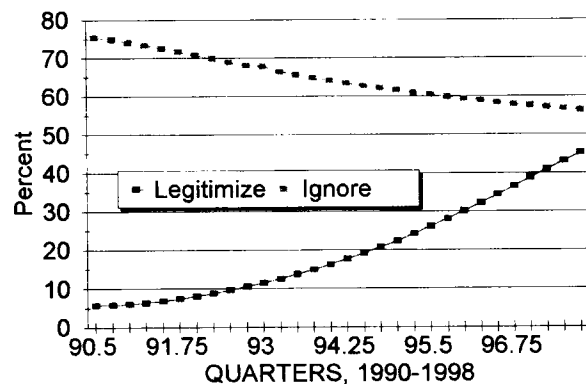


Figure 6. Pct. Legitimizing and Pct. Ignoring Reform Marriages

much in their numbers as it is in the open declaration of their sex habits. The nonconformity behind the crescive legitimation of gays and lesbians is therefore not their sexual behavior, but their "coming out of the closet" and being unashamed about it.

Despite the wealth of journalistic and anecdotal accounts of outing, numerical data on the subject are hard to come by, so that we had no time series that could be replicated with TOTVIO or VIOFAC. On the other hand, the General Social Surveys (Davis, 1996) contain data which may be even better: a direct indicator of legitimacy over the years. Question #219

of the surveys was: "What about sexual relations between two adults of the same sex — do you think it

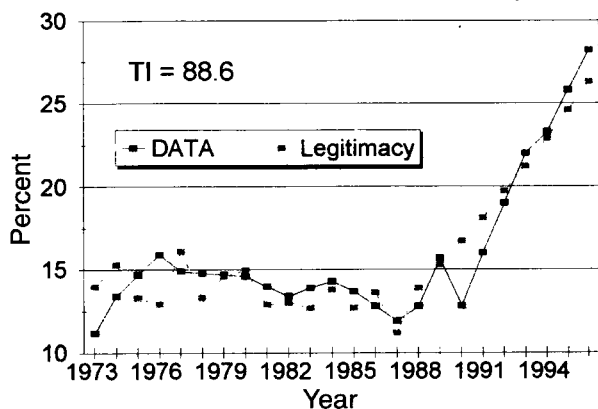


Figure 7. Legitimation of Homosexuality: Data and Model

is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?" The answer "not wrong at all" indicates the informal legitimacy of homosexuality as it grew from 11.2% in 1973 (the first year covered by the surveys) to 28.2% in 1996.

The initial impulse (-SETBAK) in this case clearly was the "Stonewall Riot" in New York City which occurred in 1969. There is documented evidence that this riot sparked a proliferation of Gay Rights organizations in the 1970's (Alwood, 1996; Blumenfeld & Raymond, 1988: pp.301ff). The model was therefore initialized with an estimated reaction mix as given in Table 1, col.4. In the next decade, however, the AIDS epidemic brought a partial reversal (+SETBAK) of the ascending trend (New Webster's International Encyclopedia, 1996). It ended only in the 1990s,

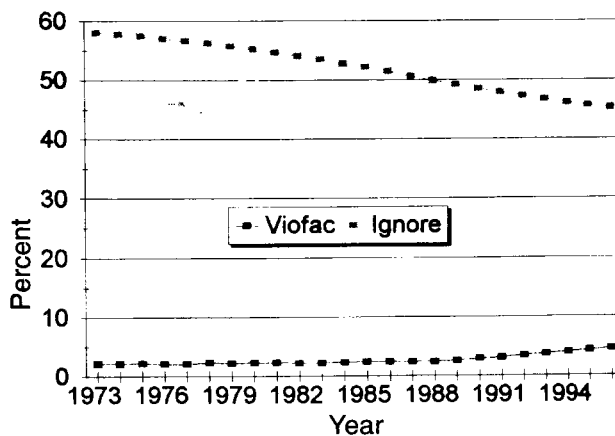


Figure 8. VIOFAC and INDIFFERENCE

when practical means of self-protection became known and the public scare abated. These events, quantified by the number of headings in the New York Times Index each year under "Gay ...", were computed as the SETBAK index relative to 1969.

The model variable LEGIT reproduced the data trends of legitimacy very well, with a TI of 88.6 (Fig.7). In addition, we can get an impression of the relative increase of self-declared gays and lesbians from the simulation output of variable VIOFAC (Fig. 8). By 1973 they were already twice as many as in 1969, when the Stonewall riot occurred (VIOFAC = 2.16). By 1996 this figure had doubled again (VIOFAC = 4.61), and the percentage of indifferent had concurrently dropped from 58% to 45.3%.

Conclusion. The tests have shown that both the theoretical argument and the model are logically consistent and empirically adequate to explain these three cases. But further tests on a variety of data sets, particularly of cases of delegitimation, are needed to ascertain whether the theory holds for crecive legitimation in general. Now that we have the model, however, it is a fairly straightforward matter to try it on other data sets of legitimation or delegitimation.

Nonetheless it must be said that even if such tests support the theory, they will not enable us to predict whether or when an object will be legitimized because that will depend on the chances of a precipitating event occurring. What we shall be able to say is that if the structural conditions are all present (as they are in modern democratic societies), the chances are high that such an event will occur because it may take only a quite insignificant event to spark the process. If and when this happens, nonconformities will be crecively legitimized, not so much by outright approval as by non-reaction, perceived and interpreted as acquiescence and justified as traditions by default. The social perils as well as the possibilities of legitimizing novel nonconformities or delegitimizing established objects are such, that this insight seems to be a significant step forward for some of the powder kegs of modern society.

Table 1.

INITIALIZED MIX OF REACTIONS IN THE THREE CASES

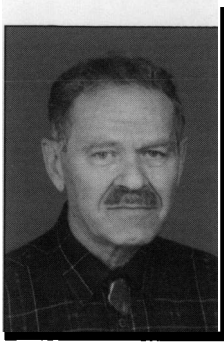
REACTION	COUPLE %	REFORM %	HOMO %
Approval	4	11.5	24
Toleration	20	1	1
Restraint	25	5	4
Indifference	50	75.4	58
Censure	1	7.1	13
Total Non-Reaction	95	81.4	63

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Chanoch Jacobsen was born in 1927 in Germany, fled to England with his family in 1939, and from there to Israel in 1948. Until 1966 he was a dairy farmer and extension agent for the Ministry of Agriculture. With a Ph.D. in sociology from the University of Wisconsin, he joined the Technion as Lecturer in 1969, was made Senior Lecturer in 1973, and Associate Professor in 1981. Although officially retired in 1995, he is still actively researching, teaching, and writing.

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