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# The relevance of legitimation – a new framework for analysis

Christian von Haldenwang

Department of Governance, Statehood, Security, German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE), Bonn, Germany

## ABSTRACT

The legitimacy of political orders is an important reference point in political analysis, but the concept is difficult to operationalize and measure – particularly in those countries where legitimacy is critical, i.e. cases of political transformation, non-democratic rule and high state fragility. To be successful, legitimation (the process by which legitimacy is procured) has to fulfil two functions: relate demands for legitimation to government performance (the 'demand cycle'), and relate legitimacy claims issued by the rulers to behavioural patterns of the ruled (the 'supply cycle'). Looking at the recent academic debate, the article finds that empirical research has largely ignored the demand cycle, while attempts to explore the relationships underlying the supply cycle tend to suffer from misconceptions of basic terms. The article proposes a framework for empirical enquiry that addresses both shortcomings.

## 1. Introduction

Some political science scholars use legitimacy as a concept to explain the stability or transformation of political orders. The term is sometimes brought into play as a broad reference to factors that add to political support and government credibility. Increasingly, however, scholars explore ways to make legitimacy itself the object of empirical inquiry. This tendency has partly been driven by debates on the legitimacy of international regimes (Chapman, 2009; Franck, 1990; Hurd, 1999; Keohane, 2011; Scholte, 2011), the European Union (Bolleyer & Reh, 2011; Eriksen & Fossum, 2004; Scharpf, 2009), and non-governmental actors (Bernstein, 2011). Still, the main research focus continues to lie on the legitimacy of the nation-state. One part of the debate refers to the 'legitimacy crisis of the welfare state' (Offe, 1984), i.e. a supposedly general trend of declining regime support in democratic, industrialized countries (Mau & Veghte, 2007; Norris, 1999a). A growing body of literature, however, deals with issues of political transformation, state building and fragility (Andersen, 2012; Unsworth, 2010) and, increasingly, with the legitimation of non-democratic rule.[1]

Even with a rapidly expanding body of academic research on legitimacy, however, the concept has proven to be stubbornly elusive regarding its operationalization and measurement. This is especially true for cases that are particularly interesting in terms

CONTACT Christian von Haldenwang ✉ christian.vonhaldenwang@die-gdi.de 🖃 Department of Governance, Statehood, Security, German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE), Tulpenfeld 6, Bonn 53113, Germany

www.

of legitimacy research: countries undergoing rapid political change or suffering from extended periods of fragility, conflict or authoritarian rule. One obvious problem in this context is the lack of reliable data on regime performance, citizens' opinions and attitudes, political participation, and public debates – data typically employed in studies on the legitimacy of Western democracies (for instance, Nullmeier et al., 2010). Not all countries with limited data availability are fragile or conflict-ridden: Some are governed by long-lasting authoritarian regimes that are able to control access to information. One could almost say that the more precarious the apparent legitimacy of a political order, the more difficult it is to put this impression to a rigorous test.

Beyond the issue of data availability, however, legitimacy research is confronted with deep-rooted conceptual problems. Above all, the normative underpinnings of the concept of *legitimacy* tend to interfere with the facticity of *legitimation*:[2]

From a normative point of view, *legitimacy* is a contingent property of political order. Obviously, not every political order qualifies as legitimate in our eyes. As political subjects, we link legitimacy to the achievement of some kind of common interest or good. 'Legitimacy requires the demonstration of a common interest which unites, as well as a principle of differentiation which divides, dominant and subordinate' (Beetham, 1991, p. 59).[3]

In contrast, *legitimation* refers to the processes by which legitimacy is procured. Every political order conceived as a lasting institutional arrangement engages in the strategic procurement of legitimacy (see Weber, 1976, p. 122). In fact, Weber's most important contribution to the debate on legitimacy has been to detach the concept from its normative underpinnings and open it to analytical reasoning. Even blatantly authoritarian regimes design strategies to substantiate their claim that the political order they impose is the one that under given circumstances serves best the common good. These operations have been linked to the concept of 'framing' used in the social movement literature (Benford & Snow, 2000; Schatz, 2006; Schlumberger, 2010).

Hence, one could argue that, although not every political order is *legitimate*, at least every political order attempts to *legitimize* itself. From a normative point of view, a political order is *either* legitimate *or* illegitimate. From an analytical viewpoint, however, it *is more or less successful* in procuring legitimacy.

This conceptual distinction, as straightforward as it may appear, has led to a generalized fallacy in legitimacy research. As will be shown in more detail below, most empirical accounts of legitimacy are based on an (explicit or implicit) understanding of legitimation as a practice by which the exponents of a political order obtain the acknowledgement of their legitimacy claims from the ruled, thus bestowing them with the 'right to rule' (Gilley, 2009). According to this approach, the acknowledgment of legitimacy claims creates a moral obligation to obey (Easton, 1965), resulting in the effective guidance of behaviour of the ruled. In contrast, the normative approach to legitimacy, by which the success of legitimation lies in the effective common-good orientation of the ruler, has been largely neglected by empirical research (Lemay-Hébert, 2009). This article presents a framework that seeks to account for both views on legitimation.

A second, related fallacy refers to a widespread misconception of the 'evidence of consent', identified by Beetham (1991) as one of three elements of legitimacy. In most empirical identification strategies, it is quite common for attitudes and opinions of the citizens to be in the focus of research, or, as Booth and Seligson (2009, p. 8) put it, for legitimacy to be measured 'as an attitudinal phenomenon'. However, data on attitudes and

opinions do not always reveal legitimacy beliefs, and even if they do, they do not reveal how beliefs translate into the kind of political or social action that could be taken as evidence of consent. As a consequence, attitudinal approaches to legitimacy have been spoiled with two basic shortcomings: Either they have measured only specific types of legitimacy (such as the Western model of democratic rule of law), or they have measured general regime support rather than legitimacy. This article argues that attitudes and opinions provide information on what citizens demand from rulers, whereas evidence of consent should be measured by looking at observable patterns of behaviour. The study presented by Mazepus in this special issue is based on this distinction.

The following section introduces the concepts of legitimacy and support. It shows that legitimacy is a specific type of political support and a necessary element of sustained political rule. Section 3 broadens the scope of analysis by identifying two cycles of legitimation, a 'demand cycle' and a 'supply cycle'. These cycles, though interrelated in many ways, refer to different roles and objectives in legitimation relationships. Section 4 presents four dimensions of measurement, based on the two cycles. At present, most contributions to the empirical analysis of legitimacy understand the process of legitimation as a sequence of claim and acknowledgment. Section 5 concludes by developing the outlines of an empirical strategy based on the approach to legitimation introduced before.

## 2. Legitimacy and support

In our everyday language, the term 'legitimate' characterizes something we consider 'right', 'good', 'fair' or 'justified'. We speak of 'legitimate claims' or 'legitimate rights' and mean that, beyond the factual existence of those claims or rights, there are good reasons that can be brought forward to sustain them. Interestingly enough, this everyday understanding of the term already refers to a collective order, even if we use it in a completely apolitical way. By giving good reasons for a claim or a right, or by asking for them, we invoke a collectivity. This collectivity can be a tribal society, a sports club, a non-governmental organization, an international regime – or any other order that produces regulatory and allocative decisions, which bind members of that collectivity under a common set of values and norms. The present article discusses legitimacy and legitimation with reference to the nation-state, the main unit of analysis of the studies gathered in this special issue.

As an analytical concept, legitimacy refers to 'a particular type of political support that is grounded in common good or shared moral evaluations' (Gilley, 2009, p. 5). Most scholars working on political stability or transformation would agree that a political regime cannot survive on the basis of coercion and repression alone (for instance, see Sedgwick, 2010, pp. 251–252 with references to Tocqueville and Almond). Some kind of support is needed, if only from the forces engaged in repression activities. Levi, Sacks, and Tyler (2009) contend that 'it is possible to rule using only coercive power', but this assertion may be based on a misperception of what constitutes 'rule' as opposed to 'power', as will be discussed in more detail below.

Obviously, a legitimate political order should enjoy widespread support. There is a vast body of literature on support for democratic governance (for instance, see Gilley, 2009; Norris, 2011, 1999b) and the quality of democratic regimes (Landman, 2012; Logan & Mattes, 2012). But how are both notions related to each other? Does legitimacy lead to

support, or *vice versa* (Klingemann, 1999, p. 31) – or are both concepts essentially one and the same when referring to a political order? If the latter were the case, finding a measure of support would solve the problem of measuring legitimacy.

Unfortunately, both concepts, though closely related to each other, are not identical. Political support may be based on different rationalities, including fear, habit, the expectation of short-term gains or long-term benefits, regime performance criteria, or belief in the superior morality of a ruler (Marquez, 2015). It may be extremely ephemeral or stable and solid, the product of completely selfish considerations or based on notions of common good and cooperation. Easton's (1965) discussion of specific vs. diffuse support distinguishes different rationalities. Hence, measuring general levels of support does not add too much to our understanding of legitimacy as long as it does not account for the specific kind of support underlying legitimation relationships.

As has been said above, a political order acquires legitimacy if the reasons given to justify rule are endorsed or acknowledged by individual or collective actors. *Rule*, a key notion in this phrase, can be distinguished from the more general concept of *power* by its implicit or explicit reference to a collectivity and the concomitant claim that it serves some kind of common good. By referring to an institutional setting beyond a particular situation, the notion of rule entails a meaning of duration and stabilization of expectations: A power relationship can be established between two actors who meet only once – for instance, one person assaulting ('overpowering') another. Rule, in turn, is based on continuous relationships that extend beyond individual actors and situations. This is why the institutional requirements of rule are higher than those of power.

Consequently, the acknowledgment a legitimacy claim receives cannot be motivated by individual cost-benefit-calculations alone. Rather, it has to reflect the collective order individual actors are embedded in. This does not mean to imply that other motivations such as fear or greed do not exist (they patently do in every political order), but they do not provide a stable foundation to political rule because they do not produce legitimacy. The acknowledgment of a legitimacy claim can be tacit, but in order for a political order to mobilize additional resources in times of stress, acknowledgment has to be based on observable behavioural patterns ('evidence of consent', Beetham, 1991) related to the claim.

A first generation of legitimacy research has strived to identify the institutional setting best suited to produce a 'just' political order (see Peter, 2010, pp. 4–10; Weatherford, 1992, p. 150). However, different views on what constitutes legitimate rule may be in conflict with each other, or they may change over time – just consider, for instance, the role of religion or the issue of gender equality in politics. From the point of view of someone involved in politics, legitimacy is an additional quality, not a necessary ingredient of authority. Easton (1965, pp. 278–286) makes a point in showing that certain political systems (above all, international systems) can in principle survive without legitimacy. This has led some authors to consider legitimacy a secondary element of political rule – useful to lower the costs and raise the effectiveness of rule, but limited in its explanatory value with regard to political stability and transformation (for instance, see Levi et al., 2009).

At the same time, however, Easton himself finds it difficult to imagine stable political order without any legitimacy at all: 'But under most conditions, we might suspect, there is a pressure to stabilize political relationships through diffusion of sentiments of

legimacy' (Easton, 1965, p. 286). With regard to the operationalization and measurement of this relationship, a common procedure has been to link legitimacy claims issued by the rulers to different kinds of attitudes or opinions on behalf of the ruled. While the respective empirical approaches and their limitations will be discussed in more detail below, two theoretical arguments against such a procedure should be taken into account at this stage.

The first argument points to the difficulty of separating 'sentiments of legitimacy' (or 'legitimacy beliefs', in Weberian terms) from other sources of support. If legitimacy refers to a specific type of political support, as argued above, empirical studies should be able to isolate its motivational foundations. Otherwise, it would be better to drop the concept altogether, as some scholars suggest (for instance, see Przeworski, 1986), or to limit legitimacy research to the study of how it is procured by the rulers (Barker, 2001). In a recent study, Marquez (2015) notes that the stability of relationships of domination may hinge on a broad range of mechanisms that carry the factual recognition of legitimacy claims by individual citizens or collective actors. With norm internalization being just one – and empirically hard to isolate – factor, this would render the notion of legitimacy useless for empirical inquiry, according to the author. In fact, the title of the present article – 'The relevance of legitimation' – relates to Marquez (2015) insightful paper on 'The irrelevance of legitimacy'.

The second argument points to the one-sidedness of the 'top-down approach' to legitimation, which has already been mentioned in the introduction of this article. This argument considers that the role citizens play in legitimation relationships is not limited to acknowledging or rejecting legitimacy claims issued by the rulers. Rather, it includes the voicing of legitimation demands based on normative perceptions and expectations of good rule (Lemay-Hébert, 2009). Likewise, rulers are not only originators of legitimacy claims, but also respondents to legitimation demands, to which they can react by either adjusting their claims or their rulings.

## 3. Two cycles of legitimation

Given these considerations, the approach presented here parts from two basic assumptions: First, every political order designed to last in time engages in the *strategic procurement* of legitimacy – an activity called *legitimation* in this article as well as in the other studies presented in this special issue. The operations carried out by rulers to legitimize a political order shape the process and outcome of political decision-making as well as the implementation of public policies. From the perspective of those who stage these operations (the rulers), legitimation is successful to the degree that it allows the regime to guide the political behaviour of the members of society.

Second, this procurement of legitimacy is dialogical by nature: At the end of the legitimacy chain, it is the individual member of society (the 'citizen', in republican terms) who provides legitimacy – even though political collectivities (parties, trade unions, business associations, etc.) often act as vehicles, amplifiers or filters. Citizens respond to legitimacy claims of rulers by either acknowledging or rejecting the claim. At the same time, they also express legitimation demands – expectations directed towards their governments, which rulers can decide to meet, repress or compensate. To simplify the setting, disregarding a legitimacy claim is considered here as a form of rejection, and ignoring a legitimation demand as a form of repression. From the perspective of political subjects, the success
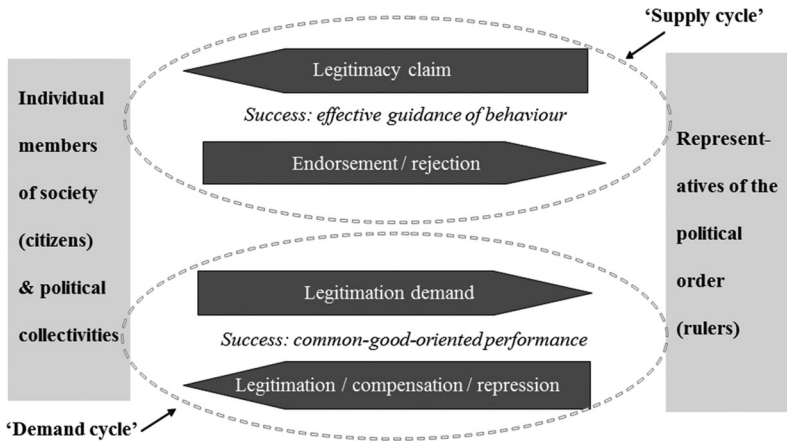
**Figure 1.** Two cycles of legitimation. Source: author's elaboration.

of legitimation lies in the effective common-good orientation of the political regime and its exponents.

The facticity of legitimation and its dialogical character can be pictured as two political cycles covering the supply of and demand for legitimation (see Figure 1). Identifying these two cycles helps to understand that the 'right to rule' (Gilley, 2009) of legitimate government is always limited by the right to dissent of every member of society (Rawls, 2005). The moral obligation to obey orders which many scholars mention as a key aspect of legitimacy is ultimately rooted in our own disposition to acknowledge the legitimacy of the authority issuing these orders, or, to put it more precisely, the legitimacy of the political order represented by this authority. This disposition, in turn, is nurtured by our expectations with regard to good rule and the 'right to be ruled fairly'.

The two cycles pictured in Figure 1 refer to different objectives of legitimation and different roles played by rulers and ruled in the process. It should be clear, however, that the two cycles do not function separately from each other. For instance, in times of political crisis and change rulers may choose to adjust their legitimacy claims in response to changing legitimation demands by the citizens. In a similar vein, citizens who reject a specific legitimacy claim may at the same time voice diverse legitimation demands. It is important to note, however, that alternative options exist in both cases: Rulers can also react to legitimation demands by stepping up repression or by offering compensations, without changing the nature of the regime's legitimacy claim. Citizens may oppose a legitimacy claim without voicing alternative legitimation demands.

To give an example, military regimes that have succeeded in restoring order after a period of public commotion and violence are often considered legitimate at least by those parts of the population who benefit from higher levels of security. Over time, however, the same groups may grow more and more critical of military rule and demand higher levels of freedom and social distribution due to changes in their value preference orders. In such a situation, one of several options rulers might consider is to adapt the regime's legitimacy claims and public policies in order to incorporate new elements of political freedom or public welfare. This may even lead to changing the nature of the political regime itself – for instance, from 'hard authoritarianism' to some type of 'electoral

authoritarianism (see Haggard & Kaufman, 2016 and the article by Debre & Morgenbesser in this volume).

Hence, the distinction of two cycles does not mean to imply that there are two separate spheres of legitimation. It is helpful, however, to understand the complexity of causality paths shaping relationships of legitimation and the sequential logic driving the accompanying political processes. Political crises leading to regime change, for instance, can be analysed as failure to obtain the necessary acknowledgment for a regime's legitimacy claims, but they can also be analysed as failure to respond to changes in legitimation demands. While the first perspective emphasizes path dependency as the default option in legitimation, the second perspective is based on an understanding of legitimation as constant grappling with political change.

Legitimacy claims are typically issued by the exponents of the political order, referred to as 'rulers', 'political leaders' or 'representatives of the political regime' in this article. Many different attempts to categorize such claims can be found in the literature (for instance, see Grauvogel & von Soest in this special issue). In addition to *claims*, scholars distinguish *patterns* (Kailitz, 2013), *strategies* (Mazepus, Veenendaal, McCarthy-Jones, & Trak Vásquez, 2016), *objects* (Nullmeier et al., 2010), *sources* (Gilley, 2009; Unsworth, 2010), *types* (Josua, 2016b), *modes* (Schlumberger, 2010), *varieties* (Sedgwick, 2010) and *mechanisms* (Dukalskis and Gerschewski in this volume) of legitimacy or legitimation. Claims can be based on the outcome of policies (performance), on given preference orders (values), on charismatic relationships between political leaders and followers (persons and roles), on institutionalized patterns of decision-making and implementation (procedures) and on basic ideas or principles (norms) incorporated by a political order (von Haldenwang, 1999).

Legitimation demands are brought forward by individual political subjects ('citizens') or political collectivities, such as political parties, civil society organizations, etc. In principle, every citizen can speak up on, or act upon, legitimacy issues. Yet, it is important to bear in mind that not every voice or action has the same weight or chances of success. Some actors enjoy more political influence than others because they are more articulate, better organized, or control strategic resources. Weber (1976) distinguishes legitimacy relations between rulers and ruled from those between rulers and the state bureaucracy. Many other scholars have subsequently noted that legitimation efforts are often geared towards specific groups of society (see Beetham, 2013). In addition, there are external forces influencing the legitimacy of a political order. This is why some authors consider 'international' or 'external legitimacy' as a form of legitimacy in its own right (Brassett & Tsingou, 2011; Schlumberger, 2010; Sedgwick, 2010). The article by Debre and Morgenbesser in this volume discusses international legitimation with regard to elections under authoritarian rule.

Rulers may respond to legitimation demands by adapting legitimacy claims, but this is certainly not the only option they have. Every political regime produces rules to deal with legitimation demands. Such rules cover access to decision-making bodies, modes of demand articulation (rules for political parties, civil society organizations, mass media, etc.), and the processing of demands by governmental bodies (administrative, legislative and judicial processes, the use of police and security forces, etc.). Rules can be formalized as laws, executive orders and court rulings, but they can also be informal, particularly in autocratic settings and 'areas of limited statehood' (Börzel & Risse, 2016). Obviously, the less democratic a political regime, the more selective its handling of legitimation

demands (Gerschewski, 2013). However, every political regime – even the most democratic one – devices this kind of rules. In fact, they are a key feature of political efficiency.

## 4. Four dimensions of measurement

The previous sections have shown that an adequate approach to measuring legitimacy should include both sides of the relation – rulers ('government') and ruled ('citizens'). This is certainly not the first time such a distinction has been brought into play. For instance, Weatherford (1992) distinguishes a top-down perspective, referring to institutional aspects of legitimation, from a bottom-up perspective, referring to public opinion and the voice of (individual) actors. However, based on the two legitimacy cycles introduced above, we are able to identify *four dimensions of measurement* (see Table 1). If the success of legitimation is understood as effective common-interest orientation of rulers, the revealed *attitudes and opinions* of individual and collective actors relate to the *performance* of the regime, both in terms of material goods and public services and in terms of access to political decision-making and rule of law. If, on the other hand, the success of legitimation is considered to lie in effectively guiding the behaviour of members of society, the legitimacy *claim* issued by the rulers is met by patterns of *behaviour* on behalf of the ruled.

Reference to government 'performance' in this context is based on the idea that individual and collective actors relate the 'output' of political regimes to what they perceive as 'good' or 'rightful' provision of public goods in order to classify regimes as legitimate or illegitimate. This matching exercise does not necessarily refer to the quantity of goods and services alone, but can also include the inclusiveness of political decision-making, the quality of public administration and the provision of access to the legal system. As Norris (2011, p. 190) observes: 'From this perspective, satisfaction with the democratic performance of any regime is expected to reflect an informed assessment about the cumulative record of successive governments, whether judged by normative expectations about democratic decision-making process, or by the achievement of certain desired policy outputs and outcomes'.

The four measurement dimensions do not constitute subtypes of legitimacy or legitimation and, hence, should not be misread as a proper conceptualization of legitimacy per se.[4] They do constitute, however, four approaches to operationalization that entail different conceptual and methodological choices. Extant empirical studies can be categorized according to their focus on one, or several dimensions. In a similar vein, the selection of indicators can be analysed according to the dimensions they cover. For instance, some empirical studies distinguish (i) 'subjective' indicators (attitudes and opinions) from

**Table 1.** Dimensions of measurement.

| | Successful legitimation as … | |
|---|---|---|
| Focus on … | Common-interest orientation of rulers | Guidance of behaviour of ruled |
| Individual and collective actors (citizens) | *Attitudes/opinions* (e.g. confidence in leaders, satisfaction with regime) | *Behaviour* (e.g. electoral behaviour, protest activities, mobilizations) |
| Government (rulers) | *Performance* (e.g. public service delivery, effective regulation) | *Claim* (e.g. access to law, political procedures, civil rights, social services, symbols) |

Source: author's elaboration.

'objective' indicators (tax collection, regime performance indicators, voting behaviour, etc.), (ii) 'input' indicators (properties of political decision-making and inclusion) from 'output' indicators (properties of regime performance) or (iii) 'democratic' indicators (pertaining to the core modes and institutions of democratic rule) from 'non-democratic' indicators (Hurrelmann, Krell-Laluhová, Lhotta, Nullmeier, & Schneider, 2005).

The four dimensions have not attracted the same amount of scholarly attention. Rather, we observe a prevalence of studies employing survey data in recent years. In line with theoretical reasoning, these studies have grown increasingly sophisticated over the last two decades (Booth & Seligson, 2009; Mau & Veghte, 2007; Montero, Gunther, & Torcal, 1997). However, the object of scrutiny has been mostly limited to Western democracies and some advanced industrialized countries. Only few authors have used survey data in research on developing and non-democratic regimes (Chu, Bratton, Lagos, & Shastri, 2008; Levi et al., 2009; Levi & Sacks, 2007; Sacks, 2012; Tezcür, Azadarmaki, Bahar, & Nayebi, 2012). As a result, the variation of cases is limited, and generalizations with regard to the universe of non-democratic countries are difficult to justify.

In order to distinguish views on specific political issues from more fundamental perceptions regarding the political order, many studies are interested in survey data that reveal *attitudes* rather than opinions. One aspect in this context refers to the interest citizens show in politics (Linde, 2012). This is based on the assumption that a lack of interest could be the result of political alienation and apathy, indicating deficits in legitimacy as a positive resource for regime survival and stability. Another attitudinal dimension often explored in legitimacy research is interpersonal trust (as opposed to trust in specific political institutions). Following this line of reasoning, interpersonal trust is fundamental to enable collective action and develop a sense of inclusion. Since these are two basic features of legitimate political order, low levels of interpersonal trust should thus be linked to low levels of legitimacy. A third attitudinal dimension covered by legitimacy research is the identification of citizens with the political and societal order they are living in.

Among the studies that address these questions in a systematic manner, Montero et al. (1997) argue that democratic legitimacy is distinct from political disaffection or alienation as well as from political discontent or dissatisfaction. In their case study on Spain between 1976 and 1996, they find fluctuating rates of satisfaction with political and economic performance coinciding with quite stable rates of support for democracy as opposed to authoritarian rule. Obviously, democratic regimes provide mechanisms to deal with political discontent and even political disaffection without jeopardizing the legitimacy of the political order.

As a second measurement dimension, several studies explore opinions concerning the *performance* of political regimes, covering aspects of public service delivery and material wellbeing as well as the workings of individual institutions entrusted with the implementation of public policies. This line of research has become more prominent in recent years. The underlying assumption is that perceptions of government performance (for instance, regarding public service delivery or distributive justice) are a major dimension of regime legitimacy (Letki, 2006; Miller & Listhaug, 1999; Weatherford, 1992). A key question in this context is whether citizens perceive a political regime to be responsive to their demands. This research perspective is sometimes considered particularly promising, as it provides opportunities to link attitudinal (micro-level) approaches to macro-level observations of political regime characteristics (Anderson & Singer, 2008). The paper presented by

Cassani in this special issue links performance-based legitimacy claims of different types of authoritarian regimes to the effective delivery of public services. The relationship of performance and legitimacy is also explored in the study presented by Grauvogel & von Soest.

As highlighted by Dukalskis & Gerschewski in the introductory article of this special issue, many political regimes base their legitimacy claims primarily on specific performance criteria, such as the material content and underlying preference orders of their policies. Socialist regimes, for instance, have always justified their rule with a supposed superiority in terms of generalized welfare gains, albeit in a distant future (Finkel, Humphries, & Opp, 2001). Military dictatorships tend to emphasize their good performance with regard to security and public order. In a similar vein, traditional concepts of good rule have usually been based at least in part on performance criteria such as the just distribution of resources, the rule of law and the absence of corruption.

Modern legitimacy research has rightfully waved the notion of specific performance criteria as an 'objective' basis of legitimacy. A growing body of literature analyses performance-based legitimacy claims of political regimes by contrasting them with real or perceived performance levels (Vasu & Cheong, 2014). References to political regime and performance indexes are common in the political science literature. These indexes are popular because they tend to provide data for large numbers of countries and they free individual researchers from the tedious tasks of coding, checking for validity and deciding on threshold values or aggregation rules. In theoretical terms, however, it makes little sense to insinuate that specific properties or performance levels are indicative of the existence or absence of legitimacy. In most cases, categories are too broad, aggregation rules too simple, measurement errors too big and threshold values too arbitrary to allow for meaningful generalizations beyond basic statistical correlations (Gisselquist, 2014).

This does not mean to imply that objective performance criteria should be ignored in legitimacy research. In their study on democracy collapse, Diskin, Diskin, and Hazan (2005) find that of eleven indicators usually associated with the (in-)stability of democratic rule, five appear to be crucial for the prediction of democratic collapse: social cleavages, a malfunctioning economy, an unfavourable history, the durability of government coalitions or cabinets, and foreign involvement. Even though no single indicator is sufficient to predict the fate of democratic governance, the authors maintain: 'If four of these negative factors appear simultaneously, the democratic regime is almost doomed to collapse' (Diskin et al., 2005, p. 304).

The third measurement dimension introduced above refers to the *behaviour* of individual and collective actors. If successful legitimation is understood as the effective guidance of the behaviour of the ruled (the 'supply cycle' of legitimation), observed patterns of behaviour could provide important clues on the legitimacy of political orders. While this is widely acknowledged in principle, scholars struggle with the identification of valid indicators to measure this dimension.

One challenge consists in isolating the effect we want to study from other possible effects: For instance, is voter turnout in country x attributable to a general acknowledgment of the legitimacy of the political order (Gilley, 2009)? Or is it the result of political mobilization because the legitimacy of the political order is questioned by some political groups? Or perhaps the result of (formal or informal) sanctions imposed on non-voting? *Vice versa*, is non-voting necessarily an expression of citizen discontent or even de-

legitimization, or could it be related to apolitical (not necessarily anti-political) attitudes, or to a generalized perception that no major issues are at stake at this specific moment?

Another, related challenge refers to access to data that allows for the comparative study of behavioural patterns. For instance, contractualist approaches to taxation (Levi et al., 2009; Moore, 2008; Timmons, 2005) suggest that taxpayer compliance (in particular, with direct taxes on private income and property) could be an indicator for legitimacy. Following this line of thinking, Gilley (2009) considers the degree of a state's reliance on direct taxes as one of two behavioural indicators for evidence of consent. However, many other factors determine the composition of taxes, such as the structure of the economy, its openness to international trade, the influence of external actors and neighbouring countries, the demographic structure or the capacity of tax authorities (von Haldenwang & Ivanyna, 2012). It is highly unlikely that researchers obtain the detailed data they would need in order to explore the relationship between taxes and legitimacy more thoroughly, at least beyond the world of OECD member states.

As a fourth measurement dimension, addressees of legitimacy *claims* are invited to be part of a collectivity characterized by specific properties, objectives and principles. Inclusion can be framed with reference to material policies and performance (for instance, social welfare, employment) or as an invitation to political participation through elections, mass mobilization etc. Moreover, it can express itself as identification with a charismatic leader, with the nation, with overarching goals (for instance, independence from colonial rule) or with basic principles and norms, such as those underlying democratic rule of law. Many regimes base their claims on ideological positions. Since non-democratic regimes appear to be more prone to this pattern of legitimation than democratic regimes, a growing body of literature on legitimacy in non-democratic settings has focused on this aspect (for instance, see Brady, 2009; Holbig, 2013; Holbig & Gilley, 2010 with reference to China).

As said above, every political order designed to last in time issues such claims, and rulers expect that members of society shape their patterns of behaviour in response. Strategies by which offers of inclusion are framed as controlled political or material participation geared towards specific opposition groups or elite sections are termed co-optation in the academic literature. Co-optation is sometimes discussed as a third modality of rule, along with repression and legitimation (Gerschewski, 2013). From such a perspective, it is understood as an interest-based relationship built on material rewards. However, if co-optation takes place from a perspective of inclusion, it can also be part of the 'legitimation game' (Kendall-Taylor & Frantz, 2015).

Various authors acknowledge that the measurement of opinions or attitudes alone does not reveal the whole story of legitimacy and legitimation. Based on Beetham's (1991) approach to legitimacy as a combination of legal validity, moral justifiability and evidence of consent, these authors seek evidence on political action along with political attitudes or opinions (for instance, see Booth & Seligson, 2009; Power & Cyr, 2009 with reference to Latin American countries). The most elaborate approach in this regard to date has been put forward by Gilley (2006a, 2006b, 2012). In his tree-fold operationalization of legitimacy (views on legality, views on justification and acts of consent), Gilley employs six attitudinal (survey-based) and three behavioural indicators.

These multidimensional approaches constitute important landmarks in legitimacy research beyond the world of Western democracies. They are also proof, however, of

how difficult it is to find a common base of behavioural or attitudinal indicators for the multi-faceted relationships of legitimation that characterize the universe of political regimes today.

As a consequence, recent contributions to the debate focus on differences in patterns of legitimation according to political regime type. Three contributions to this special issue may serve as examples for this new generation of legitimacy research. The introductory essay by Dukalskis & Gerschewski explores the variety of legitimacy claims and their development in autocratic regimes over time. It identifies four key mechanisms through which legitimacy is procured: indoctrination, de-politicization (called the 'passivity mechanism' by the authors), performance and the use of democratic procedures. In their study on 98 non-democratic regimes between 1991 and 2010, Grauvogel & von Soest rely on expert assessments to identify differences in legitimacy claims. By distinguishing six legitimation strategies, the authors are able to show that different types of non-democratic rule are associated with different combinations of legitimacy claims. Finally, the study authored by Mazepus finds that students in countries as diverse as the Netherlands, France, Poland, Ukraine, and Russia – two old democracies, a new democracy, a hybrid regime in political crisis, and a hybrid regime with authoritarian tendencies, according to the author – express similar legitimation demands. Democratic institutions and procedures are key demands in all five countries. However, students in the Netherlands and France put more weight on participation and civic consultation, whereas trust and support play a more prominent role in the post-communist countries.

## 5. Conclusion

Empirical research on legitimacy needs to account for its dialogical character. Depending on the causalities they want to explore, researchers may look at how rulers respond to legitimation demands of their constituencies by adapting the 'performance' (understood in the broad sense introduced above) or the legitimacy claims of political regimes. Alternatively, researchers could analyse the behavioural response of individual and collective actors to the legitimacy claims issued by the regime.

For non-democratic settings, this latter cycle (the 'supply cycle') may lend itself more easily to empirical research, since data on attitudes and opinions that could reveal legitimation demands are harder to come by in this group of countries. The 'demand cycle', however, may be better suited to capture the legitimation efforts of regimes undergoing profound change and struggling to survive, as it can be assumed that rulers under stress will be more inclined to pay attention to legitimation demands by powerful groups of society. In the best of worlds, legitimacy research should strive to cover both cycles, as both are empirically significant.

Empirical studies dealing with legitimation in non-democratic settings are often faced with specific research challenges. Some shortcomings of the attitudinal approach appear to be particularly relevant in non-democratic regimes: Public opinion surveys (the main source of information for this approach) attach the same weight to each respondent in the sample. However, there is no reason to believe that in real politics every member of society has the same opportunity to effectively raise legitimacy demands or react to legitimacy claims. Further, studies based on survey data rarely offer a sound theoretical basis for linking opinions and attitudes to political action. Several authors discuss whether revealed

levels of confidence, trust or satisfaction effectively measure legitimacy (or rather, other kinds of support), and the associated question of causality between perceptions and legitimacy (Grimes, 2006; Marquez, 2015; Norris, 1999a; Vassilev, 2004).

Another topic, sometimes framed as input- *versus* output-legitimacy, refers to the impact of regime performance: 'Across all types of regime, variations in regime support are most closely linked to current economic and political performance' (Mishler & Rose, 2001, p. 316). This kind of reasoning has led to a certain upswing of performance-related approaches to legitimacy in recent years. However, while it may be true that performance always influences legitimacy to some degree, it appears equally obvious that some regimes are less well suited to deal with the legitimatory impact of changing performance levels than others. Such changes may particularly affect those regimes that put the promise of social welfare or the maintenance of public order at the centre of their value-based legitimation strategies.

Recent years have seen important progress in the identification and categorization of legitimacy claims in non-democratic regimes. The articles by Dukalskis and Gerschewski as well as Grauvogel and von Soest in this special issue are proof of this progress. However, more conceptualization is needed to identify the mechanisms that link claims to specific behavioural patterns. This could be achieved, for instance, by relating the combination of legitimacy claims that characterizes individual political regimes to sets of behavioural indicators that would provide evidence of consent in this specific context.

To give an example, an 'ideal typical' military autocracy might base its legitimacy above all on the promise of public order and security and a reputation as impartial, technocratic and non-corrupt provider of public services (see Dukalskis & Gerschewski in this special issue). Assuming the standpoint of military rulers, successful legitimation could thus be assessed by looking at levels of crime and political mobilization, along with perceptions of corruption. In contrast, personalist autocracies rely largely on charismatic legitimation in combination with regime performance. Levels of political mobilization for or against the incumbent ruler can be taken as an indicator for the first aspect, whereas regime performance could be assessed, for instance, by looking at changes in private domestic investment flows and, again, levels of crime. Finally, electoral autocracies employ, among other modalities, procedural legitimacy (a fake reliance on elections and rule of law, see Morgenbesser, 2015). While it could be difficult to get access to valid data on voting behaviour, success of legitimacy claims based on the rule of law could be measured in some cases by looking at the ease of doing business and the flow of foreign direct investments.

These examples serve to highlight the fact that successful legitimation, understood as guidance of behaviour of the ruled, might rely on very different combinations of legitimacy claims and evidence of consent. Specific political actions may have a completely different meaning for the legitimacy of a political order depending on the nature of the regime. For instance, public demonstrations and protests are usually considered a positive feature of open democracies, adding to their legitimacy, while they are typically regarded an indicator for legitimation problems when occurring under persistent autocratic rule (Josua, 2016a).

With regard to the 'demand cycle' described above, i.e. the cycle that links attitudes and opinions to specific performance levels and types, new research has highlighted the relevance of performance-related legitimation (Hwang & Schneider, 2011; Linde,

2012; Mazepus et al., 2016; Zhao, 2009; Zhu, 2011). The article authored by Cassani on outcome-based legitimation under non-democratic rule in this special issue sheds new light on the ability of different kinds of authoritarian regimes to secure support through public service delivery. In addition, performance criteria are sometimes used as independent variables to explain changes in attitudes. In contrast, the mechanisms through which revealed attitudes and opinions might influence the performance of political regimes have been studied less extensively so far (Miller & Listhaug, 1999). In this sense, legitimation is still predominantly understood as a relationship that goes from ruler to ruled (Anderson & Singer, 2008). However, the question how political leaders deal with legitimation demands in times of political crisis or stress seems to be highly relevant. Additional research covering the demand cycle of legitimation would be useful to fill existing knowledge gaps in the study of political regime survival and transformation.

## Notes

1. In addition to the other contributions to this volume, recent empirical and conceptual studies on legitimacy in non-democratic settings include Abulof (2015); Dukalskis (2017); Holbig (2013); Josua (2016a); Kailitz (2013); Kendall-Taylor and Frantz (2015); Mazepus et al. (2016). Preceding the current debate, one of the first projects to assess legitimacy in non-democratic settings from a comparative research perspective was the pioneering work on legitimacy in Southeast Asia led by Alagappa (1995) more than two decades ago.
2. The distinction of legitimacy and legitimation used in this article is not new. See von Haldenwang (1996) and Barker (2001) for earlier statements of the argument. Apart from the terms 'legitimacy' and 'legitimation' introduced here, this paper uses terms such as 'political rule', 'political order', 'political regime', 'state', and 'common good'. Since this is not the place for an in-depth discussion of these fundamental yet conflictive concepts, I offer some straightforward working definitions in order to avoid confusion: (i) 'Political rule' refers to the practice of producing and implementing binding regulative and allocative decisions. (ii) 'Political order' is the overall institutional and normative setting in which political rule takes place. (iii) 'Regimes' are understood as sets of institutions, norms and procedures that cover specific aspects of a political order. Political regimes characterize a political order as being 'democratic', 'autocratic', etc. (iv) 'State' refers to the part of a political order which produces and enforces binding decisions for the common good. (v) Finally, 'common good' is defined as the intentional outcome of actions that are a) based on shared norms and purposes a community has given itself; b) follow procedural rules that do not violate basic rights of individual members of that community; and c) aspire to maximize the social welfare function.
3. Beetham's seminal book has recently been published in an updated and revised version (see Beetham, 2013). The revised edition contains a new part on 'legitimacy in the twenty-first century' where recent attempts to analyse legitimacy within and beyond the nation-state are discussed. This article refers to the second edition when discussing these new contents, and to the original book otherwise.
4. Several studies propose such conceptualizations by identifying different sources of legitimacy, often based on Weber's (1976) typology of rational-legal, traditional and charismatic legitimacy or on Easton's (1965) discussion of specific and diffuse support. For an in-depth discussion see von Haldenwang (2016).

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## Disclosure statement

## Notes on contributor

*Christian von Haldenwang* is a political scientist and senior researcher with the German Development Institute / Deutsches Institut für Entwicklungspolitik (DIE) in Bonn. He has authored books and articles on taxation, decentralization and legitimacy, with a specific focus on Latin America.

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