E U R O P E A N   P O L I C Y   B R I E F

A Crisis of Democratic Legitimacy? It's about Legitimation, Stupid!

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Are we witnessing a crisis of democratic legitimacy? While citizens may lose trust in political authorities, democratic principles and ideals continue to exercise considerable appeal. This Policy Brief argues that this paradox must be understood as a crisis of legitimation. Research suggests that legitimacy is inherently subjective and must be constantly re-earned. Low levels of political trust can be explained as the result of the complexity of globalised yet fragmented societies. The present feeling of malaise calls for a redefinition of the relationship between citizens and the authorities by which they are ruled. If popular sovereignty is to mean anything in today's age, it requires a new legitimising narrative.

The issue of political legitimacy did not always dominate the political agenda. In the aftermath of the Second World War, political concerns were predominantly centred on the economic and political viability of nation-states. These concerns endured throughout the Cold War period when opposing regimes were seen to threaten each other's existence. It was only from the late 1960s onwards that questions over political legitimacy were being raised. The geopolitical pacification of the European continent and the increased economic interdependence of nation-states allowed for alternative concerns to be raised, pertaining to the relationship between citizens and their rulers. By the late 1970s, scholars like Joseph Rothschild began to discuss nation-states' growing difficulties in evoking a sense of trust and belonging among the populations being governed. Popular interest for political legitimacy has increased exponentially ever since. Today, a growing number of instruments such as the Eurobarometer and the Economist's Democracy Index are devoted to evaluating the state of political legitimacy in contemporary democracies. These polls indicate that levels of political trust are worryingly low.

What are we to make of these figures? Are our political systems nearing a point of collapse? The 'legitimacy deficit' hypothesis is certainly not devoid of controversy. Contrary to the sense of disillusionment prevalent in the public debate, support for the *principles* of democracy is both

high and widespread. As recent events in the European neighbourhood have shown, citizens' aspirations for democracy remain high. Citizens' satisfaction with their democratically elected *authorities* (parliaments, governments and parties), by contrast, appears low. Scholars who study trends in political support come to different conclusions depending on the methodologies they use and the cases they select. However, they generally agree that low levels of political support constitute reason for concern. The erosion of support for representative institutions – especially parliaments – is particularly discomforting. It suggests that states are finding it increasingly difficult to forge meaningful connections with those governed. This difficulty may well lie at the heart of the perceived crisis of legitimacy that plagues contemporary democracies.

This Policy Brief takes a closer look into the relationship between citizens and the political authorities by which they are ruled. It argues that changing state-society relations and the opening up of non-parliamentary avenues for political representation are crucial to understanding the feeling of political malaise in advanced industrial democracies. More than a generalised crisis in legitimacy, our democracies face a crisis of legitimation: political choices are in dire need of an explanatory narrative that binds citizens together. This discussion proceeds in four parts. First, we elaborate on what we mean by 'political legitimacy' and discuss its use in public debate. Second, we discuss empirical evidence on citizens' low levels of trust and consider the possible explanations for this trend. Whether a state is governed well (or not) does not always influence the legitimacy of the regime. This means that institutional reform is no panacea: politics is as much about emotions as it is about effective governance. We therefore need to pay more attention to the subjective dimensions of politics, including culture, shared norms and attitudes. Third, today's growing

disillusionment with politics reveals both citizens' growing political sophistication and the pressures on popular self-governance. The growing complexity of politics has eroded the belief that citizens are capable of democratic control – either through authorising their governors or controlling them. We conclude by suggesting that citizens need a popular narrative that reconfigures the expectations they may hold toward power-holders in function of today's politics. Narratives are like social contracts: they hold the key for enabling trust in political institutions. The present malaise is therefore not only about political performance, but also about identifying new, shared grounds for political legitimation.

POLITICAL LEGITIMACY: WHAT'S IN A NAME?

Today's debates on legitimacy express an underlying concern for the stability of political systems and their capacity for solving problems. As popular protests on Tahrir Square and the streets of Kiev have shown, governments only exist by the grace of their citizens. All political regimes ultimately depend on their subjects' recognition and compliance: citizens must accept the rules and laws imposed by their government and indeed choose to abide by them. A sufficient reservoir of goodwill among the population is considered necessary for the government to enforce binding decisions. If levels of trust fall below a critical threshold, the stability of a regime is endangered. Under such conditions, the status of its political authorities becomes fundamentally contested. In many ways, the Tunisian street vendor Mohammed Bouazizi set not only himself on fire but also burned the very idea of the citizen that recognizes his or her government. Of course, advanced industrialised democracies are more sheltered from such violent outbursts of dissatisfaction by greater reservoirs of political trust and structures that allow citizens to express

their discontent within the system itself. However, low levels of citizens' trust fuel anxieties over the possibilities for violent protests in Western capitals.

One can distinguish between two different meanings of political legitimacy. Harking back to the writings of Max Weber, political legitimacy can be analysed descriptively, i.e. by making reference to people's willingness to obey the rules enforced on them. People may put faith in a particular regime because they have grown accustomed to it (tradition), because they have faith in its rulers (charisma), or because they trust the legality of the regime. Descriptive approaches to political legitimacy are typically not concerned with discerning whether citizens are right or mistaken in trusting their government. As David Easton famously remarked: '*Whether the basis of acceptance is legitimacy, fear of force, habitat or expediency is irrelevant*'.

Measuring political legitimacy is tricky. Indications can be found in different forms of support, such as citizens' levels of political participation, their active support for government actions, or alternative forms of adherence (such as the payment of taxes or the absence of protests). Despite these various manifestations, political legitimacy is most often measured as *political trust*. As a latent belief in the appropriateness of the political regime, trust is considered vital to the effectiveness of states. As argued by Sofie Marien and Marc Hooghe, trust reduces the (monitoring) costs of politics: it allows citizens to delegate decision-making responsibilities to entrusted others who can then make binding decisions on their part. Because it reduces the complexity of rule, trust is generally conceived as one of the most vital assets of democracies. Moreover, societies with higher levels of political trust perform better in terms of economic and political efficiency than societies with lower levels of trust.

Yet political legitimacy can also be approached as a normative question. Instead of merely describing declining trust levels, one can specify the features a polity must possess for it to be considered legitimate. In other words, one can focus on the moral appropriateness of different forms of rule and of people's obedience. In contrast to descriptive approaches, approaches of this kind do elaborate on the conditions under which citizens' trust may be justified – as opposed to mistaken. Generally, normative scholars introduce a differentiation between de facto authorities and legitimate authorities. While the authority of political bodies to enforce decisions may remain uncontested, their power may not be morally justified in the sense of meeting democratic principles such as equity, procedural fairness, transparency and accountability. Theorists such as Ronald Dworkin have argued that under such conditions, authorities fail to generate genuine political obligations. Failure to comply with these democratic principles may legitimise the choice of citizens to resist and rebel against their political authorities. This line of reasoning is also evident within the widespread support for the so-called 'Arab Spring' in 2011.

Beyond the descriptive versus normative dichotomy it is possible to focus on the question of how legitimacy comes to life and is expressed in democratic regimes. Jürgen Habermas first drew attention to the social dynamics of legitimacy and the active part which citizens and political leaders play in producing and challenging political legitimacy. While discussing political events or the decisions made by their authorities, citizens and political leaders renegotiate what is morally acceptable and defensible. As such they constantly redefine the moral foundations of political legitimacy. This insight inspired David Beetham to argue that political authorities are not legitimate because people believe in its legitimacy, but because they can be actively justified in terms of their beliefs.

This understanding has strongly influenced contemporary studies of political trust. Arthur Miller and Ola Listhaug have, for instance, argued that political trust reflects '*evaluations of whether or not political authorities and institutions are performing in accordance with the normative expectations held by the public*'. When citizens conceive of their political authorities as largely responsive to their expectations and values, they are able to trust and confide in their political leaders. While this approach hinges on citizens' capacity for political judgment, it suggests that the low levels of trust in the representative institutions of advanced industrial democracies reflect a shift in citizens' expectations. Simply put, a trip to the polling booth may no longer satisfy the modern democratic palate.

EMPIRICAL EVIDENCE ON POLITICAL SUPPORT: UNDERSTANDING TRENDS

The dissatisfaction of citizens in advanced industrial democracies is predominantly directed towards its key representative institutions: parliament, government, and political parties. The recent study of Carolien van Ham and Jacques Thomassen on patterns of political support in advanced industrial societies from the late 1970s onwards confirms that citizens' trust levels in their political community and the ideal of democracy are relatively high and stable. Within advanced industrial societies, country levels range on average above 80%. Similarly, citizens in advanced industrial societies express important beliefs in the principles and foundations of democracy; displaying country averages from 86% to 98%. In comparison, their satisfaction with the actual functioning of democracy and their support for political institutions are substantially lower – on average 60%. Aggregating data from the late 1970s till present, van Ham and Thomassen find that support for parliament is stable over time (ranging between 40% and 60%). The most important declines in parliamentary trust took

place before the late 1990s. In the recent period, evolutions in parliamentary trust have lost uniformity: while approximately seven of the fifteen countries included in the Eurobarometer polls demonstrate significant downward trends for parliamentary trust between 1997 and 2012, other countries display trendless fluctuations over time. Similarly, trust in national governments fluctuates strongly across countries (from averages of 29% in Italy to 72% in Luxembourg). Trust in government, however, appears to be declining more clearly towards the end of the 2000s, with the onset of the economic crisis. In addition, trust in political parties is very low in all advanced industrial countries; varying between about 20% and 30%.

These patterns suggest that political support is not experiencing a long-term and uniform decline in advanced industrial societies. Empirically speaking, trust in political institutions displays important variation across countries and does not reveal a clear pattern of decline across time. The underlying causes of low political support appear to be far more specific than general claims about advanced industrial societies allow for. In addition, citizens are well able to distinguish between the underlying principles and values of political life on the one hand and the performance of its political authorities on the other. While they remain firmly attached to the principles of democracy, they increasingly oppose central political authorities and feel dissatisfied with the policies produced by them. As the latest Eurobarometer rapport demonstrates, concerns over unemployment and inflation top the list at the national, personal and European levels.

Citizens' apparent capacity to differentiate their adherence to democracy from the performance of its real-life institutions has stoked interest in the impact of policy outcomes and economic performance on levels of citizens' trust. Simply put, does effective governance boost political trust? Strangely enough, the evidence is

inconclusive. Scholars like Steven Van de Walle have not been able to find a significant correlation between institutions' performance and citizens' trust levels. In addition, citizens' perceptions of performance do not always correspond with the actual performance of the economy or state institutions. If citizens cast subjective judgments, then the remedy of institutional change can yield only limited results. Although efforts to align the functioning of government with the challenges of the global economy and the growing interdependence of politics are in themselves relevant to the stability of contemporary democracies, they are unlikely to engender spontaneous gains in terms of citizens' trust. Alternative, socio-cultural and psychological factors must be taken into account. Citizens' perceptions matter. In times of growing societal insecurity, they may matter more than states' GDP or other indicators of economic performance. Similarly, the perceived fairness of decision-making may outweigh the actual impact citizens have on their governments. Citizens who are familiar with the 'rules of the game' can probably live with the fact that their preferences are not always realised, as long as they believe that decisions result from a just process.

The understanding that citizens' judgment of political institutions is closely linked to their shared expectations has rekindled interest in political culture. The customs, values and beliefs that citizens hold have a major impact on their political trust. As argued by Marc Hooghe, '*political trust can be considered as a comprehensive assessment of the political culture that is prevalent within a political system, and that is expected to guide the future behaviour of all political actors*'. The popular mistrust of politics may therefore bear witness to two distinct phenomena. Firstly, it may signal a growing divergence between what citizens expect and their rulers' perceived capacity to fulfil their promises. Secondly, citizens' low trust levels may display growing uncertainty over the expectations they may hold vis-à-vis their rulers.

In light of contemporary changes, such as the growing interdependence of national politics and the global economy, it is reasonable to assume that people's expectation patterns have lost stability. Put differently, the rules of the political game have become increasingly unclear. Popular belief in the realisation of self-government has effectively eroded because of the growing fragmentation, de-territorialisation and dislocation of political power. This has left citizens puzzled regarding the demands they may exercise over their rulers and the type of political arrangements necessary for enforcing them.

THE PRINCIPLE OF SELF-GOVERNMENT: GROWING INSECURITIES IN A COMPLEX AGE

Discussions of political legitimacy deal with the division of labour between those enforcing rule on others and those subjected to it. Within liberal democracies, this debate relates to the practice of political representation. Representation ensures that those absent from decision-making processes are nevertheless included through the actions of their representatives. The electoral system is generally considered crucial to warranting such inclusion. The principle of universal suffrage fosters a formal equality that allows all adult citizens to participate in government – by authorising and sanctioning their representatives. Together with citizens' possibility to stand for elections themselves, the principle of universal suffrage is considered key in facilitating a sense of '*government of the people, by the people, for the people*'. Electoral systems are designed with a view to allowing citizens to generate the policy outcomes they consider invaluable.

The electoral basis of popular self-governance has, however, come under increasing pressure in today's complex age. Because of the enhanced interdependence of national politics and the global economy, a growing range of political

decisions have been moved out of citizens' reach – or even that of their elected appointees. When monetary policy made by technocratic elites substitutes for democratically unpalatable fiscal policies, citizens may justifiably feel bereft of control. But a certain loss of control is inevitable when dealing with convoluted policy problems that represent long-term and multidimensional challenges, such as climate change and financial regulation. If effective solutions involve multilateral agreements and broad stakeholder consultations, the relative simplicity that characterised politics in the past becomes impossible to achieve.

Citizens' low political confidence in the institutions of the European Union illustrates the struggle to come to terms with these long-distance political relations and multi-level forms of governance. A growing number of problems require policy reactions above the level of the nation-state, but a framework for organising supranational democracy is largely absent. It is therefore unsurprising that the roadmap towards a genuine European Monetary Union drawn up by European Council President Herman Van Rompuy includes a plan for action to promote democratic legitimacy and political accountability on the European level. It remains unclear, however, whether the measures considered by the EU (such as transparent reporting to national parliaments and inter-parliamentary cooperation) will prove to be a sufficient answer to the challenge of democratic governance. When decision-making in the governing council of the European Central Bank continues to demonstrate rifts along national lines, for instance, the strains on democracy may increase further. The recent ruling of the German Federal Constitutional Court on the legality of outright monetary transactions makes this clear: '*The democratic decision-making process … is undermined when there is a unilateral usurpation of powers by institutions and other agencies of the European Union.*'

The complexity of contemporary politics is not limited to the international scene. Nation-states themselves are characterised by a growing pluralisation and fragmentation of representative relationships. The democratisation of politics, along with citizens' enhanced political sophistication, has opened up regular avenues for voice and dissent outside parliament. These avenues have brought to the fore an unprecedented multitude of affected 'constituents' promoting the interests of non-territorial and non-partisan groups, such as 'women', 'consumers', 'users', 'migrants', 'parents', and 'dog-owners'. Although this atomisation of 'the sovereign' may have increased political inclusiveness, it has also made discussion on who should be listened to more difficult. Similarly, the political sites in which citizens' interests are at stake - e.g. the media, the national parliament, civil society etc. - have multiplied exponentially. In today's societies, it has become virtually impossible for citizens to effectively monitor all the decisions that may impact upon their lives.

Unsurprisingly, today's pluralisation of political constituents and democratic voices has made it increasingly difficult for elected representatives to read society and set the contours of policy. Citizens' growing involvement in non-conventional forms of politics (such as civil society demonstrations but also, and increasingly, social media mobilisations) makes it increasingly difficult for representatives to determine whose judgment should be taken into consideration within decision-making. This complexity stands in sharp contrast to the 19th century ideal of parliamentary democracy in which the popular masses were governed by electorally controlled elites and constituted themselves clearly identifiable entities. In contemporary democracies, by contrast, citizens no longer add up to transparent entities. Neither are they governed by a neatly identifiable and easily controlled set of leaders. Instead, they are

governed through vastly complex and changing constellations of power-holders; calling the original 'many versus the few' ratio of government into question.

The complexity of contemporary governance mechanisms warrants further proof of citizens' inclusion in the political system. What demands may citizens justifiably put on their political leaders and by what arrangements may such demands be enforced? Besides the obvious problem of authorisation and control, these evolutions draw attention to the broader question whether governance by means of popular consent is practically feasible. The growing technicality of policy questions increasingly requires the involvement of experts, even if underlying policy questions may be eminently political. The onset of budgetary austerity has set the scene for budget battles of epic proportions, for example. These circumstances require that a new balance between technocracy and democracy be established. This implies that citizens and political leaders should find a renewed conformity on the moral foundations of political rule and re-specify the actors on which they apply. If anything, citizens' low trust levels suggest that this process is still in development.

In this context it is more appropriate to speak of a 'crisis of legitimation' than a 'crisis of legitimacy'. Political legitimacy is often conceived as a static attribute of political institutions and draws attention to their past performances. However, the observation that the functioning of political institutions is no longer attuned to contemporary demands contributes little to our understanding of how to find a way out of the current political malaise. The notion of a 'crisis of legitimation', by contrast, acknowledges that legitimacy is not a fixed characteristic of political institutions. Instead, it conceives of legitimacy as a quality that must be earned and re-earned constantly.

This allows us to consider the constant interplay (and potential misfit) between what politicians claim and what citizens genuinely accept as legitimate.

DISCUSSION AND CONCLUSION

The growing disillusionment with politics calls for a redefinition of how power is exercised in a complex world. But we must first be clear on what the problem is. Drawing from empirical evidence on citizens' trust levels in advanced industrial democracies, one can challenge the assumption that we are experiencing an unprecedented and general crisis of legitimacy. Based on data from the 1970s until the present, there has not been a general decline of political support for democratic ideals in advanced industrial societies. In contrast, citizens' confidence in their central political authorities is worryingly low – and in some countries declining further.

Far from dismissing the importance and potential implications of today's disillusionment with political authorities, we have demonstrated the need for greater attention to the subjective foundations of political support. In this sense, we need to revise the ways in which we approach political legitimacy. Too often, political legitimacy is conceived as the result of past habits and accomplished rights and obligations. Such views dismiss the insight that political legitimacy is never fully given but requires constant legitimation. The need for perpetual renegotiation of the conditions to legitimate authority alerts us to the fact that, over time, the conditions under which individuals are willing to concede legitimacy may alter or, at least, become subject of debate.

In this Brief, we have argued that we are experiencing such a turning point today. The feeling of political malaise can be traced back to new forms of policy articulation in our globalised yet fragmented societies. While

citizens' enhanced political sophistication has altered the input side of politics – opening up alternative, non-electoral avenues for voice and dissent – the growing interdependence of global politics has implied a transfer of decision-making powers to supranational levels. Both changes have implied an exponential multiplication of the political sites in which citizens' interests are at stake. This makes it virtually impossible for citizens to effectively control all decisions that may impact upon their lives. At the same time, citizens increasingly become political representatives themselves; representing views and beliefs outside the parliamentary arena. These new forms of policy articulation and delivery have not only made politics more complex, they have also contributed to citizens' feelings of insecurity; thereby making trust an increasingly scarce commodity. Yet trust is necessary to enable this complex and elusive system of governance to function. In this sense, the endurance of low levels of citizens' trust may indicate a '*crisis of legitimation*'. In the face of changing politics, the principle of electoral self-governance has been effectively unwound. New narratives of legitimation are needed. However, both political authorities and citizens appear apprehensive about redefining the moral grounds for civil obedience to power and the practical arrangements these require.

What may such a redefinition look like? The economic crisis – and the issue of youth unemployment in particular – is effectively setting the scene for a return of public interest in politics. At the same time, there is a clear appetite for simplicity: the narrative of complexity has too often been used as a smokescreen masking the proverbial inconvenient truth. What is clear is that accountability is crucial: citizens will fight for a minimal ability to check policy choices and the ability to cast their vote in one way or another. This can be in the polling booth, but perhaps

migration patterns amongst the young and educated offer the starkest picture of public satisfaction with government. In addition, debate is needed on what constitutes the public interest. Both the legislative and the executive branches of government must make a case that they can offer a wider view on society, i.e. one that goes beyond private and sectorial interests. In essence, governments need to communicate the idea that they can provide something truly unique: a level playing field for all law-abiding citizens, a source for investment in societal and technological infrastructure, and a minimal shield against external interference. The added value of thinking in terms of a 'crisis of legitimation' – as opposed to a 'crisis of legitimacy' – lies precisely here: it allows us to consider discourses of this kind, and their reception by various relevant audiences. As such, it encourages us to think beyond the need for functional and institutional changes and to also consider the relevance of legitimating narratives. If the notion of popular governance is to mean anything, we need a story explaining how it may be attained in today's complex age.

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