Measuring Legitimacy in Weak States

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Introduction

The concern with legitimacy is central to the concern for strengthening weak, failing, failed, or postconflict states ("weak states," for short). A government whose population considers it legitimate is a government that need not fear rebellion; a population that considers its government legitimate is a population that does not wish to rebel. Legitimacy is a specific value that individuals and groups ascribe only to things that they believe should be supported and sustained. Weak states, whether formerly strong or formerly failed, cannot become enduringly strong without such support. Without legitimacy, states fail, and nation-building projects, stability operations, and postconflict reconstructions fail. As legitimacy rises, the risk of such failures falls.

These are intuitive, if truistic, sentiments, with enough anecdotal evidence to sustain them but less empirical support than might be preferred. How do we know for certain, other than by definition or intuition, that legitimacy is positively and strongly correlated with success in nation-building efforts, such as postwar reconstruction? How do we know when something has acquired "legitimacy"? How do we know if a government or a process or an institution is "more legitimate" than another, or is itself becoming "more legitimate" over time? Can it be measured? Can it be modeled? Most importantly, can it be created? These are all important questions that policy makers, political scientists, and others have been asking for many years, and while progress has been made, fertile ground remains for research seeking to answer them in ways that are useful to policy makers undertaking development, stability operations, and reconstruction.

Much research attempting to measure legitimacy has focused either on the details of political support within strong states, or on comparisons of legitimacy scores across states, in some cases among developed countries and in others across developed and those developing countries for which survey and other data are available. For weak states,

however, good data are not often available, and for that reason weak states are frequently excluded from cross-national comparisons. Moreover, what research has been done has depended, of necessity, on data from the past, and in weak states events tend to change too quickly for even year-old data to accurately reflect current attitudes. Any data that might have been collected, for example, in Iraq two years ago, or even a year ago, would not be accurate indicators of current public attitudes about political support, loyalty, and the right of the rulers to rule, because the components of government itself — the structure, the officials, the processes — are changing month-to-month.

In addition to poor data availability and problems associated with the fast-changing political landscapes, weak states are also usually characterized by heterogeneities that standard models of legitimacy are not designed to capture. In weak states, social, political, and economic inequities are often exaggerated, making it difficult to accept at face value any aggregate legitimacy score that might be calculated for "the state" or "the government." If different populations are treated differently, it should surprise nobody that public attitudes about the government's legitimacy might differ across groups. Moreover, the central governments of weak states do not control all regions of the country equally; in some cases, the central government does not control parts of its territory at all. In some countries the central government might govern one region well but other regions poorly; for example, the central government of Sudan treats its northern territories less oppressively than its southern and western areas. That raises the questions of who is actually in charge in any given area, how those in control actually govern, and what that implies for attempts to measure legitimacy there.

A weak state is a nation-state that has failed or is at risk of failing, due either to the emergence or potential reemergence of violent conflict, to a decline in governance capacity, or to some other crisis. State failure is a catastrophic decline in a government's ability to maintain peace and stability or provide public goods; state failure is a source of both

humanitarian problems locally and security problems regionally and, perhaps, globally.[1] Nation building is an attempt to reconstruct weak states. All weak states face serious problems of legitimacy among different subgroups of their populations. As perceptions of legitimacy are expressed in some degree as political support perceptions of illegitimacy are often expressed as opposition to the government. Illegitimacy, then, can be both a cause and a consequence of state failure. For this reason, the restoration of legitimacy — building support among diverse populations — is usually an explicit goal of nation building. In practice, however, the strategies employed by nation builders to this end are based on such narrow conceptions of legitimacy that the many, unfamiliar paths through which legitimacy may be earned — or defeated — are often ignored, with the usual consequence of defeat. For that reason, a more subtle understanding of legitimacy and its measurement is necessary to good policy making and strategy formation.

This paper reviews some existing approaches to conceptualizing and measuring the legitimacy of states and governments and considers some of the informational requirements for measuring legitimacy in weak states for the purposes of improving policies and strategies that are aimed at strengthening them. It argues that successful nation building and the prevention of state failure requires not only a fine-grained understanding of the concept of legitimacy but also a local understanding of the structures of political support and political opposition — and the strength of that support or opposition — within the places where the risks of failure are greatest. That understanding should point to potential means for strengthening support for the policies, processes, institutions, and officials that are most likely to achieve the desired outcomes there.

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[1] Robert I. Rotberg, ed., *State Failure and State Weakness in a Time of Terror* (Washington, D.C.: Brookings Institution Press, 2003); Robert I. Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton, N.J.: Princeton University Press, 2004). I make no presumption that states should never be permitted to fail. There are cases where the interests of stability suggest the central government's control over territory should be ceded to autonomous local authorities; in fact, secession is an instance of state failure, and there are limited circumstances under which that form of failure is nevertheless preferable. See Jeffrey Herbst, "Let Them Fail: State Failure in Theory and Practice," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton, N.J.: Princeton University Press, 2004).

Needless to say, this is not easy. Even trying to define it is no simple task. Etymologically, to say that a thing is legitimate is to say it accords with law, but because laws themselves are sometimes said to be illegitimate, the term must in a wider sense refer to accordance with something else, such as societal or cultural norms, tradition, principles, reason, rights, right, fairness, truth, merit, knowledge, logic, or certain desirable processes or outcomes. Since, however, we are less concerned here to define the concept of legitimacy for all times and all places than we are to understand the specific effects that perceptions of legitimacy can have on a society, then we at least can say this: to claim that something is legitimate is to give a moral or normative reason to obey, support, imitate, or refrain from opposing it within some bounded range of activity or experience; to say that something is illegitimate is to give a moral normative reason to ignore, disobey, or oppose it. Importantly, to say that one should offer such support, or that the regime is worthy of support, is different from saying that one merely does offer such support. Legitimacy is more than a personal reason to be loyal or supportive; it is a normative reason, even a moral reason.

Existing conceptualizations of legitimacy suggest three broad areas of interest: object, population, and criterion. The first answers the question, *Legitimacy of what?* The second answers, *Legitimacy according to whom?* And the third answers, *Legitimacy understood how?* If the concern is to understand and deal with the effects that different groups' perceptions of legitimacy have on a society, particularly within a weak state, then we should be interested in studying, *who* is offering or withholding support (population); *what or whom* they are supporting or opposing (object); and *why* they support or oppose it (criterion). In other words, we should attempt to identify and measure the population of legitimizers, the object to which they ascribe legitimacy, and their criteria for its ascription.

Those who wish or need to measure legitimacy anywhere are faced with three general considerations about the design of the research project.

- *Object.* What is the object under study? Which component, form, level, or official of the government or state is being measured for its degree of legitimacy? What is the range of actions for which the object's legitimacy applies? This will be discussed in the first section below.

- *Perspective*. Should the research be approached from a macro, or system-level, perspective or a micro perspective? Should the researcher begin by defining the normative criteria for legitimacy and find appropriate indicators for them (macro approach), or work to make positive observations about the relevant population's own criteria for legitimacy (micro approach). This will be addressed in Section 2.

- *Criterial Measures*. Should the indicators be proxy or composite measures of legitimacy? Should the researcher use indicators that represent the effect of being legitimate (proxy measures) or indicators that collectively define, contribute to, or cause the attribution of legitimacy (composite measures)? This will be addressed in the third part of the paper.

1. Object Measures

When researchers discuss legitimacy, the object in question should be identifiable from the context of the sentence. The construction may take the form, "the legitimacy of **A**," or "the legitimate **A**," or even, "the legitimate authority of **A**," where **A** is the object. For example, human rights groups may refer to the illegitimate government of Myanmar, while pacifists may question the legitimacy of the war in Iraq or, more fundamentally, the legitimacy of war. Many questioned the legitimacy of the first Ukrainian election, leading Ukraine's highest court to order a new one. Some statements about legitimacy further specify the relevant conditions of an object's legitimacy; for example, when unilateralists claim that "the United Nations is illegitimate" they may mean, specifically, that "the UN is not a legitimate decision-making body" or that "the UN is not a legitimate representative of the world's people." This suggests a need to identify two variables, the *object of legitimacy*,

A, and a *right* or *power* to do some bounded set of actions, **B**. In the example just given, the object of legitimacy, **A**, is the UN, and the claim, **B**, is the UN's right or power to make certain decisions.

Much common talk about legitimacy, unfortunately, is clouded with ambiguity. The objects most relevant to this paper are those having to do with the legitimacy of governments, institutions, social orders, rules, and processes, but it is not always clear from the context of everyday discussions which aspect of these objects, or even which object, the speaker is referring to. Researchers should not make the same mistake; some do.

Easton classifies the objects of political support in a way that is useful: he distinguishes a political *community* from a political *regime* from political *authorities*.[2] To avoid confusion with the concept of *authority* — usually defined as the legitimate exercise of power[3] — this paper substitutes the term political *officials* for political authorities in Easton's classification. Within a state, in this formulation, the political *community* includes citizens and residents, the political *regime* is the type of government or institution, and the political *officials* are leaders and others who hold government positions. Thus, one may question the legitimacy of, say, pre-election Iraq in terms of (a) its political community, if one questions whether the disparate ethnic and religious groups within its borders constitute a valid or authentic nation; (b) its political regime, if one disapproves of rule by occupation appointees; or (c) its political officials, if one questions the credentials or loyalty of specific leaders. Likewise, internationally, one may speak of the legitimacy of (a) a community of states (rather than of individuals); (b) an international regime, whether formal, such as the UN Security Council or a treaty organization, or informal, such as U.S. global hegemony; or (c) international political officials, either individuals or ruling bodies.

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[2] David Easton, *A Systems Analysis of Political Life* (New York: Wiley, 1965); Russell J. Dalton, *Democratic Challenges, Democratic Choices: The Erosion of Political Support in Advanced Industrial Democracies* (New York: Oxford University Press, 2004), 57-62.
[3] Jean Hampton, *Political Philosophy* (Boulder, Colo.: Westview Press, 1997), 70-114.

Regardless of the level — national, subnational, or international — the regime object may be further specified: one might question the legitimacy of the *form* the regime takes (how power is both formally and actually divided among or within political institutions), the *processes* through which it operates (how officials are chosen, and how decisions are made and implemented), or the *policies* the regime develops (the content of laws, regulations, and orders, and how they are implemented and enforced). One may also specify the level or component of the regime whose legitimacy is in question (e.g., all branches of government, just the executive, or just a subcommittee within the legislature). For example, does a claim that the legislature is illegitimately constituted imply that the traffic laws it passes should not be obeyed or enforced? If an "illegitimate" state has a police force that arrests muggers and rapists, shouldn't that force be supported? If so, then which parts of the state, which policies of the state, are illegitimate?

Similarly, the political community object — again, regardless of level — may be considered either in terms of its *membership* (the individuals and groups who are included in or excluded from the community, including the question of citizenship) or in terms of its *structure* (the distribution of influence and other benefits of membership, including the distribution of political, economic, or social goods).

2. Micro vs. Macro Perspectives

There are two general approaches to measuring legitimacy: a macro or system-level approach and a micro or individual-level approach. The macro perspective "takes for granted the epistemic assumption that an outside observer, relying on fairly gross aggregate evidence, can measure the legitimacy of a political system and rank it in comparison with other systems."[4] The micro approach makes no such assumption, relying instead on reported opinions about political support and the legitimacy of the object under

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[4] M. Stephen Weatherford, "Measuring Political Legitimacy," *American Political Science Review* 86, no. 1 (1992): 150.

study, and it works to identify the population's own criteria for that object's legitimacy.[5] It is easy to assume that the population under study shares the researcher's own normative views about what counts as legitimate. As the third section in this paper should make clear, however, that assumption is easily challenged.

To illustrate the two general approaches — and the many variations on those approaches — consider the following statement:

$$\textbf{\textit{P}} \textit{ believes that } \textbf{\textit{A}} \textit{ is legitimate (in its claim to } \textbf{\textit{B}}\textit{)} \qquad (1)$$
$$\textit{and that its legitimacy derives from } \textbf{\textit{C}},$$

where **P** is a specific, relevant *population*, often a subgroup of the political community; **A** is the *object* of legitimacy; **B** is its *right* or *power* to do some bounded set of actions; and **C** is the origin, source, or *criterion* of legitimacy. This statement is simply a factual statement about what **P** believes, and it is therefore a useful framework for measuring attitudes about political support. But there are other ways to talk about the legitimacy of **A**, particularly with respect to the content of **C**.

For example, some authors, such as Merquior, contrast *objectivist* with *subjectivist* theories of legitimacy.[6] This seems a fairly obvious distinction, but for it to be useful one needs to know something about the perspective of the person claiming that some object is legitimate. Consider the following two statements:

$$\textbf{\textit{A}} \textit{ is legitimate because it accords with } \textbf{\textit{C}}. \qquad (2)$$
$$\textbf{\textit{A}} \textit{ is legitimate because } \textbf{\textit{P}} \textit{ believes it accords with } \textbf{\textit{C}}. \qquad (3)$$

Which of these statements is an objectivist claim, and which, subjectivist? One might reasonably respond that (2) is *objectivist* because the speaker cites an objective criterion for legitimacy, **C**, whereas (3) may be *subjectivist*, or even relativist, because the speaker seems to believe that legitimacy is defined not in terms of **C**, the supposedly objective criterion, but in terms of the subjective beliefs of **P**. Merquior, however, would classify (2)

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[5] Ibid.: 150-151.
[6] José Guilherme Merquior, *Rousseau and Weber: Two Studies in the Theory of Legitimacy* (Boston: Routledge & Kegan Paul, 1980), 4-6.

as *subjectivist* because the speaker is expressing a subjective belief — albeit a belief about objective criteria — but classify (3) as objectivist because it evaluates legitimacy against an arguably measurable phenomenon, the beliefs of population **P**.[7] The perspective of the person making the statement makes a great deal of difference to the way we understand legitimacy, but calling a particular view "objective" or "subjective" can confuse rather than clarify unless one also specifies: "according to whom?"

A more useful way to classify different approaches to studying or discussing legitimacy may be to divide them into *normative* approaches, which make claims about universal criteria for legitimacy, and *positive* approaches, which for analytical reasons accept such claims at face value. There is some danger here of falling into the same trap of unspecified perspectives as above. But the normative-positive distinction usefully separates the ethical from the analytical so that different normative views about legitimacy (whether "subjective" or "objective") can be evaluated with respect to the effects they have on the security issue in question, rather than judged with respect to their supposed moral truth. This distinction roughly, though not perfectly, correlates with that between macro and micro perspectives. The macro researcher begins by specifying both the object under study and the normative criteria for its legitimacy, then proceeds by measuring the degree to which the object meets the criteria. The micro researcher begins by specifying the object under study and the relevant population, then proceeds to take a positive measure of both the opinions of the population with respect to the object's legitimacy and the population's own criteria that inform those opinions.

Within the two general perspectives there is a variety of ways to understand legitimacy. There are two general kinds of normative claims one can make about the

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[7] Ibid.

sources, **C**, of legitimacy: monistic and pluralistic.[8] A *monistic* claim asserts a single value or a single ordering of values for **C**:

$$\textit{The legitimacy of } \textbf{A} \textit{ (in its claim to } \textbf{B}\textit{) derives from } \textbf{C}. \qquad (4)$$

A *pluralistic* claim asserts multiple, but finite and unordered, values for **C**:

$$\textit{The legitimacy of } \textbf{A} \textit{ (in its claim to } \textbf{B}\textit{) derives from } \textbf{C}_1, \textbf{C}_2, \textit{ or } \textbf{C}_3. \qquad (5)$$

By contrast, positive approaches recognize simply that different populations have different beliefs about legitimacy; this may be considered a *pluralistic* positivism:

$$\textbf{P} \textit{ believes that } \textbf{A} \textit{ is legitimate (in its claim to } \textbf{B}\textit{).} \qquad (6)$$

Such statements are positive because they make no claim that **A** *is* legitimate, only that **A** *is thought to be* legitimate, and they are pluralistic because they acknowledge the heterogeneity of beliefs about the criteria for legitimacy. Finally, one may classify (3) above as *normative*, because it asserts that **A** *is* legitimate (or *should be considered* legitimate); to see this, one may rephrase it as follows:

$$\textit{The legitimacy of } \textbf{A} \textit{ (in its claim to } \textbf{B}\textit{) derives from } \textbf{C}_p, \qquad (7)$$

where **C**$_p$ is the relevant political community's *belief* in the legitimacy of **A**. This amounts to a normative claim that legitimacy may be grounded in perception, so it is a *relativistic* normative statement. However, it may be more useful to classify such statements as relativistic and *positive*, since it has more in common with (6), the positivist statement above, than with the normative statements (2), (4), and (5). This can be seen more clearly if it is rephrased as follows:

$$\textbf{A} \textit{ is legitimate because } \textbf{P} \textit{ believes that } \textbf{A} \textit{ is legitimate (in its claim to } \textbf{B}\textit{),} \qquad (8)$$

It is useful to be aware that these variations exist, but it is a relatively minor point. The main point is that positivist approaches to legitimacy are concerned primarily with **P** — the beliefs or perceptions of different subgroups within the political community — and their opinions about **C**, whereas normative approaches are concerned primarily with **C**, the

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[8] William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (New York: Cambridge University Press, 2002), 4-7.

substantive content, or source, of legitimacy. While admittedly tedious, the distinction is nonetheless crucial, because any attempt to analyze the sources of the legitimacy of, for example, a postconflict transitional government must account for the perceptions that actually exist within the often diverse populations under its jurisdiction. Outsiders, including advisers to the transitional government, may confuse their own normative views of legitimacy with those of the populations in question, and this could lead to bad policy: *Because we will be greeted as liberators,* they might claim, *our occupation will be welcomed as legitimate, and thus will the transition to democracy succeed!*

To measure legitimacy in weak states, then, one would ideally want to take a pluralistic positivist approach to legitimacy, an approach that takes no particular stand on the *proper* origins of legitimacy and therefore makes no judgments regarding whether any particular object is or is not legitimate. It is concerned instead with how populations come to perceive something as legitimate or not. Nonetheless, public opinion surveys are not always feasible in weak states, so a normative approach may be necessary. In any case, all research seeking to measure legitimacy could benefit from beginning the inquiry by at least attempting to identify the variables in statement (1). That way there is no mistaking what is being measured, or from whose perspective legitimacy is defined.

3. Criterial Measures

What *makes* **A** legitimate? The literature addressing the dimensions and definitions of legitimacy is vast, if not always explicit. Articles and reports that mention legitimacy often assume the source of that legitimacy to be obvious to the reader; usually, it is not. The ruling junta of Myanmar is not a legitimate government, some say, because it lost the national elections then jailed the opposition leader who actually won. On the other hand, as a member of the UN, it is recognized internationally as the legitimate government. Is that because it exercises effective control over the territory of the country? The central government of the Democratic Republic of Congo does not control its entire territory, but it,

too, is a member of the UN — again, a sign of its international legitimacy. Nor, however, is it democratically elected, though some within its borders nonetheless support the current leaders. What, then, makes the Kabila government legitimate? The fact that the current leader is the son of the previous leader? (Did his father become legitimate when he led a successful coup d'état against the leader before him?) Or the fact that he negotiated a cease-fire and is undertaking reforms that previous governments have failed to achieve? In fact, different researchers specify different criteria.[9] But a review of the literature suggests six general families of criteria for legitimacy: consent, law, tradition, leadership, effectiveness, and norms. In addition, there are three families of criteria for political support more generally, and these are sometimes mistaken as reasons for legitimacy: interests, power, and preferences. (See *Table 1. Framework for Legitimacy*.)

[Table 1 here]

Criteria for Legitimacy

Consent. It has long been claimed that the legitimacy of a government derives from the consent of the governed. Political philosophers in the social contract tradition, from Locke and Rousseau to Rawls and Nozick, claim that a state and its associated institutions are justified only insofar as they are formed "of, by, and for" the people and act in accordance to their interests or preferences.[10]

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[9] See, for example, Bruce Gilley, "The Meaning and Measure of State Legitimacy: Results for 72 Countries," *European Journal of Political Research* (2006 [forthcoming]); Matthew Tilling, "Refinements to Legitimacy Theory in Social and Environmental Accounting," Working Paper No. 04-6 *Commerce Research Paper Series* (Adelaide, Australia: Flinders University School of Commerce, 2004); Jonathan Waskan, "De Facto Legitimacy and Popular Will," *Social Theory & Practice* 24 (1998); Ian Hurd, "Legitimacy and Authority in International Politics," *International Organization* 53, no. 2 (1999); Muthiah Alagappa, ed., *Political Legitimacy in Southeast Asia: The Quest for Moral Authority* (Stanford, Calif.: Stanford University Press, 1995); Weatherford, "Measuring Political Legitimacy."; M. S. Weatherford, "Mapping the Ties That Bind: Legitimacy, Representation, and Alienation," *Western Political Quarterly* 44 (1991); David Beetham, *The Legitimation of Power* (Houndsmill: MacMillan Education, 1991).

[10] Thomas Hobbes, *Leviathan: Parts One and Two* (New York: Liberal Arts Press, [1651] 1958); John Locke, "An Essay Concerning the True Original, Extent, and End of Civil Government," in *Social Contract: Essays by Locke, Hume, and Rousseau* (New York: Oxford University Press, [1690] 1960; reprint, 1960); Jean-Jacques Rousseau, "The Social Contract," in *Social Contract: Essays by Locke, Hume, and Rousseau* (New York: Oxford University Press, [1762] 1960; reprint, 1960); John Rawls, *A Theory of Justice*, Revised ed. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999); Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); Merquior, *Rousseau and Weber*; Hampton, *Political Philosophy*.

Law. Weber proposed three ideal types of legitimacy: *rational-legal*, *traditional*, and *charismatic*.[11] There is clearly a great degree of overlap between Weber's three ideal types of legitimacy and conceptions of legitimacy based on consent; in a sense, his types are elaborations of consent theory, specifying of the source of consent. Accordance with law is the oldest sense of the Latin word *legitimus*, dating at least as far back to Cicero in the first century BCE,[12] and in present usage legal legitimacy continues to dominate the other senses of the term, particularly in writings in the philosophy of law but also in political theory generally, in topics such as the rule of law,[13] the laws vs. morals debate,[14] sovereignty,[15] and political authority.[16] This criterion includes conformity with established rules and procedures more generally, not just with those rules and procedures that are considered "law."[17] The question is whether the object of legitimacy conforms to certain accepted and predictable processes — do the legally authorized people do things in the legally authorized way? It should also be noted that law can also be an *object* of legitimacy, and so law can both *be* legitimate and contribute to legitimacy.

Tradition. Legitimacy as conformity with *tradition* predates the term "legitimacy" and probably predates history itself, although the actual term did not begin to denote accordance with custom until the Middle Ages.[18] Traditional legitimacy derives from the belief that a rule or ruler should be obeyed or an institution supported because they have always been obeyed and supported. Traditional societies have long considered such things as the counsel of shamans or wise men, rules of succession, the divine right of kings,

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[11] Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (New York: Bedminster Press, [1914] 1968).
[12] Merquior, *Rousseau and Weber*, 2.
[13] Friedrich A. von Hayek, *Law, Legislation, and Liberty: A New Statement of the Liberal Principles of Justice and Political Economy* (London: Routledge and Kegan Paul, 1982); Ian Shapiro, *The Rule of Law* (New York: New York University Press, 1994); Neil J. Kritz, "The Rule of Law in the Postconflict Phase: Building a Stable Peace," in *Turbulent Peace: The Challenges of Managing International Conflict*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall (Washington: United States Institute of Peace Press, 2001).
[14] Lon L. Fuller, *The Morality of Law*, Revised ed. (New Haven: Yale University Press, 1977).
[15] Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2004); Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, Mass.: Harvard University Press, 1997).
[16] Hampton, *Political Philosophy*.
[17] Alagappa, ed., *Legitimacy*, pt. I.
[18] Merquior, *Rousseau and Weber*, 2.

patriarchy, and the authority of the Church to be legitimate features of their cultures and therefore worthy of support. Many aspects of modern societies, too, retain this belief: if people have been using a private road for many years and the property's owner one day decides to prevent access, the public may sue for continued access and can reasonably expect a modern court to cite custom as a reason to decide in their favor. After the Taliban were overthrown in Afghanistan, tribal elders convened a *loya jirga*, or grand council, to govern the country during the transition; it succeeded in part because the loya jirga had been the forum that tribes in the region had used for centuries to discuss social reforms and settle disputes among themselves.

Leadership. A leader of extraordinary or purportedly divine character can confer legitimacy upon an organization, a political or social movement, or a religious worldview simply through the force and attraction of his or her personality, a quality Weber called charisma[19] but that could more generally be referred to as leadership. Entirely apart from the inherent justice of their causes, for example, Mohandas Ghandi and Martin Luther King Jr. built up, and judiciously spent, great reserves of moral capital on behalf of their ultimately successful social movements.[20] Likewise, Mohammad and Jesus Christ attracted followers who later founded what would become major world religions. And cults of personality have given tyrants such as Kim Il Sung and Saddam Hussein sufficient charismatic legitimacy to remain in power for longer periods, and perhaps with lower levels of coercion, than the injustice of their actions as leaders might otherwise suggest. Nelson Mandela's stature was a significant contributor to the success of South Africa's democratic transition after Apartheid,[21] as was George Washington's stature to the legitimization of the new American republic.

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[19] Weber, *Economy and Society: An Outline of Interpretive Sociology*, pt. I, ch. 3, sec. 2.
[20] John Kane, *The Politics of Moral Capital* (New York: Cambridge University Press, 2001); Alejo G. Sison, *The Moral Capital of Leaders: Why Virtue Matters* (Northampton, Mass.: Edward Elgar Publishing, 2003).
[21] Kane, *The Politics of Moral Capital*.

Effectiveness. Lipset's views on legitimacy were influenced by Weber's, but Lipset extended the concept, noting that a regime's legitimacy depends not only on law, tradition, or leadership but also at least partly on its effectiveness or, in Lipset's term, efficiency at achieving important objectives.[22] Lipset noted that an otherwise legitimate government can lose legitimacy over time if it becomes ineffective at, say, maintaining order or increasing prosperity; likewise, an otherwise illegitimate government can, if it is effective over time, translate that effectiveness into some degree of actual legitimacy. Legitimacy as effective control over territory, or more broadly as effective governance, is also a common theme in political theory and is closely related to, and for some authors identical with, the concept of sovereignty. Within countries, it is often the case that people are willing to accept coercive forms of rule when they believe the alternative is widespread disorder. In places where anarchy reigns, people tend to seek out protective associations and to support whatever group is most capable of preventing theft, murder, rape, and armed attack in their community.[23] When governments in transition to democracy lack or lose the ability to govern and crime begins to rise or the economy begins to fall, some citizens begin to pine for the good old days of aristocracy or dictatorship, opening the door to a strong-man candidate to win an election and close the door on the democratic transition.[24] Lipset's account of legitimacy may partly explain the support the Chinese government enjoys among large numbers of its population: while it is not elected, and is often quite oppressive, it has nevertheless been quite successful at growing the economy and maintaining internal order.

Norms. Some authors also consider sociocultural norms as criteria for legitimacy, observing that many people measure the legitimacy of the social and political order and that of their leaders against the norms, values, and principles they hold most dear; the closer

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[22] Seymour Martin Lipset, *Political Man: The Social Bases of Politics*, Expanded ed. (Baltimore: Johns Hopkins University Press, 1981).

[23] Noah Feldman, *What We Owe Iraq: War and the Ethics of Nation Building* (Princeton: Princeton University Press, 2004), 74; Nozick, *Anarchy, State, and Utopia*, 12-25.

[24] Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13, no. 1 (2002).

the match, the greater the legitimacy.[25] Because some norms are passed through generations, this origin is closely related to, but not identical with, Weber's conception of traditional legitimacy. Some authors argue that perceptions of norm-legitimacy exist only because the powerful impose "hegemonic" or "bourgeois" values upon the broader population to sustain their own advantages.[26] Nonetheless, even in that conception, it is still the norms that are the source of legitimacy. Principles such as justice, fairness, merit, or respect for human rights can come into play, as can religious beliefs and political ideologies. The norms can be sociocultural or strictly personal: Citizens of democracies often vote for political officials who share their personal values rather than their policy preferences, and many consider the subsequent policy outcomes, even those going against their economic or political interests, to be entirely legitimate. A government official lacking either charisma or the sanction of tradition may wield influence by conforming to — or, better, standing as a symbol of — societal and cultural norms; as a counterexample, Ahmad Chalabi had much more influence among U.S. officials than he ever did among the Iraqi population, partly because he was seen as an outsider whose values were at odds with their own.

Other Criteria for Political Support

Interests. A large literature in the social contract and collective choice traditions argues that social and political order can come into being as a consequence of interactions or agreements among individuals and groups pursuing their own interests, self-interest, or enlightened self-interest, depending on the account.[27] A common assumption is that if people benefit from a particular social arrangement they are likely to support it voluntarily. But if I support an object because it benefits me, I don't necessarily believe that the object deserves to be supported by everybody: I can understand why someone disadvantaged by

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[25] Harry Eckstein, *Division and Cohesion in Democracy: A Study of Norway* (Princeton: Princeton University Press, 1966); Gabriel A. Almond and Sidney Verba, *The Civic Culture Revisited* (Newbury Park, Calif.: Sage Publications, 1989); Beetham, *The Legitimation of Power*; Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton: Princeton University Press, 1997); Gilley, "The Meaning and Measure of State Legitimacy." I thank Bruce Gilley for supplying these references.

[26] Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966).

[27] Hampton, *Political Philosophy*; Alagappa, ed., *Legitimacy*, pt. I; Nozick, *Anarchy, State, and Utopia*.

the object would fail to join me in that support; my claim of support is different from a claim of legitimacy. In every society, some groups benefit from the political system that is in place, while others may be disadvantaged by it. Governments in weak states often resort to patronage to win the support and loyalty of powerful groups in society; if they do win that support, however, that doesn't mean the government is legitimate.

Nonetheless, one may observe, from a positive perspective, that those who benefit from patronage arrangements might consider those arrangements to be legitimate, whether because they are not aware of the inequities in treatment present in their society, or because they choose to ignore those inequities for psychological reasons, or because they assume that an arrangement that benefits them personally must be beneficial more generally, or even because they believe the disadvantaged groups deserve to be disadvantaged. In this latter case, the beneficiaries believe the government is legitimate precisely because it is what we outsiders would call unjust. Their criterion for legitimacy is: does the object in question benefit me and people like me? The confusion between personal interests and public interests is more common than many philosophers would like to admit: people can fool themselves into believing an arrangement is legitimate if they benefit personally. Gilley found a moderate correlation between his measures of legitimacy and of personal financial satisfaction, a finding that he interpreted to suggest that individuals conflate personal interests with the public interest.[28] In any case, this form of political support may not count as legitimacy, but there is nonetheless something valuable in considering how governments may solicit voluntary support by distributing benefits in ways that give the relevant political communities a stake in the status quo.

Power. As is suggested by the wide variety of criteria for legitimacy, unelected governments and illiberal governments that exercise power tyrannically or coercively can still be considered legitimate by at least part of the relevant political communities. But even aside from a powerful government's ability to mimic norms, cite tradition, impose discipline,

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[28] Gilley, "The Meaning and Measure of State Legitimacy."

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or deliver goodies, power itself may also be a legitimizing factor, although this usually depends on the means and ends to which it is deployed. Where a government can count on multiple "centers of power" to support it against challenges to its authority, some authors consider this power reserve — and the compliance it inspires — to be a sign of its legitimacy, at least from the perspective of those offering support.[29] But power itself can be legitimizing, too, in a sense, and it might pay to consider, if only for analytical purposes, the degree of admiration and respect that the exercise of raw power can inspire in some people. As unattractive as this may seem to some, there are people in all societies who are attracted to power *as such*, people who believe that might really does make right — as long as that might is turned against someone else.[30] This might be a form of norm-legitimacy, at least for an individual who values power for the sake of power. In any event, this respect for power is different from support of a regime that is capable of keeping the peace, which would be a form of effectiveness-legitimacy. Coerced support, however, is not legitimacy.

Preferences. Some people may support an object for aesthetic reasons, or because of an intuitive, favorable regard for it, or because it is supported by people they admire or respect: *My mama was a Democrat, so I'm a Democrat, too.* Again, this form of support is distinct from legitimacy because it derives from purely private motivations, not a belief that others *should* support it.

It is useful to distinguish political support deriving from the first six criteria — the criteria of legitimacy — from support deriving from patronage, power, and personal preferences. But if the individuals in question are calling an object legitimate, it can be difficult to tease out their reasons, something researchers designing surveys should keep in mind. Still, some may argue, political support is political support, and weak states need it wherever they can get it. But not all political support is created equal, and it may be useful to distinguish forms of "legitimacy" deriving from the last three criteria from the more

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[29] Arthur L. Stinchcombe, *Constructing Social Theories* (New York: Harcourt Brace & World, 1968), ch. 4.
[30] Rousseau, "The Social Contract," bk. III.

traditional, and perhaps more enduring, forms. One kind of support is offered as long as the conditions hold: as long as the government is capable of punishing dissent, as long as it offers patronage, and in some cases as long as it delivers certain services, there are some who will say they consider the regime legitimate, that the regime is worthy of everyone's support. This form might be called *contingent legitimacy*. It can be distinguished from the kind of legitimacy that arises from people's sense that the regime is right, that it accords with law, that people have a say in the way it operates, and so on. In these cases, the support arises from the way politics in a society are structured; for that reason, this form might be called *structural legitimacy*.

The first six criteria do not fit neatly into the category of "structural legitimacy" just as the last three do not fit neatly into the category of "contingent legitimacy." For example, some forms of effectiveness-legitimacy may in fact provide only contingent support to the regime; if the economy sinks, so does the regime's legitimacy. Personal preferences might prove extremely difficult to change, suggesting that political support grounded in aesthetics might in practice be equivalent to structural legitimacy. Nonetheless, the distinction may be useful to policy makers: structural legitimacy takes time to build, while contingent legitimacy may be easier to establish immediately following a conflict, giving nation builders some breathing room. Researchers can be most helpful to policy makers by helping them distinguish between the two.

Selecting Indicators

Legitimacy is a latent variable. It cannot be measured directly, so variables need to be chosen to measure it indirectly. A variety of strategies is available for measuring latent variables,[31] but only two will be considered here. Bollen and Lennox distinguish between "indicators that influence, and those influenced by, latent variables," calling the former

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[31] Kenneth A. Bollen, "Latent Variables in Psychology and the Social Sciences," *Annual Review of Psychology* 53 (2002).

causal indicators and the latter *effect indicators*.[32] Causal, or composite, indicators, also called constitutive indicators,[33] collectively determine the latent variable; that is, they collectively constitute a measure of legitimacy:

$$L_1 = \gamma_1\, x_1 + \gamma_2\, x_2 + \dots + \gamma_q\, x_q + \zeta_1,$$

where **L$_1$**, is the latent variable, legitimacy; **x** is an indicator in a composite that includes **q** indicators; **γ** is the coefficient of **x**, or the effect that **x** has on legitimacy; and **ζ$_1$** is the disturbance term.[34] By definition a legitimate government is one that meets the population's or the researcher's *criteria* for support, and this approach is useful when indicators are available that can measure those criteria in a way that matches the researcher's model of the dimensions of legitimacy.

Effect indicators are measures of things that come about as a consequence of legitimacy; that is, an indicator that is itself a proxy for the latent variable:

$$y = \lambda L_1 + \varepsilon,$$

where **L$_1$** is again the latent variable, legitimacy; **y** is the proxy indicator; λ is the coefficient of **L**, or the effect that **L** has on **y**; and ε is the measurement error associated with the indicator.[35] Again, by definition, a legitimate government is one that has high levels of uncoerced support among the population; this approach is useful when indicators are available that can measure the consequences of a government's having such support — or not having it. Proxies for legitimacy may include the size of the internal secret police, for example, or voluntary payment of taxes.[36]

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[32] Kenneth A. Bollen and Richard Lennox, "Conventional Wisdom on Measurement: A Structural Equation Perspective," *Psychological Bulletin* 110, no. 2 (1991): 305.
[33] Gilley, "The Meaning and Measure of State Legitimacy."
[34] This and the effect-indicator equation are simplified versions of equations (2) and (1), respectively, in Bollen and Lennox 1991; following them, no subscripts are used to index individuals, but unlike them, nor are any used to index the indicators. See Bollen and Lennox, "Conventional Wisdom on Measurement: A Structural Equation Perspective," 305-306 n. 303.
[35] Ibid.: 305.
[36] Gilley, "The Meaning and Measure of State Legitimacy."

Conclusion

Whereas the choice of the object under study usually presents itself to the researcher — who nonetheless needs to clarify which aspect is the appropriate subject of investigation — the choices of micro vs. macro perspective, and of cause vs. effect indicators, are functions of the data that are available, can be collected, or, in desperate times, can be inferred. This paper has considered some of the informational requirements for measuring legitimacy in weak states. Legitimacy is an attribute that a particular population ascribes to a particular object, such as a government or the state, when the latter meets certain criteria for worthiness of loyalty or support. Researchers hoping to measure legitimacy should look for indicators in six families of criteria: consent, law, tradition, leadership, effectiveness, and norms. The presence of positive values for these criteria suggest a more enduring form of legitimacy than is usually, though not always, the case for three families of criteria for personal political support: patronage, power, and preference; positive values for these latter criteria contribute to short-term political support, which the supporters themselves often mistake for legitimacy. The classification of criteria into structural and contingent factors is neither neat nor exact, so the researcher must use judgment to determine how enduring any particular criterion, or its indicator, might be. Most researchers measuring legitimacy include only some of these criteria in their models; none to my knowledge has explicitly sought to measure all nine. In addition to recognizing criterial measures of legitimacy, this paper has recommended that researchers also specify from the outset both the object of the legitimacy that they are trying to measure — which components, levels, forms, or officials of the government or state under investigation — and the populations and subpopulations for whom different experiences might imply different perceptions of the object's legitimacy.

It could be fatal to any research effort to assume that the researcher' own normative views of legitimacy — of the criteria for whether an object is worthy of support — are shared by the population under study. It is entirely legitimate, so to speak, for the

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researcher to define legitimacy normatively and attempt to find systemic measures that closely track that definition's criteria, particularly when public opinion surveys are unavailable, outdated, or impossible to undertake. But it is better, and more helpful to policy makers, to be able to state clearly who believes what and why.

Many researchers build models to measure the legitimacy of states or governments or build indexes to create legitimacy scores that can be used to rank countries in order of legitimacy. Others are interested in the structures of political support within a country. Both can be useful for different purposes. But for weak states, the latter approach, which reveals the dynamics of political support and opposition, may be more useful to policy makers attempting to build popular support for desirable policies, processes, structures, and officials. Some studies of legitimacy assume a homogeneity of perceptions across individuals within a population or a homogeneity of perceptions across populations within a state. If, however, we are concerned about the legitimacy of a government in the eyes of a certain population, we need to understand the factors contributing to that particular population's beliefs about the legitimacy of a government.

It is in this way that equity and inequity are relevant to the study of legitimacy: the same government or other institution can be considered legitimate by one group of people within its jurisdiction and illegitimate by another group also within its jurisdiction, either because the different groups have different criteria for legitimacy, because their understandings and perspectives of the situation differ, or because that government or institution treats them differently. In a province where crime is high but the government provides security only in some villages, the people living in the less-secure towns are less likely than those in the more-secure towns to believe the government is legitimate; if police investigate crimes against one ethnic group but not another, the disadvantaged ethnic group is likely to consider the police somewhat less than legitimate.

To evaluate any claim that something is or is not legitimate, it is essential to understand who is making the claim. In every society, some groups are favored and

protected while others are neglected or mistreated. Such inequities are exaggerated in oppressive societies. The government gives contracts to some people, their family benefits from those contracts, and they find it difficult to oppose the government that is benefiting their family, even if it oppresses others. Under the Somoza regime in Nicaragua during the 1970s, for example, labor leaders, activists, leftists, and many others were routinely arrested, tortured, and killed, while many business leaders, family and friends of the Somozas, political allies, and other elites were permitted the freedom to profit and thrive. In their daily lives, many elite Nicaraguans could go weeks without personally encountering a member of a disadvantaged group, aside, perhaps, from household staff; given their range of daily experience, it should not be surprising that many elites believed the Somoza government was legitimate. It should be equally unsurprising that a family whose son had "disappeared" would have a different opinion. Similarly, many Germans before and during World War II were not aware of the scale of genocide their Nazi government was undertaking; of those who were aware of it, some even approved, believing the Holocaust was a legitimate response to the "Jewish problem." Normatively, one can state without reservation that there is no galaxy in the universe where such a genocide is, in fact, legitimate; but positively, we can nonetheless observe that there was, at the time, a population within Germany who, however wrongly, did so believe.

It is hard to consider the political support offered by advantaged groups to be equivalent to legitimacy; it is even harder to consider the support offered by the fearful and coerced to be legitimacy. Legitimacy is more than just political support; it is a belief that a regime is worthy of support, that the regime is morally right to rule in the particular way it rules. That an object is legitimate is one reason to support it — a moral reason. There are other reasons as well, but it is important to distinguish those reasons from legitimacy. People are likely to support the regime in power if opposing it would be fatal; some people in that situation may rationalize their support and begin to believe the regime is actually

worthy of their support — that it is legitimate. This complicates attempts to measure legitimacy in such places.

The social and spatial heterogeneities of governance that characterize weak states must be accounted for in research attempting to measuring legitimacy. This means researchers need to question the assumptions of existing work in this area, including:

- Legitimacy is a categorical variable: a thing is either legitimate or it is not.
- Legitimacy is a unidimensional concept: states are more or less legitimate along a single scale.
- Perceptions of legitimacy are homogenous across individuals within a given population.
- Perceptions of legitimacy are homogenous across populations within a given state or region.
- The legitimacy of a part, or of certain parts, of a state or a government determines the legitimacy of the whole.
- The point of measuring legitimacy is to create legitimacy scores for comparative purposes.

Not all research on legitimacy is concerned with improving policies and strategies related to state failure and nation building, so these assumptions need not be fatal to all research agendas. But where the concern is to understand, explain, predict, or model political support and opposition, with the purpose of improving those policies and strategies, then these assumptions may get in the way.

Table 1. Framework for Legitimacy

Object \ Origin	Consent	Law	Tradition	Leader-ship	Effective-ness	Norms	Interest	Power	Prefer-ence
1. Political Officials									
2. Political Community									
2.1 Membership									
2.2 Structure									
3. Political Regime									
3.1 Components									
3.2 Form									
3.3 Processes									
3.4 Policies									

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