

POLITICAL LEGITIMACY

Edited by

Jack Knight and Melissa Schwartzberg



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TRUSTWORTHY GOVERNMENT AND LEGITIMATING BELIEFS

MARGARET LEVI

Government trustworthiness accounts for considerable variance in why and when citizens (and subjects more generally) comply with the extractive demands of governments.¹ A trustworthy government is one that keeps its promises (or has exceptionally good reasons why it fails to), is relatively fair in its decision-making and enforcement processes, and delivers goods and services. A legitimate government is one that appeals to widely accepted justifications for its selection, maintenance, and policies. Investigations across history and countries reveal that the more trustworthy the government, the more likely it is to evoke observation of its laws and acquiescence to policies. Less clear is the link between perceptions that government is trustworthy and beliefs that it is legitimate, at least in countries claiming or trying to be democratic.² Being trustworthy in practices and outcomes may contribute to perceptions of government legitimacy. However, trustworthiness is, at best, a necessary but not sufficient condition for legitimating beliefs.

Some important contemporary circumstances reveal the distinction between trustworthy provision of goods and services, on the one hand, and the legitimacy of those in power, on the other hand. It is that distinction I want to explore.³ After using current instances in advanced democratic countries to illuminate what is at issue, I then turn to attempts to establish legitimate government where there are partial states, alien rule, post-conflict, or newly established states attempting to demonstrate governmental

capacity while also achieving some semblance of democracy.⁴ I do this by reexamining my own work on historical state-building and the growing literature on contemporary state-building, particularly research exploring the empirical link among government service delivery, perceptions of the trustworthiness of government, and attributions of legitimacy. Variation in the two major attributes of trustworthy government, provision of promised goods and services, and procedural justice in the determination and implementation of policy are not always sufficient to account for the variation in legitimating beliefs. What is also necessary is a set of accepted justifications for government and its actions, justifications based on widely shared moral principles and beliefs. This is hardly news, but we may, for the first time, have empirical means for figuring out how much such justifications matter and under what conditions—and how they are affected by actual government performance.

REASSESSING THE LINK BETWEEN TRUSTWORTHY GOVERNMENT AND ITS LEGITIMACY

The United States of Trump and the Britain of Brexit exemplify national states that have penetrated deeply into their populations and, by objective standards, act within and are accountable to long-established democratic and bureaucratic procedures in the delivery of goods and services. Yet, questions are arising about the legitimacy of their governments. In both countries, the disruptions caused by technological change and the indifferent responses of policymakers mean that these governments are perceived as failing to deliver what many people need and believe they deserve. In both countries, albeit more extremely in the United States, there are those who reject almost any interventions of the state in their lives—be it via gun control or immunization vaccines. Then there are those whose civil rights have actually been denied through problematic policies and practices, such as American mass incarceration and questionable police actions so prevalent among communities of color, the poor, and immigrants.

Claims that government is acting arbitrarily and discriminatorily, particularly when reinforced by actual and observable government actions, feed and intensify beliefs that government

is untrustworthy. They produce legitimacy concerns when combined with beliefs that the governments or their policies were not selected according to democratic justifications. Brexit was a legal vote, but there are issues about whether this was the appropriate way to reach such a complex and consequential decision. Trump is legally the president, but he came to office despite losing the popular vote and under the shadow of possible Russian meddling in the election process. Trump's loss of the popular vote does not represent a challenge to legitimacy. It is written into the constitutionally established electoral college, the result of a compromise that allowed the United States to form, but has long raised concerns about its effect on equality of votes and majority determination of outcome. Russian meddling does raise a legitimacy challenge by violating widely shared values about democratic elections as free from illegal manipulation and from foreign interference. The president's legitimacy is further undermined, at least in the eyes of some, by his breaking of long-established norms of presidential behavior, words, and probity. While the president is not the whole government, the tolerance of the US Congress for his conduct smears that institution as well.

Despite such concerns, democracy continues to exist and so does (largely) trustworthy government by objective standards, but their existence is far from enough to legitimate government. Legitimacy rests on more than effective governance; it requires popularly acceptable justifications for who holds the reins of power, who the leadership is, and for the policies promoted. Doubts about government effectiveness and fairness in providing services and security undermine the popular belief in its trustworthiness and certainly weaken its claim for legitimacy. Loss of confidence in the very rules of the game—be it democracy, autocracy, or theocracy—for ensuring appropriate succession, accountability, or policies undermines the justificatory basis of legitimacy.

It is arguable that we are seeing a fundamental, if often inchoate, challenge to the principles that made our long-standing democracies legitimate in the eyes of their populations. We are most certainly witnessing the fraying of the political economic framework that guided action for decades, and with that comes contestation of the values that undergird the framework. Periodically, it is necessary to update the prevailing moral economy of any

governmental system: the extra-market reciprocal rights and obligations that link populations, governments, corporations, and all the other various organizations that make up the society.

Economies are a moral and political choice. A polity can and does make decisions about the nature of its moral economy, and those decisions—and the ethical premises that underlie them—vary across time and place. The Thatcher-Reagan brand of neoliberalism replaced the Keynesian approach that dominated the post-World War II developed West, but the Scandinavian countries resisted this movement, at least to some extent. Russia, China, and India made different decisions than the West in the 1950s; they continue to have different conceptions of who receives social protection and how it is provided. These are the principles that define who is in and who is out of the web of services and protections and guide their definition and delivery.

Most of the world lives in polities in which the industrial and green revolutions—be it in this past century or the one before—obliterated the long-standing responsibilities of landlords toward the peasants who worked their lands. States now take on the burden of care, but according to different principles of who is deserving, who is included, and who pays, principles that were often long in coming and full of conflict. Once established, however, they became part of the justification for the legitimacy of government.

Let us take the example of protection of workers. In the United States and much of Europe, free markets brutally drove workers' lives from the mid-nineteenth through the mid-twentieth centuries, when most industrial countries established an interconnected framework of labor rights and citizen benefits to ensure that rising productivity was more equitably shared. This transformation involved changing laws but, more important, changing expectations about what capitalism ought to be, who it should serve, and what it could become. Not unrelatedly, these countries enjoyed the greatest growth in human history.

As the moral economy of the post-World War II era, embodied in Keynesianism, was overtaken by the moral economy embodied in the neoliberalism of Friedrich von Hayek and Milton Friedman, the prevailing prescription that employers have obligations to their employees began to disintegrate. Further decimation of the New Deal labor framework is reinforced by the automation

and outsourcing of our manufacturing sectors and by gig-labor business models that evade the employer-employee relationship assumed in our laws. Productivity gains are no longer shared. Firms no longer feel responsible for ensuring employment security, health insurance, or other benefits.

In the Keynesian era, despite the 1947 Taft-Hartley Act constraints on unions, union power in America increased. So did the role of unions in popular culture: The meme was Big Labor as an equal with Big Business and Big Government. Major newspapers of the time regularly covered union actions. By the 1970s, more than 20 million Americans were in unions, which remained a vital part of the Democratic Party's coalition and were major advocates of social insurance and other citizen protections.

Then things began to change—and union power began being rolled back, first gently and then with increasing ferocity. Several factors led to the devastation in the house of labor. Even in its heyday, the labor movement failed to represent that part of the labor force working in the agricultural, domestic, and low-end service sectors. With the neoliberal onslaught, led in the United States by President Ronald Reagan, the employers regained the upper hand, knowing that government would either look the other way or actively assist in the employer campaign to undermine unions organizing more workers and effectively enforcing collective bargaining rights. Moreover, enough time had gone by since the acme of labor organizing that young workers no longer credited unions with the improvements in their standard of living. The combined loss of power and the increased focus of many unions on particularistic gains made it difficult for unions, even the large confederations, to block the policies that amplify inequality in the United States. One result in recent decades has been real wage declines even as US productivity has grown.⁸

At the turn into the twenty-first century, survey evidence reveals that workers still wanted unions.⁹ A 2002 study, confirmed with additional data in 2005, found that more than 50 percent of non-union, non-managerial workers preferred union representation. The percentages were particularly high among 18- to 34-year-olds (58 percent), those with incomes under \$40,000 (59 percent), and minorities (74 percent). Fifteen years on, it would be worth doing such an analysis today, particularly among younger workers.

My own research on and experience with those employed in the new gig economy suggest that interest in having a voice no longer translates into interest in being represented by a union, an organization perceived as constraining individual prerogatives while taking a cut for doing so. These workers have bought into the prevailing moral political economy, with its overriding emphasis on freedom of choice and opposition to governmental intervention.

In 2016, the total union membership in the combined public and private sectors was only 10.7 percent of all non-agricultural wage and salary workers, or 14.6 million people.⁷ Unions have always been weak in the South and in the non-coastal western states. For the industrial heartlands, the decline in union membership in recent years is notable. South Carolina has the lowest membership, at 1.6 percent. The highest Southern state is Alabama, at 8.1 percent, placing it in a dead heat with Wisconsin, which used to be a union stronghold.

These aggregate figures hide the real story, however. Only 6.4 percent of private sector workers now belong to unions, down from the high of over 35 percent in 1954. By and large, what is keeping unions alive is government employment: 34.4 percent of public sector workers belong to unions. And yet the future of public sector unions is, arguably, tenuous.⁸ Note the reactions against them in once union-proud states such as Wisconsin. There is, in these states, growing antagonism among the public to the demands and strikes of government employees. At the same time, government austerity measures have further undermined the strength of the public sector. All evidence suggests that Trump and the courts will perpetuate the undermining of workers' rights and wages.

In 1947, the Taft-Hartley Act made it possible to create what became known as "right-to-work" laws, which enabled workers to opt out of dues-paying even when gaining the benefits of representation. Eleven states, most of them in the South, immediately adopted "right-to-work" regulations. Another five became "right to work" by 1955. Today, twenty-eight states and Guam have this status. As a result, union power nationally has been decimated.

In the late 1990s and again in the Obama era, there was some guarded optimism that these trends could be reversed, that unions could regain some of their leverage and that a new generation of labor activists might even take leadership on questions of equality

and equity, both economic and racial.⁹ There is no such hope with Donald Trump, a man with a long history of hostility to unions and of engaging in unfair labor practices in his own businesses. His appeals to workers play to their basest interests and their current fears and add to the delegitimizing of unions.

Without question, manufacturing—the basis of the grand industrial unions—has been disappearing from the United States for several decades. And whatever Trump’s rhetoric around protectionism and manufacturing, it is most unlikely that he will be able to re-industrialize the heartlands. People are hurting, and they no longer believe that their children will be better off than they were. They are looking for a scapegoat, and they demand a silver bullet to restore what they once had. Yet many hang on to the moral economy in the neoliberal variant of the political economy.¹⁰ Instead of advocating for programs to assist those in need and those striving to prepare themselves for the transformation of the economy, Trump pushes his protectionist trade policies, a hard line on immigration, and tax reform, none of which will ultimately benefit those left behind by recent economic trends. He does this by making exaggerated and often decidedly false claims that American jobs have gone overseas or to new immigrants; and he ignores the role of technological change.

This strategy, while unlikely to actually generate manufacturing jobs in the United States, has the added benefit of demonizing unions—such as the National Domestic Workers Alliance and Service Employees International Union (SEIU)—that are growing in prominence and that disproportionately represent immigrant labor. Trump’s analysis may be largely inaccurate, but it finds resonance among white workers, whose jobs are precarious and whose standard of living is falling. And it supports the efforts to weaken and delegitimize the labor movement further.

This extended example reveals two different kinds of legitimacy issues. The first has to do with the extent to which an organization—in this instance a union—is compatible with prevailing values about appropriate influences on individual action and intervention in the economy. Within the prevailing moral political economy, there is a reasonable case for undermining union power. There are many who disagree, however, raising questions about the appropriateness of the moral political economy itself. The

second issue is the legitimacy of a state that is upholding values that are currently being widely contested, due to questions about their moral rightness and about their consistency with prevailing ideas about what constitutes a state that is just, equitable, and democratic.

Fashioning a new “moral political economy” will require shifting popular ideas about work, framing new labor laws, fashioning a safety net with new options, including possibly a universal basic income, and, most important, reestablishing the justifications for assessing a legitimate government. We cannot return to the post-war manufacturing boom nor to the moral political economy that governed that era. But we have choices regarding where we will go next.

Similarly, we have decisions in other spheres as well: the mitigation of and adaptation to climate change; the determination of immigrant rights; the design and effects of bioengineering on our societies; how artificial intelligence evolves and with what impacts. With such shifts in moral reasoning also come new choices about how to fashion our lives and societies, posing challenges to our ethical systems, notions of equity, conceptions of who is deserving and who is not, and what forms of governance are best suited to a changed world.

Britain and the United States alert us to the fragility of the relationship between trustworthy government and its legitimacy. However, these cases are so complex that it is difficult to use them to disentangle the links among quality of service delivery, processes by which they are determined and delivered, the selection and character of those who hold decision-making positions, perceptions of government trustworthiness, and assessments of legitimacy.

To better understand what the necessary links are and how they are built and secured may require us to consider cases where government penetration is underway or incomplete. Several recent papers indicate that beliefs about the trustworthiness of government may reflect expectations—not just delivery—of government services; the higher the expectations, the more brittle the assessment of trustworthiness.¹⁴ But what role does trustworthiness play in promoting legitimacy, and is trustworthiness—even if secured—enough?

A QUICK FROLIC THROUGH THE LITERATURE

The literature on legitimacy is vast but not totally satisfying. Max Weber's writing suggests that the concept is best understood as an adjective characterizing the type of power: legitimate or illegitimate power, with a typology of legitimate power as traditional, charismatic, and rational-legal.¹² What makes power legitimate is that it is "rightful" according to prevailing standards of morality; those who hold it came to their positions according to widely recognized and acceptable processes and then act according to given norms and values. David Beetham interprets Weber as arguing that it is the beliefs of people in a government's legitimacy that make it legitimate.¹³ He goes on to list what, in his view, constitutes legitimate government and governmental practices:

- (i) it conforms to established rules;
- (ii) the rules can be justified by reference to beliefs shared by both dominant and subordinate; and
- (iii) there is evidence of consent by the subordinate to the particular power relation.¹⁴

The question is then how best to determine empirically when legitimacy exists and where and why it varies.

We have made some progress, if incomplete, on this front. To give some prominent examples: Fritz Scharpf pioneered an approach to legitimacy that emphasizes "input" and "output" legitimacy.¹⁵ The inputs are the voices and decision processes that produce government policy; the outputs are the implementation and delivery of those policies, that is, how government performs. More recently, John Patty and Maggie Penn formalized a testable model of legitimacy that emphasizes the justificatory principles and the extent to which decision processes are consistent with and a means for realizing those principles.¹⁶ Combining these approaches with our takeaways from political and sociological theorists such as Weber, Beetham, and Habermas, we have most of the pieces we need to begin to link principles, their justification, the rules that embody them, the processes that realize them, and the consent of the governed.¹⁷

My Research on Building and Maintaining Trustworthy Governments

My own work largely focuses on the conditions that promote popular perceptions of and belief in the trustworthiness of both policies and public officials and how those perceptions and beliefs affect the willingness of citizens to comply with costly demands and extractions. More precisely, I have attempted to: (1) find behavioral indicators of a population's beliefs that governing arrangements are trustworthy; (2) understand the reasons for variation in perceptions of trustworthiness; and (3) learn how variations in perceptions affect variations in responses to government demands. I posit that individuals, if they assess government as trustworthy, will feel obligated to obey it. The markers of trustworthy government are its promise-keeping (which reflects both its commitments and its capacity), the fairness of its processes (given the norms of place and time), and evidence that the government will and can punish free-riders. When individuals are legally required to comply but do so out of a combination of confidence in the government and a sense of obligation, I conceive of their compliance as quasi-voluntary.¹⁸ When individuals are being asked by government to engage in voluntary activity—be it for military service and perhaps as voters—I conceive of their volunteering behavior as contingent consent.¹⁹ With these concepts, I was then able to derive hypotheses about when a government was objectively trustworthy (or not), whether it was believed to be trustworthy, and how and to what extent that should affect observable and measurable behavioral compliance.

I was also able to account for the variation in the response of different parts of the population to the extractive demands of a government. In *Consent, Dissent and Patriotism*, I considered why young men chose to volunteer (or not) for military service in the twentieth-century wars in the United States, Australia, New Zealand, Canada, Britain, and France.²⁰ They were being asked to pay a very high price to show their allegiance to the government. The decision was individual but informed by social networks and communities, producing a huge difference in how distinctive populations responded. For example, anglophone Canadians volunteered in high numbers and francophone Canadians resisted. They felt the federal Canadian government was untrustworthy,

failing to keep its promises of bilingual education and general respect for their language. Francophones were also worried—and reasonably so—that military orders would only be given in English, which not all of them spoke. Perhaps even more important, they questioned the legitimacy of the war and of the Canadian government's insistence they serve in it; from their perspective the federal government was violating the constitutional justification that conscription could be considered only if Canada was invaded.

Francophone Canadians during both world wars, working-class Australians in World War I, and dissidents throughout history have used avoidance of and outright refusal to serve in the military as a way to proclaim their opposition to particular policies. Additional indicators reveal oppositional stances: Shirking and property destruction are among the “weapons of the weak”; disobedience to the law, tax evasion, inoculation resistance, and even non-voting can represent active non-compliance.²¹ Of course, how to read the meaning of these actions depends on the motivations of the actors. Sometimes non-compliance is simply a reflection of venality or laziness or ignorance. But there are ways to study what the likely motivations are. In all of these instances, qualitative information often provides clues that can be followed with systematic analysis of hypothesized variations.

I have long recognized the importance of the principles of fairness, due process, and proper selection of authorities in affecting legitimating beliefs. However, I have not always paid adequate attention to the content and effect of justifications—from both governing actors and their opposition—in influencing the perception of how well goods and services are being delivered and, perhaps more important, in prompting acceptance of governing authority as legitimate. More recent work attempts to fill that lacuna. Using Afrobarometer data, Audrey Sacks, Tom Tyler, and I attempt to test the link between aspects of an objectively trustworthy government as determined by measurable government activity, the creation of value-based legitimacy, and the consequent behavioral legitimacy (or quasi-voluntary compliance).²² We use survey questions about willingness to comply with tax requirements as an indicator of value-based legitimacy but lack measures of actual compliance with those requirements. Even so, we are able to find evidence that a “virtuous circle” (see figure 12.1) can exist in which

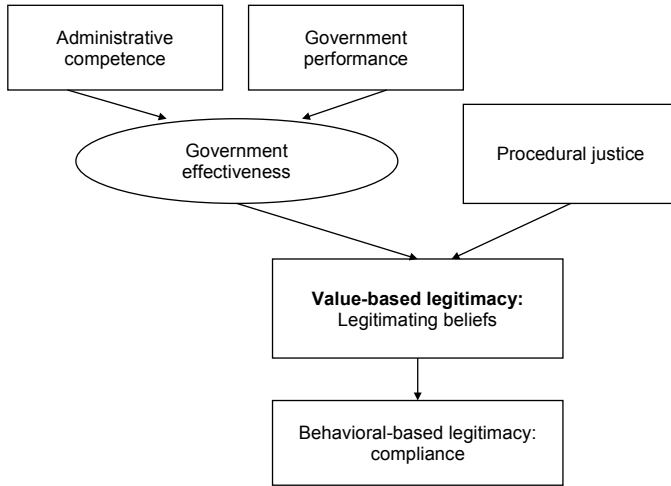


FIGURE 12.1. An illustration of the theoretical framework in Levi, Sacks, and Tyler, “Conceptualizing Legitimacy.” This models legitimacy as a sense of obligation or willingness to obey authorities (value-based legitimacy) that then translates into actual compliance with governmental regulations and laws (behavioral-based legitimacy).

a trustworthy government spawns legitimacy beliefs, which in turn leads to greater compliance, which feeds back into government whose increase in capacities enables it to provide more services and garner greater legitimacy. Others have since made advances beyond our initial effort; I discuss their work below.

Suggestive findings about legitimacy also emerged in my co-authored book with John Ahlquist, *In the Interests of Others*.²³ We investigate unions in the United States and Australia as a way to investigate how variations in democratic governance arrangements, on the one hand, and provision of promised goods and services, on the other hand, influence the development of both legitimating beliefs about the organization and behaviors that reflect those beliefs. The justification for unions is the delivery of higher wages, better benefits, improvements in health and safety, and relative job security, and no union leadership will retain legitimacy if it fails to deliver on these dimensions. Such performance

or output legitimacy facilitates compliance, but some unions wish to evoke actions from their members that serve an extended “community of fate,” that is, the group of people—some of whom may be distant and unknown—with whom one’s fate is linked and who one protects. For example, when dockworkers refuse to load cargo on ships because of some larger objective such as opposition to the Japanese invasion of Manchuria in the 1930s or to South African apartheid in the 1980s, they are acting in the interests of others but against their own material interests. Indeed, they are engaging in costly actions, risking loss of pay, loss of jobs, and even jail time. Union and leadership requests for such actions are more likely to produce value-based and behavioral legitimacy when there is greater input legitimacy, reflected in accountable union leaders, direct democracy (universal votes on officers and contracts), and inclusive governance arrangements that permit widespread voice and access.

Our detailed dissection of a particular set of governance apparatuses clarifies the means by which the leadership and members/citizens of an organization construct consent. Discussions and debates about the proper course of action ensured the creation of shared and consensual values about the principles underlying union activities. Information—and its contestation—meant that decisions of the collective were based on the best available evidence about various actions. Further, the deliberations legitimated the process itself; not everyone agreed with the choice, but virtually all went along with it once made.

ESTABLISHING LEGITIMACY

What we have learned from exploration of contemporary issues of democratic government, from the literature, and from my own work, is that there is indeed a link between trustworthy government and legitimacy, but that they are not conceptually the same. Legitimacy requires trustworthy government but also requires a set of shared values or principles that guide the actions of government actors and the responses of those they are governing. In practice, this means that input legitimacy is as important as output legitimacy. However, input processes are more than following procedures. First, they require adherence to higher principles,

justified by appeal to the constitutional history and ethics of the polity. Second, there should be good reason to believe that input processes will actually lead to outputs consistent with what is promised and expected as a result of the input processes. The first is a *sine qua non* of legitimacy and the second, an indicator of the trustworthiness of government that is also a necessary (but not sufficient) condition of legitimacy.²⁴

My conclusions, based on the research to date, is that we would still use compliance with various government policies as an indicator of popular beliefs about trustworthiness and legitimacy but recognize three conditions for what appears to be the same behavioral choice:

1. If an individual believes government is untrustworthy and illegitimate, she will comply only if coerced.
2. If an individual believes government is trustworthy, she will comply if she believes government will ensure free-riders comply.
3. If an individual believes government is trustworthy and legitimate, she will comply without coercion and without assurance of others complying.

The empirical difficulty of altering these conditions to determine likely citizen responses is overwhelming, although perhaps a clever researcher might eventually find a way. An only somewhat easier approach is to look for indicators of beliefs about trustworthiness and legitimacy. Even then, the extent to which the perceived trustworthiness of government influences or sustains legitimating beliefs remains a problematic issue.

Let us start by figuring out when a populace believes government is trustworthy and why. Surveys provide one means of getting at trustworthiness of government institutions, leaders, and policies. However, even when available, few record attitudes over time from the same population, and most of the widely used questions are more likely to evoke from respondents their preferences for a person or party than a judgment about trustworthiness.²⁵ The only questions that come close to eliciting useful information are those that ask about particular institutions and authorities and, even better, about assessments of various behaviors of those authorities.²⁶

That being said, some recent researchers use surveys to good advantage in ascertaining the degree to which developing democratic states have achieved trustworthiness. A common mantra of aid agencies is: Provide decent goods and services to the population, and they will come to trust the government. Understanding when that presumption is true, if it ever is, has become a subject of interesting new research. The case of post-conflict Iraq, for example, reveals that the creation of a trustworthy government depends on more than objectively measured reasonable service delivery.²⁷ The perception and reality of satisfactory service delivery do not always coincide. How people perceive what they are getting from government turns out to be complex everywhere, but particularly where the state is perceived as alien, where it has not fully penetrated society, and when there are good reasons to be wary of those bearing gifts. One particularly compelling recent finding is that the key intervening variable between objective service delivery and its perception as such is the expectation of the recipient.²⁸ There is often greater trust of government in badly served rural populations and far less trust among those who have received relatively decent service. The level of expectations appears to be far more explanatory than the actual quality of services. Work in Tanzania also reveals variation in expectations around local services that have consequences for perceptions of trustworthiness.²⁹ Why people hold such expectations is another still unanswered question deserving exploration, particularly for those keen to construct trustworthy and legitimate governments.

Field experiments are another means for assessing the link between perceptions of trustworthy government and compliance. Interestingly, research based solely in surveys and those that use field experiments can have very distinct findings. Where government lacks capacity, often non-profits and foreign aid step in, creating questions about who deserves credit for provision. Using the Afrobarometer and her own survey in Zambia, Sacks found that aid from donors actually improved citizen-state relationships.³⁰ This is contrary to what others, using field experiments instead of surveys, find in Uganda.³¹ In Bangladesh, Dietrich, Mahmud, and Winters, also using field experiments, find that information about foreign aid contributed to positive attitudes toward local government but had little effect on national government.³² Indeed, it appears that

one means for improving government trustworthiness in the presence of foreign aid and low state penetration is to decentralize services, as research on post-conflict Sierra Leone reveals.³³ There is a long-standing literature on the benefits of decentralization and federalism in state-building to which these arguments contribute.³⁴ Populations are more likely to trust local than national governments, in part because they can see how the sausage is made and who is getting what and why.

Services, including security, often go hand-in-hand with extractive demands, such as taxation or military service. Citizens may want the first but not necessarily the second, particularly if they fear the processes of extraction will be unequally distributed and if they worry whether government is honest. Of equal import may be concerns about government sensitivity to their particular needs and circumstances. This suggests that unequal and palpably unfair distribution of services can actually undermine the virtuous circle by undermining perceptions of government trustworthiness.³⁵

To understand the relationship between perceptions of how trustworthy government is and compliance with it also requires consideration of cases where government is not serving its citizens. Again, surveys and field experiments help us get at this, but so, too, do case studies of instances of alternative service provision. State incapacity, incompetence, disregard, or worse are unfortunately commonplace throughout much of the world, historically and today. Organized groups often arise directly to fill the gaps states neglect. The grandmothers of Yuendumu, an indigenous community in the central desert of Australia, are illustrative. They formed a night watch to keep the children from glue-sniffing, which government—despite some money and intention—was failing to do. Their actions did not seem to reflect a belief that the state was illegitimate, but certainly reflected lack of confidence in its ability to act on their behalf in this important area of concern for them.

In other cases, e.g., organized groups, existing for a very different purpose, the population turns to alternatives to the state. This is the situation in some of the *favelas* of Brazil, slums of India, and indeed among populations throughout the world; the police are trusted less than the gangs.³⁶ Again, is the state thought to be illegitimate or the gangs legitimate? That is far from clear. What is

evident is that government has failed in the important domain of trustworthiness, and others have picked up the slack.

Even if perceptions of the trustworthiness of government can be improved, this does not necessarily lead to its achieving legitimacy in the eyes of the population. Legitimacy requires shared values being upheld and evidence that the processes of governance are justifiable according to commonly accepted principles. Legitimacy grounded only in provision of goods and services, including some modicum of security not otherwise available, is an extremely limited form of performance legitimacy. Arguably, it is not legitimacy at all. Although there may be some element of voluntary compliance flowing from the *quid pro quo* between the government and the populace it oversees, it is not likely to evoke compliance in the absence of assurances free-riders are being made to obey.

Because of the conceptual muddiness in the relationship between the trustworthiness of the state and its legitimacy, there are few studies that parse this question using surveys or field experiments.³⁷ Still, we can consider other actions that reveal questions about the legitimacy of governance institutions and officials. If we believe these are indicators, then we may be able to infer that any non-compliance we observe among those populations reflects their assessments of legitimacy. Observation and documentation of factors outside the individual can offer a sense of shared beliefs. In francophone and anglophone Canada, newspaper editorials, sermons, and other such public statements offered guidance to public sentiment. But there are many circumstances in which such guidance is not possible. As Kuran's work makes clear, the perceived legitimacy of a regime is apparent only at the moment at which it is being actively overturned.³⁸ Even so, public debate, voting, protest, and other actions provide a means for assessing which parts of the populace support government and which do not, even in autocratic situations.³⁹

Another kind of example is the post-Civil War American South. The seemingly legitimate national state violated local values and was perceived as an alien ruler. The Ku Klux Klan represents organized vigilantism that uses violence to impose its values on its society. The Taliban represents another form of the same general phenomenon. It is a quasi-state that not only refuses to abide by the laws of the national government but also, like the Klan, imposes

its view of the world on the parts of society it controls through violence.

Legitimacy, I suspect, can only develop with explicit discussions during the founding moments and reinforced over time through public debates in parliaments, the courts, the media, and public fora about the principles under which decisions are made, policies enacted, and fundamental conflicts arbitrated within the polity. There must be some agreement, albeit usually implicitly, about what the moral economy is and what that implies about how citizens (and non-citizens) are treated, what they can expect from the government. The citizens, governments, and corporations are in a community of fate based on shared values and reciprocal obligations.

This way of framing the issue, of course, presents an additional and major empirical challenge: How can we tell what the consensual principles are, if indeed there are any at all? Elections are one indicator; widespread acceptance of policies another. But given evidence of popular apathy and even ignorance of what is at issue, these are partial indicators at best. In ascertaining the underlying consensual principles, there is good reason to consider founding moments or periods of crises (depressions, natural disasters, wars—internal and external). These are likely to be times when the population coalesces and clarifies the values held highly and most commonly and when it establishes rules, laws, and institutions that guide behavior and define the terms of reciprocity. Such rules inevitably erode over time, either because they are less applicable when peace or calm are restored or because special interests actively undermine or change them or because the world in which they were developed is no longer the world in which people live.⁴⁰ Equally inevitably, it seems, popular divisions appear or reappear: Even when many of us share a core set of values, we may disagree on their order of importance, which can make all the difference not only in elections and policies but also in what each of us believes is legitimate.⁴¹

I have argued elsewhere that critical to eliciting common principles and beliefs in non-crisis situations is the existence of mediating associations.⁴² In the United States and Europe, these include such organizations as labor unions, political parties, and PTAs (Parent-Teacher Associations), groups that might create what

Putnam labeled “bridging social capital.”⁴³ At the least they form a constraint on actions and words that are outside the ethical pale. At best, as in the case of the dockworker unions Ahlquist and I studied, they provide a basis for learning, discourse, and deliberation. The construction of a shared ethos and of guiding principles is the by-product of joining together for a common purpose and, through working together, developing mutual respect and a broader community of fate.

We appear to be in a hiatus between the moral political economy created by neoliberalism and whatever moral political economy emerges. In the interim, the prevailing justifications for government action seem tenuous at best. The breakdown of neoliberalism as the basis of shared social values is evident in the developed democracies, but it is also part of the issue confronting developing states in this highly globalized world. The establishment of new and acceptable justifications requires developing a new moral economy, illuminating its principles, and then deriving appropriate policies consistent with those principles.

NOTES

1. The claims in this paragraph draw largely on research in which I've been involved, including: Margaret Levi, *Of Rule and Revenue* (Berkeley: University of California Press, 1988); *Consent, Dissent and Patriotism* (New York: Cambridge University Press, 1997); Karen S. Cook, Russell Hardin, and Margaret Levi, *Cooperation without Trust?* (New York: Russell Sage Foundation, 2005).

2. Monarchies, theocracies, and other forms of autocratic regimes may have claims to be legitimate even when they are far from trustworthy in the provision of goods and services, but democracies generally justify their legitimacy at least partially with demonstrations of their trustworthiness.

3. Cord Schmelzle and Eric Stollenwerk are engaging in a related enterprise, but their emphasis is on effective governance, not its trustworthiness per se. They have pulled together several conferences, including the Conference on Legitimacy and Governance in Areas of Limited Statehood: Theoretical and Empirical Perspectives, Freie Universität Berlin, June 10–11, 2017, and published a special issue of the *Journal of Intervention and Statebuilding*. The lead paper is their “Virtuous or Vicious Circle? Governance Effectiveness and Legitimacy in Areas of Lim-

ited Statehood,” *Journal of Intervention and Statebuilding* 12, no. 4 (2018): 449–467.

4. Michael Hechter, “Alien Rule and Its Discontents,” *American Behavioral Scientist* 53, no. 3 (October 2009): 289–310.

5. For a review of the literature and analysis of the role of unions, see John S. Ahlquist, “Labor Unions, Political Representation, and Economic Inequality,” *Annual Review of Political Science* 20, no. 1 (May 2017): 409–432.

6. Richard Freeman, “Do Workers Still Want Unions? More than Ever!” *Briefing Paper No. 182*, Economic Policy Institute, Washington, DC (February 2007); Jake Rosenfeld, *What Unions No Longer Do* (Cambridge, MA: Harvard University Press, 2014).

7. “Union Membership (Annual) News Release,” *Bureau of Labor Statistics*, January 19, 2018, <https://www.bls.gov>.

8. John S. Ahlquist, “Public Sector Unions Need the Private Sector (Or Why the Wisconsin Protests Were Not Labor’s Lazarus Moment),” *Forum* 10, no. 1 (2012), doi:10.1515/1540-8884.1499.

9. Bill Fletcher, Jr., and Fernando Gapasin, *Solidarity Divided* (Berkeley: University of California Press, 2008); Dorian T. Warren, “‘Labor in American Politics’: Continuities, Changes, and Challenges for the Twenty-First-Century Labor Movement,” *Polity* 42, no. 3 (July 2010): 286–292.

10. Katherine J. Cramer, *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker* (Chicago: University of Chicago Press, 2016); Arlie Russell Hochschild, *Strangers in Their Own Land: Anger and Mourning on the American Right* (New York: New Press, 2016).

11. Derick W. Brinkerhoff, Anna Wetterberg, and Erik Wibbels, “Distance, Services, and Citizen Perceptions of the State in Rural Africa,” *Governance* 31, no. 1 (February 2018): 103–124; Claire McLoughlin, “When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-Affected State?,” *Governance* 28, no. 3 (July 2015): 341–356; Tanja A. Börzel and Thomas Risse, “Dysfunctional State Institutions, Trust, and Governance in Areas of Limited Statehood,” *Regulation & Governance* 10, no. 2 (October 2016): 149–160. Also see the set of papers in *Journal of Intervention and Statebuilding* 12, no. 4.

12. Max Weber, *Economy and Society* (Berkeley: University of California Press, 1978).

13. David Beetham, *The Legitimation of Power*, 2nd ed. (New York: Palgrave Macmillan, 2013).

14. *Ibid.*, 37.

15. Fritz W. Scharpf, *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research* (New York: Westview Press, 1997); “The Joint Decision Trap: Lessons from German Federalism and European Integration,” *Public Administration* 66, no. 3 (September 1988): 239–278.

16. John W. Patty and Elizabeth Maggie Penn, *Social Choice and Legitimacy: The Possibilities of Impossibility* (New York: Cambridge University Press, 2014).

17. Jürgen Habermas, *Legitimation Crisis* (London: Heinemann, 1976).

18. Levi, *Of Rule and Revenue*.

19. Levi, *Consent, Dissent and Patriotism*.

20. Ibid.

21. James C. Scott, *Weapons of the Weak* (New Haven, CT: Yale University Press, 1985).

22. Margaret Levi and Audrey Sacks, "Legitimizing Beliefs: Sources and Indicators," *Regulation & Governance* 3, no. 4 (December 2009): 311–333; Margaret Levi, Audrey Sacks, and Tom R. Tyler, "Conceptualizing Legitimacy, Measuring Legitimizing Beliefs," *American Behavioral Scientist* 53, no. 3 (October 2009): 354–375.

23. John S. Ahlquist and Margaret Levi, *In the Interests of Others: Organizations and Social Activism* (Princeton, NJ: Princeton University Press, 2013).

24. Beliefs in the legitimacy of a government or a public official may also affect the perception of their trustworthiness. Eric Stollenwerk makes this point well; see Eric Stollenwerk, "Securing Legitimacy? Perceptions of Security and ISAF's Legitimacy in Northeast Afghanistan," *Journal of Intervention and Statebuilding* 12, no. 4 (2018): 506–526. Cognitive dissonance and other psychological mechanisms can positively bias the construal of the actions of those the observer already approves. See, e.g., Herbert C. Kelman, "Reflections on Social and Psychological Processes of Legitimation and Delegitimation," in *The Psychology of Legitimacy: Emerging Perspectives on Ideology, Justice, and Intergroup Relations*, ed. John T. Jost and Brenda Major (New York: Cambridge University Press, 2001), 54–73. For a compendium of biases in judgment, see Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus, and Giroux, 2011).

25. Margaret Levi and Laura Stoker, "Political Trust and Trustworthiness," *Annual Review of Political Science* 3, no. 1 (2000): 475–507; Karen S. Cook, Russell Hardin, and Margaret Levi, *Cooperation without Trust?* (New York: Russell Sage Foundation, 2005). There is, of course, debate about the usefulness of these indicators. For efforts to use these measures to good effect, see Bruce Gilley, *The Right to Rule: How States Win and Lose Legitimacy* (New York: Columbia University Press, 2009); Marc J. Hetherington, *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism* (Princeton, NJ: Princeton University Press, 2004).

26. Soren Holmberg, Bo Rothstein, and Naghme Nasiritousi, "Quality of Government: What You Get," *Annual Review of Political Science* 12, no. 1 (2009): 135–161; Bo Rothstein, "Social Trust and Honesty in Government:

A Causal Mechanisms Approach,” in *Creating Social Trust in Post-Socialist Transition*, ed. Janos Kornai, Susan Rose-Ackerman, and Bo Rothstein (New York: Palgrave Macmillan, 2004), 13–30; Peter Nannestad, “What Have We Learned About Generalized Trust, If Anything?,” *Annual Review of Political Science* 11, no. 1 (2008): 413–436.

27. Derick W. Brinkerhoff, Anna Wetterberg, and Stephen Dunn, “Service Delivery and Legitimacy in Fragile and Conflict-Affected States,” *Public Management Review* 14, no. 2 (March 2012): 273–293. Also see Mcloughlin, “When Does Service Delivery Improve.”

28. Brinkerhoff, Wetterberg, and Wibbels, “Distance, Services, and Citizen Perceptions.”

29. Odd-Helge Fjeldstad, Lucas Katera, and Erasto Ngelewa, “Disparities Exist in Citizens’ Perceptions of Service Delivery by Local Government Authority Authorities in Tanzania,” *REPOA Brief No. 13*, Research on Poverty Alleviation, Dar es Salaam (November 2008).

30. Audrey Sacks, “Can Donors and Non-State Actors Undermine Citizens’ Legitimizing Beliefs?” *Policy Research Working Paper No. 6158*, World Bank, Washington, DC (August 2012).

31. Helen Milner, Daniel Nielson, and Michael Findley, “Which Devil in Development? A Randomized Study of Citizen Actions Supporting Foreign Aid in Uganda” (May 12, 2013), <https://papers.ssrn.com>.

32. Simone Dietrich, Minhaj Mahmud, and Matthew S. Winters, “Foreign Aid, Foreign Policy, and Domestic Government Legitimacy: Experimental Evidence from Bangladesh,” *Journal of Politics* 80, no. 1 (January 2018): 133–148; Simone Dietrich and Matthew S. Winters, “Foreign Aid and Government Legitimacy,” *Journal of Experimental Political Science* 2, no. 2 (Winter 2015): 164–171.

33. Audrey Sacks and Marco Larizza, “Why Quality Matters: A Multi-level Analysis of Decentralization, Local Government Performance and Legitimizing Beliefs in Postconflict Sierra Leone,” *Policy Research Working Paper No. 6021*, World Bank, Washington, DC (April 2012).

34. Erik Wibbels, “Madison in Baghdad?: Decentralization and Federalism in Comparative Politics,” *Annual Review of Political Science* 9, no. 1 (2006): 165–188.

35. Levi, *Consent, Dissent and Patriotism*; Levi and Sacks, “Legitimizing Beliefs”; Claire Mcloughlin, “When the Virtuous Circle Unravels: Unfair Service Provision and State De-Legitimation in Divided Societies,” *Journal of Intervention and Statebuilding* 12, no. 4 (2018): 527–544.

36. Tariq Thachil, *Elite Parties, Poor Voters: How Social Services Win Votes in India* (New York: Cambridge University Press, 2014); Beatriz Magaloni, Edgar Franco, and Vanessa Melo, “Killing in the Slums: An Impact Evaluation of Police Reform in Rio de Janeiro,” *CDDRL Working Paper No. 556*,