

## Essay on Legitimacy and Democracy

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### Abstract:

**Purpose and Originality:** The aim of the paper is to deeply analyze a concept of legitimacy. Based on the classical works of Lipset and Habermas, the paper discusses conditions, efficiency, and presumptions on which a modern democratic political system stands.

**Method:** The paper analyzes a relationship between positivist and normative understanding of legitimacy questioning a democratic political order. By a content analysis of two main theories of legitimacy, the paper examines a sense of democratic legitimacy in modern societies.

**Results:** A legitimacy is a pillar of any democracy. From the structuralist point of view, in societies there are three main types of crises (economic, social, political), which are present constantly and interconnected by nature and implications. Each crisis creates a specific deficit and challenge for democracy. By overcoming, a stability of democracy is strengthened which makes a (crisis of) legitimacy inevitable.

**Society:** In a time of post-truth politics and crisis of democracy, there is a lack of research dealing with a legitimacy of the democratic regime. By pointing out classical approaches to a stability of democracy, there should be elaborated a new construct of democratic legitimacy reflecting structural conditions of modern societies. This paper is trying to offer an insight into a normative understanding of this construction.

**Limitations / further research:** A theoretical approach could be verified by an empirical research.

**Keywords:** legitimacy, Lipset, Habermas, crisis, democracy.

## 1 Introduction

No other concept in political theory is accompanied with more popularity than a concept of crisis: the crisis of welfare state, the crisis of political parties, the crisis in the Middle East, the Euro-crisis, and the most valuable, the crisis of democracy. Political science recognizes the three main debates about the crisis of democracy. The first one is a public discourse based on an individual aspect of the political elite, political parties, government and democracy as a political system. This debate, proclaimed mainly by media and solved primarily by governments, has its own history. The question of democracy has been accurate since the ancient times especially in the works of Plato and Aristotle (Held, 2006, p. 13). Under the influence of modernity, the questions about democracy had been polarized in the left-right ideological spectrum and fluctuated around the suffrage as a precondition of a classical/minimal model of democracy (Schumpeter, 1942). The discourse about the crisis of democracy had gained a new approach at the end of the twentieth century when took to consideration the institutional changes (Huntington, 1975, Rustow, 1970) through the structural conditions (Lipset, 1960, Moore, 1986) to the cultural aspects of democracy

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(Huntington, 1996). Democracy as an ideological concept and political system achieved its peak in the late nineties as a liberal democracy (Fukuyama, 1992) dominated in the more globalized world. The golden era of democracy in these days ended with the beginning of a debate about postmaterialism (Inglehart & Welzel, 2005) and a relatively new phenomenon called a post-democracy (Crouch, 2004). A challenge for a new study of democracy has resonated also in the theories of geopolitics and in the specific supranational order and institutions. The new time of postmodernity are bringing new perspectives and revitalizations of democracy itself by questioning a phenomenon of legitimacy.

Today we understand the concept of legitimacy primarily through the exercise of representation, therefore, the political elite which maintain its sovereignty. From this perspective, a delegated representative democracy has its rational justification. Modern representative democracy thus appears through a prism of democratic legitimacy (Belling, 2009, p. 103). However, its understanding of the definition can be illustrated in two models of legitimacy that are present today. The first model is a normative view of legitimacy referring to the people's sovereignty. This theory assumes a single interest of society in social welfare.

The most relevant expression of such public interest can be seen through the institutes of referendum or petition. Today, the exercise of power is not limited only by the sovereignty of people, but also by the claim of a common consensus. Ever since social contract (Rousseau), the sovereignty of the people, and thus legitimacy, is understood as a delegation of power to the people to represent which explains a second positivist model of legitimacy. Such delegation can not reach the people, which means the loss of the direct power of the decision. Democratic legitimacy becomes a prism through which the will of citizens is delegated to elected political elites. However, the question what kind of mandate, how, and on what basis the delegation of authority represents the people shall be raised. The issues challenging the legitimacy of representation in modern liberal democracies could be claimed also in terms of fragmentation and heterogeneity in society, but mostly the understanding lies in the articulation and implementation of legitimizing the process. Regarding the phenomenon of democracy and legitimacy, I will discuss a relationship between normative and positivist understanding of legitimacy, which, in addition to the current global order, seems complicated. My perception of a value of democracy is a sovereignty of people as a social consensus of public good and public will. At the same time, I understand the sovereignty as the achievement of freedom for the greatest possible number of people through the institute of voting. Therefore, I assume that democracy is not a prerequisite for the fulfillment of legitimacy, but from a normative point of view, the legitimacy is a precondition for the efficient functioning of democracy. Thus clarifying concepts and insight into legitimacy will try to verify the stability of the normative definitions of legitimacy in modern democratic systems.

## **2 Legitimacy**

A reflection on democracy would be incomplete without an analysis of its legitimacy. The simple definition defines legitimacy "in accord with a rule", but new approaches deal also

with an accordance with norms, values, beliefs, practices, and procedures accepted by a group (Zelditch, 2001, p. 33). Legitimacy could be thus understood as an indivisible condition, as an integral part of the political system associated with sovereignty and the emergence of the modern state.

Legitimacy is, in my opinion, the condition and an essence of the political system associated mainly with the issue of power. This power is sovereign because it enjoys a great support of the public. The concept of legitimacy, as I mentioned, is, therefore, a phenomenon of a modern state. In fact, it legalizes the political authority across all types of regimes, whether authoritarian or democratic. In this concept is the legitimacy even a legally relevant concept: "the legitimate state power can be understood as a power that is anchored in a specific normative system and has thus in itself a legal character." (Coicaud in Belling, 2009,p. 13) The basic definition of legitimacy was defined by Max Weber, who identified three ideal types of the legitimacy of political authority – traditional, legal-rational, and finally, a charismatic (Birch, 2007,p. 96). Weber concept can be included into the traditional theory of legitimacy, which is based on the contextual development of human societies because it shifts our understanding of political authority in its historical development. The traditional authority we observe in theocratic states, where authority is delegated, not from the bottom (from the people), but from »above« power, such as from God or inherited. Legal-rational legitimacy is a legitimacy of modern states because it relies on the transfer of power from the people to political representation. So we are talking about a democratic legitimacy (Belling, 2009,p. 103), where a loyalty of the people is delegated to non-personal institutions, and so is the power defined in the constitutional rules. The third type, which from my point of view, resonates nowadays is a charismatic type of authority, where irrationality and emotions of people delegate the power to the "charismatic leader". Consequently, Weber's typology is useful for defining a representation as one aspect of democracy.

However, the definition and application of the concept of legitimacy in theories of democracy bring many complications. The so-called crisis of legitimacy in the context of the existing political authority was described by Giovanni Sartori: "...political regimes are maintained by their legitimacy and are undermined, if not completely broke, by a "crisis of legitimacy"...the crisis of legitimacy is commonly referred to and identified as a crisis of "authority" (Sartori, 1993,p. 189). Why, however, there is a crisis of legitimacy, why the political authority did already "not enjoy" a mass support of the population and a democracy from the bottom, in its primary values, weakens?

### *Crisis of legitimacy by Lipset*

What is the legitimacy according to the Seymore Martin Lipset? In his work (Political Man, 1960) on a stability of democracy (as a political system), Lipset identifies two main conditions. The first is an instrumental angle of the effectiveness of the political system. The

goal of effectiveness might be perceived as an economic development and growth. According to Lipset, the efficiency means a current setup of the political system under which the government satisfies demands of society for better socio-economic development (Lipset, 1960,p. 64). However, the instrumental nature of the conditions for the stability of the system is insufficient. On the other hand, Lipset identifies legitimacy as an evaluative condition for democratization. Legitimacy, in his terms, means an ability of the political system to ensure that the existing political institutions are the most appropriate for the society (Lipset, 1960,p. 64). The question remains, what is the most appropriate for the society? Is really the best for a society what citizens elect during the elections? Could it be identified a Maddison tyranny of masses which can legitimize even an authoritarian regime? The crisis of legitimacy is from his point of view a historical phenomenon associated with the mass communication, societal revolution and human development. As he notes, "the crisis of legitimacy is a crisis of change" (Lipset, 1960,p. 65). A Change in modern society is therefore understood as a period when the society changes its status quo and mobility, but also a structure. Consequently, a structural change of society put traditional political institutions at the risk by increasing societal demands. At that time, some social movements do not have an impact on the political system. Lipset identifies two types of loss of legitimacy in the context of the process of social change. The first one comes from the papers of A. Tocqueville who identifies in the past countries which have been transforming themselves from aristocratic monarchies to democratic republics, like Great Britain, Sweden, (Lipset, 1960, p. 65). From the historical point of view, we can identify the states, which have "rooted" institutions of aristocratic heritage functioning till today and never transformed. On the other hand, we have the example of Italy, where the constitutional monarchy became a fascist dictatorship illegitimately excluding majority groups from political system (especially Catholics). The second type of crisis of legitimacy is when new social groups gain access to the political process. In the nineteenth century, in particular, it was the social class of workers, in the twentieth century, the colonial elites. When new groups of the society become politically active and get easily to the political institutions, they could have a loyalty to old political institutions. This way even the monarchy can maintain their status quo and enable new social classes to participate in democratic processes so may avoid revolutions and civil unrest. In this case, however, this is about the institutional preservation of the political system and not a change of elites. In general, we can say that the political system is effective, if it is not maintaining the traditional conservative groups, and if the access policy is rejected to majority social groups in crisis periods (Lipset, 1960,p. 67). In both cases, however, there is a lack of democratic legitimacy. Thus, we can assume that for the stability of democracy this form of efficiency is enough? Here emerges a possibility for a revolutionary/alternative movement bent on power and participation in politics. In my opinion, this means also the legitimacy coming from a participation of majority social groups preserving the pluralism of interests.

The relationship between the effectiveness and legitimacy of the system thus determines a stability of democracy. I assume, however, that not only its stability but especially a quality of regime management. States that belong to the category both conditions and therefore are also

efficient and legitimate are stable democracies, the examples are according to Lipset the United States of America or Sweden. At the same time states, which are effective but illegitimate, are according to him more fragile. An example of such establishment was Austria and Germany in the twenties of the twentieth century. Ineffective and at the same time fragile countries, such as Hungary from the past communist regime, there are unstable models. However, countries that are less economically developed, but they have legitimacy (i.e. their profile), have more stable political systems than countries that are economically developed but do not have the legitimacy. Regardless, we can draw the conclusion that, on the basis of the Lipset theories, we cannot clearly verify the thesis is that economic development, hence the efficiency of the legislative procedure, ensure by itself the stability of the democratic system or is the only precondition for the democratization process. Nevertheless, the relationship between the democratization of the system and the economic development is in Lipset terms, a linear relationship.

The additional criterion of democracy is according to the theorists, such as Robert Dahl, D. B. Truman, A. F. Bentley, a pluralism of interest groups identified on the basis of a societal conflict. The conflict is a constructive element and an integral part of the political process (Říchová, 2000, p. 148) for strengthening and balancing a political power in pluralistic society. The phenomenon of an existence of the soft cleavage in the society was also by Lipset defined as a legitimate democracy (Lipset, 1960, p. 71). These conflicts he thinks the historical factors shaping the social cleavages on the basis of the crucial issues in the society. The three main cleavages from a historical point of view were based on characters of religion, social class, and economic determinism. The first was to identify a position of the church in the state, the second cleavage was a penetration of a lower social class of workers into a political and economic system (admitting a political and social citizenship) through universal suffrage, and finally, the third cleavage was an ongoing struggle for a redistribution of national income and wealth. These cleavages have been interconnected in societies. The evidence is that the fight of the conservative Catholics against the socialist movements is actually a struggle not only economic but also a fundamental struggle of God and Satan (Lipset, 1960, p. 75). Where the number of the historical cleavages overlap and create the basis for ideological politics, democracy will be volatile and unstable. Although, in words of Robert Dahl, even cultural pluralism influences the stability of the regime. In my view, a definite pluralism of opinions in society does not guarantee its quality, nor stability. However, the present cleavages in society create political parties, movements and an environment for »doing« a politics. A cleavage basis of society enriches culture where dominates a negotiation and a healthy political competition. This culture can be maintained by a political tolerance, which provides the parties and protects political minorities to protect the society from serious conflicts (Lipset, 1960, p. 79). What, however, makes the political tolerance work? In my view, this is paradoxically the economic development, and thus the efficiency of the system (accompanied by industrialization, urbanism, modernization, education). This approach could be explained by a Fukuyama's theory of liberal democracy in his work *The Great Disruption* (2005). Fukuyama assumes that in liberal democracies the main conflicts and cleavages based on

socio-economic conditions would be overcome and new cultural values would dominate in modern societies. Fukuyama identifies the stability of modern liberal democracy based on the cultural norms and values such as individualism, pluralism, and tolerance embedded in the traditional institutions (Fukuyama, 2005, p. 24). Tolerance as a precondition and a moral value in terms of F. Fukuyama has become the social capital of society, on which basis is civic culture created. In the end, the relationship between democracy and civil society is so narrow that the two not only makes but are also freely interchangeable (Fukuyama, 2005, p. 30). The crisis of legitimacy is from the perspective of Lipset crisis, a change in its different variations, and thus an indicator for the analysis of the quality of democracy from the normative point of view. It is thus currently on demand to ask if the crisis of legitimacy implies an absence of values and standards of democracy? It is also according to the Lipset the cause of political intolerance, the deficit of structural conditions of the instability of democracy?

### *Crisis of legitimacy by Habermas*

The structural conditionality of democracy was elaborated in detail by German philosopher and theoretician Jürgen Habermas in his book *The Crisis of Legitimacy* (1975) and later developed in his work *The Structural Transformation of Society* (2000). Habermas' preview of this issue stems from the thesis that the legitimacy of political authority and therefore democracy has a socio-economic conditionality. Structural conditions, such as economic growth or the so-called welfare system, will be for certain groups of people in society over time unacceptable, because the system, or the economic objectives of the modern state will not be compatible with the moral principles of the society. Consequently, Birch (2007) sees the contradiction of the economic goals and moral principles such as the relationship between the human individual and the nature of the world (Birch, 2007, p. 104). So to say that the modern conception of the legitimacy is built by a confrontation between liberal democracy and individual freedom against the moral principle of a public good. Habermas, however, does not make the concept of the legitimacy of the easy incline for democracy. Not only that he classifies the types of legitimacy in society, but at the same time, he clarifies their relevance on the background of several "crises of legitimacy". The precondition for the categorization is the paradigm of the "crisis of democracy", but not in a crisis mode, but as a crisis of the democratic state of late capitalism (Merkel, 2013, p. 13). Habermas recognizes several types of "crises of democracy" on the basis of the belief that all of these types are an accompanying phenomenon of modern liberal states in the second half of the twentieth century.

The categorization is based on the idea that there are three types of societal systems – economic system, political system and socio-cultural - within are four types of crisis tendencies (see Table no. 1). Interdependencies of these three components of a democratic state refer to basic three dimensions of a private, public and civil sector of life in society. The transformation of legitimacy and the crisis he sees in the new view on the system legitimization of state. At the end of the twentieth century according to Habermas the state's economic system "does not ensure the conditions of manufacture as in liberal capitalism, but

on the contrary, actively enters into it." (Habermas, 2000,p. 57). In the political system, Habermas observes, in particular, the administrative system through bureaucracy. On the basis of the Marxist tradition, he points out a thesis that the state replaces the market mechanism there, where the state "creates and improves the conditions of a surplus of accumulated capital." (Habermas, 2000,p. 50) From the socio-structural point of view, Habermas identifies that there is a structurally depoliticized society which legitimization is reduced to two requirements. The first is a civil privatization perceived from a viewpoint of political restraint (political dealignment). Civil society in its preview that "resides" in a conjunction with career, leisure time and consumption and at the same time, it is expected adequate compensation from the education system (Habermas, 2000,p. 52). The second requirement is a condition where the custom depoliticization of society requires justification, which is provided by either the democratic theories of the elites or technocratic system theories (Habermas, 2000,p. 53). From his point of view, we return to a democracy from a liberal perspective, a minimalistic democracy of Schumpeter or Weber, or institutionalization, where an institutional functioning is a precondition for a stability of democracy. The question here remains, as based on the theory of Lipset, whether state's economic system and its crisis is a precondition for democracy. From the perspective of Lipset, which tried to take into account these conditions, it is obvious that the economic system and its crisis will cause some changes in the political and socio-cultural system. Therefore, Habermas theory of crisis of legitimacy builds on the argument of Karl Marx that the economic crisis leads to a social crisis and then to a crisis of politics (Habermas, 2000,s. 56).

Table 1. The categorization of crises of legitimacy (Habermas, 2000, p. 56)

	<i>System Crisis</i>	<i>Identity Crisis</i>
<b>Economic system</b>	Economic Crisis	
<b>Political system</b>	Rationality Crisis	Legitimation Crisis
<b>Socio-cultural system</b>		Motivation Crisis

If we look better on different forms of crises – economic crisis, the crisis of rationality, a crisis of legitimacy and a crisis of motivation – we can say that these forms and their characteristics lead to threats to democracy also from its normative point of view. Moreover, Marx's school argues that economic crises in capitalism are periodical and necessary (Merkel, 2013,p. 13). Therefore, the government ought to respond to these challenging problems of liberal capitalism in a specific way. Why there is a need for a state to enter into the private sector? According to Habermas, a class has a non-political character in modern societies. Indirectly speaking. Habermas is referring to corporations, a non-political estate, which privatizes the social added capital. However this "non-political estate" must be subordinated to the state's functions and norms (Habermas, 2000,p. 68). In this regard, societies demand larger requirements on the welfare state, the state of liberal democracy. The economic crisis thus becomes a political crisis, which, according to Habermas, has to be solved by a political-

administrative system. This political-administrative system, called by James O Connor (1974) as "fiscal scissors", is under a pressure of increasing expenses for employment or social security just in the time of crisis. However, if the government does not respond quickly to this dilemma, it causes additional, a crisis of rationality in the administrative system (Merkel, 2013,p. 13). An unmanageable situation, so-called government overload, leads to a crisis of legitimacy of the regime itself. A symptom of the crisis of rationality is an inflation and a crisis of public finances because of increasing demands of the socio-cultural system. Regarding the social security, education, pensions, leisure, infrastructure, environment and social consumption, there is a cleavage between collective will (public interest) and public administrative system of the state. The crisis of rationality, so naturally enters into a phase of the crisis of legitimacy in such a way, where the administrative system can perform intended functions, which are important for its maintenance (Habermas, 2000,p. 89). Habermas, on the other hand, does not see the crisis of rationality as a symptom of a loss of rationality of the economic system, but on the contrary, he sees it as a decline of the system of motivations. The problem of socio-economic motivation is the assumption of a crisis of legitimacy as the emergence of doubts about the standards of democracy (Habermas, 2000,p. 90). The crisis arises, if the claims on the conformal compensation will grow faster than a number of available values (Habermas, 2000,p. 95), which means that there are created greater expectations of society, which cannot be satisfied by the state. Finally, this crisis of legitimacy, which prevails by societal demands, deeper the crisis of motivation. The crisis of motivation arises when the socio-cultural system changes so that its outcomes become for the state and for the social system dysfunctional (Habermas, 2000,p. 97). But what does this dysfunction mean? This is an politicization of the society, the exact opposite of the traditional idea of participation. Almond and Verba (1963) on the basis of the political culture pointed out a thesis on the stability of democracy based on civic culture and citizenship. With this respect, the traditional notion of civic culture includes active political participation. The question remains, how this active political participation revitalize in more skeptical and depoliticized society? Habermas says that the structural change the society is going on under a mechanism of the civil privatization, which means that the motivation of a citizen is connected to public sector through interest on consumption of education, concern for family, health, leisure, and the total negativism towards politics (Habermas, 2000,p. 97). Today, from the perspective of Almond and Verba, Habermas claims a contradictory thesis. Nowadays, the citizens are on one hand, passive, unengaged and respectful to elites (Almond and Verba, in Habermas, 2000,p. 99) and, on the other hand, in the framework of the democratic ideals of civic culture, he/she should be active, engaged and have an impact.

Legitimacy is, therefore, from the point of view Habermas, a multidimensional referring to different forms of the legitimacy of political, economic and socio-cultural system interactions. From my point of view, the dimensions are not only coherent, but the relationships between them are mainly causal in nature, which must be reflected in the conceptualization of legitimacy itself. A critical contribution to the Habermas theory of legitimacy points out a legacy of neo-Marxist perspective. Nevertheless, political science has identified several



changes of politics and socio-structural changes. Merkel thus identified on the basis of the Habermas work several challenges of democracy: the periodic crisis of capitalism (the economic crisis), the inadequacy of solutions to the economic crisis by the political system (crisis of rationality), the loss of legitimacy of the weak interconnection of outputs (crisis of legitimacy) and the loss of citizens's confidence in democratic institutions, which leads to the problem of input (the crisis of motivation) (Merkel, 2013, p. 5).

### 3 Conclusion

The main point of this article was to prove that democracy is a normative concept, which has changed its values on the basis of changing politics and structural conditions of societies. On behalf of the determination of independent variable, the crisis of legitimacy, I demonstrated the thesis that democracy is also a variable category. Regardless, I analyzed the legitimation crisis from two aspects – as a condition of stability of the democratic political system (Lipset, 1960) and as a structural understanding of legitimacy (Habermas, 1973). The legitimacy, which brings a stability and an effectiveness into the political system, has then a substantial purpose for democracy and processes of democratization in general. From the Weberian perspective, which is broadly proclaimed as a classical theory of legitimacy and authority, I describe the structural conditions for the legitimacy of a regime by Martin Lipset. In his work *Political Man* (1960) Lipset pointed out the core socio-structural preconditions for a democracy and in my point of view, his contribution is still valid and comprehensive for political analysis. Additionally, Jurgen Habermas offered a broader analysis of structural conditions of the political system in his book *Legitimation Crisis* (1973). Habermas expanded the concept of legitimacy by proclaiming that the political institutions do not have the administrative capabilities to overcome a legitimation crisis which has the structural character. One of my conclusions, regarding the crisis of legitimacy, is that a structural character makes the political institutions redundant because of the modernization processes in a space and a time. I assume that the changing structural conditions of society could always create new challenges for a political reformation and revision of democratic order.

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