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Creating Political Legitimacy

Electoral Democracy Versus Quality of Government

Bo Rothstein
University of Gothenburg, Sweden

It is often held that the establishment of electoral democracy is key to the creation of political legitimacy. This article challenges this idea and presents an alternative. Many empirical studies reveal that electoral democracy has no necessary implications for the establishment of legitimacy. Even in the successful and stable Nordic democracies, there is scant evidence that legitimacy is created on the input side of the political system. For example political legitimacy in the former Yugoslavia broke down not because ethnic groups realized they would become permanent minorities but because the new Croatian state violated citizens' rights in the exercise of power. Legitimacy turns out to be created, maintained, and destroyed not at the input but at the output side of the political system. Hence, political legitimacy depends at least as much on the quality of government than on the capacity of electoral systems to create effective representation.

Keywords: *political legitimacy; democratic theory; quality of government; discrimination; Civil War*

BE NICE TO AMERICA . . . or we'll bring democracy to your country!

Driving around my hometown, Gothenburg in West Sweden, one can occasionally spot cars with a red bumper sticker with the above sentence written on it.[1] Behind this amusing slogan is the now-widespread recognition that the Bush Administration's efforts to create a legitimate political authority in Iraq by introducing electoral mass democracy have failed miserably. Although the Iraqi people have cast their votes several times in surprisingly large numbers, and although the elections were carried out in a reasonably orderly and—at least for this part of the world—surprisingly fair manner, the Iraqi government has been unable to establish itself as the legitimate political authority in the country. In his *Address to the Nation* on December 18, 2005, George W. Bush stated the following:

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> Three days ago, in large numbers, Iraqis went to the polls to choose their own leaders—a landmark day in the history of liberty. In the coming weeks, the ballots will be counted, a new government formed, and a people who suffered in tyranny for so long will become full members of the free world.

To put it mildly, things did not develop as the U.S. administration and its intellectual entourage had predicted (Plesch, 2005). Enabling the Iraqi people to vote and thereby to choose who is going to wield political authority over them has hardly created political legitimacy (Rangwala, 2005). Yet this failure seems to have come as a big surprise (cf. Frum & Perle, 2003). Why should people turn to violent protests when they have ousted a brutal dictator and now have a government that they have elected? In a so-called fact sheet titled *Democracy in Iraq*, issued on December 12, 2005, the White House stated,

> Two and a half years ago, Iraq was in the grip of a cruel dictator. Since then, Iraqis have assumed sovereignty of their country, held free elections, drafted a democratic constitution, and approved that constitution in a nationwide referendum. In three days, they will go to the polls for the third time this year and choose a new government under their new constitution. Difficult work remains, but 2005 will be recorded as a turning point in the history of Iraq, the Middle East, and freedom.

The Bush Administration was hardly alone in thinking that democratic elections resulting in rule by a majority create political legitimacy. Indeed, this view seems to be taken for granted in the scholarly literature as well as by leading international organizations (Goodwin-Gill, 2006). The liberal Danish Prime Minister, Anders Fogh Rasmussen (2007), recently made the following comment when the Danish troops returned home from Iraq:

> What we aimed at the Iraqi people also got. We were successful in carrying out referendums about a new constitution and a democratic election for a government that everyone has recognized as free and fair. But I have honestly to admit that I underestimated the strength of religious fanaticism that fight against freedom and democracy. Like many other Westerners I believed that that demand for democracy and freedom was so universal and strong among all kinds of people, that the foreign troops would be received with open arms as liberators. (p. 11, author's translation)

The view that democratic elections are an effective way of creating political legitimacy has not only been criticized in the aftermath of the Iraq war but it has also been questioned in other conflict-ridden areas such as the Balkans (Ragaru, 2003). As are most central concepts in social science, political legitimacy is important, problematic, and difficult to define. Four distinct views about the attainment of legitimacy are found in the literature. People may accept the political authority of leaders in their country because of (a) tradition, (b) the personal appeal of the leaders (charisma),

(c) the government's production of goods and services, or (d) belief in the fairness of the procedural mechanisms responsible for selecting leaders (Beetham, 1991).

I will have nothing to say about the two first points in this article. Point c is interesting because it comes in two forms. One is that a government can achieve political legitimacy because it serves some notion of the common interest in coordinating citizens' activities in a socially beneficial way. This enables it to gain acceptance for its policies from a large proportion of the population (Przeworski, Stokes, & Manin, 1999). Alternatively, it can obtain legitimacy by receiving support from a just-large-enough part of the population (e.g., a narrow majority) or a segment of powerful interest groups by giving these groups special favor at the expense of the common good (Zakaria, 2003). The problem here is that many other groups in society are unable to press for their own interests because they cannot overcome obstacles to collective action (e.g. consumers, the unemployed). This latter type of legitimacy is usually considered to result from patronage or neocorporatism; it will not feature strongly in the following analysis.

The last and (for present purposes) most important point is usually understood as a process in which legitimacy is attained by the enactment of procedural constitutional representative democracy. On this view, people will accept a political authority because they have been given the right to take part in free and fair elections, resulting in a government that represents the majority of citizens. This constitutes "the essence of democracy: rule of the people by the people" (Lindberg, 2006, p. 1). As formulated by Manin (1997, p. 33), "identity between the will of the representatives and the will of the people is secured through formal legal provisions" constituting some variant of representative democracy. Those who are not part of the majority will still perceive the system as legitimate because they stand a fair chance of becoming the majority in the next election. This procedural package comes with a bundle of other rights for articulating interests, such as the right to stand for office, the right to organize, freedom of expression, and so forth (Dahl, 1989).

This article challenges this widely held idea that electoral democracy is the key for the creation of political legitimacy, and it presents an alternative. Needless to say, this is not a critique of electoral democracy as such, which I take as an indispensable part of a legitimate political system, but an argument against the idea that it can serve as the main pillar for creating political legitimacy. I argue that electoral democracy is highly overrated when it comes to creating legitimacy. On the contrary, legitimacy is created, maintained, and destroyed not by the input but by the output side of the political system. In brief, political legitimacy depends on the quality of government, not the quality of elections or political representation. As elaborated below, the normative basis for the quality of government is its impartiality (Rothstein & Teorell, 2008).

If the prominent political theorist Robert Dahl (1989) is correct in holding that political equality is the basic legitimate norm that guides access to power in a democracy, what then makes the exercise of political power legitimate? Elsewhere,

I have argued that this norm is procedural fairness based on impartiality (Rothstein & Teorell, 2008). What is meant by impartiality in the exercise of public power? When implementing laws and policies, government officials shall not take anything into consideration about the citizen/case that is not beforehand stipulated in the policy or the law (cf. Strömberg, 2000).[2] As Cupit (2000) said, "To act impartially is to be unmoved by certain sorts of considerations—such as special relationships and personal preferences. It is to treat people alike irrespective of personal relationships and personal likes and dislikes."

This sounds very similar to the rule-of-law principle, which for long has been seen as a legitimacy-enhancing feature of any government. However, whereas impartiality is central to the rule of law, the norm of impartiality is broader because it applies to spheres of state action other than those directly governed by law. When public policy is enacted in the so-called human processing area—such as education, health care, social welfare, and active labor-market programs—widely discretionary powers usually need to be transferred to lower-level government officials responsible for implementing policy. Impartial, nondiscriminatory behavior on behalf of these policy enactments is of course a key virtue according to this theory. But it falls outside the sphere of government activity regulated by the rule of law. In other words, quality of government based on the impartiality principle encompasses and goes beyond the rule of law in incorporating other important forms of government actions that may be as important for creating political legitimacy (Rothstein & Teorell, 2008)

Does Electoral Democracy Promote Political Legitimacy?

As stated above, the idea that electoral democracy is the key to political legitimacy is usually taken for granted (Goodwin-Gill, 2006). For example, when Guillermo O'Donnell (one of the most prominent scholars in this field of research) received the first Lifetime Achievement Award in 2006 for the advancement of political science from the International Political Science Association, he stated in his keynote speech that "across most of the globe today, the ultimate claim of a political regime to be legitimate—or at least acceptable—rests on the kind of popular consent that purportedly finds expression in the act of free voting" (O'Donnell, 2007, 6). Likewise, as the political philosopher Allen Buchanan (2002, p. 699) put it,

> According to what may be the most plausible versions of democratic theory, the inequality that political power inevitably involves is justifiable if every citizen has "an equal say" in determining who will wield the power and how it will be wielded.

There seem to be three ideas behind this claim. One is that free voting is based on the principle of political equality, which is the basic norm that renders legitimacy

to a political authority (Dahl, 2006). Whereas most democracies place restrictions on the right to vote (young people, prisoners, and the mentally ill may be excluded), and quite a few ban certain types of (extremist) parties and political expressions (Issacharoff, 2007), political equality that translates into "one citizen one vote" can be seen as a signal that the state treats all citizens with equal concern and respect (Dworkin, 1977). This sign of respect may of course in itself create a form of legitimacy.

The second argument is that numbers count, and at the end of the day the majority should have its way in decisions about public policies. Third, electoral democracy provides losers with the hope that the next time around they may stand a new chance of becoming winners (O'Donnell, 2007). All three arguments rest on the view that legitimacy is created on the input side of the political system—that is, it results from an effective form of interest articulation. Electoral democracy offers at least some approximation of the realization of the will of the people (Esaiassion 2003). In article 21 in the United Nations Declaration of Human Rights, this is stated as follows:

> The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Can something like the Rousseauian will of the people be said to exist? How can we distinguish between sudden changes of popular opinion and what is the long-term interest of the people? Consider a society dominated by strong, clan-based loyalties where it is customary for officials to appropriate public funds for the well-being of their clan. If most citizens believed that members of the other clans would refrain from such practices when they were in office, then they would be willing to scrap this clan-based system and replace it with a more universal alternative (cf. Mungiu-Pippidi, 2006). Because most clan leaders and members do not believe that the other clans would honor such an agreement, the system is stuck in a corrupt equilibrium. Determining the will of the people in a situation like this is impossible.

Let me offer another example. In 1955 a referendum was held in Sweden to determine if driving should be on the left or right side of the road. All neighboring countries had already changed, or decided to change, to right-hand side driving (and Volvo and Saab only produced cars for right-hand side driving!) so the argument for a change was pretty straightforward. Nevertheless, 82.9% voted in favor of keeping left-hand side driving and only 15.3% voted for a change. However, in 1963 the Swedish Parliament decided that the country should switch. Once the change was carried out, it received massive popular support. I would guess that, if asked, 99% of Swedes would say that this was one of the wisest decisions that their political representatives have ever made. In cases like this (and they are many), it is actually very hard to determine what the will of the people consists of. Although the Swedish universal daycare/preschool system is very much the pride of the nation for strengthening

gender equality today, it had very little popular support when it was launched in the early 1970s (Westerståhl & Johansson, 1985).

Another common critique of the will of the people theory is that even in a well-established democracy political leaders or other elites often have the resources required to manufacture whatever will of the people they happen to desire (Brady, 2009 [this issue]; Esaiassion 2003). Whereas I agree with Mackie (2003) and Wittman (1995) that the social choice critique of electoral democracy is one of the most overblown discussions ever to have taken place in the social sciences, arguments for electoral democracy have other weaknesses as well.

A particularly interesting example of these weaknesses can be found in present-day Norway. In the 1990s, the Norwegian government, like its Scandinavian counterparts, organized a mega social science research project designed to analyze how well the country's democracy functions. This research program was led by three political scientists, one sociologist, and a specialist in cultural studies; it engaged more than a hundred scholars from many other disciplines, including law and the humanities. Studies about almost every aspect of Norwegian democracy were carried out between 1998 and 2003, and culminated in a final report. To put it mildly, this report gives a very bleak picture of the present quality of democracy in Norway. This report concludes that

> The parliamentary chain of government is weakened in every link; parties and elections are less mobilizing; minority governments imply that the connection between election results and policy formation is broken; and elected assemblies have been suffering a notable loss of domain. (Østerud & Selle, 2006, p. 25).

It also points to other ways in which Norwegian representative democracy had eroded over the course of the study: Parliament had lost power to market forces, the mass media had become more dominated by the logic of the market, and parties and major nationwide interest organizations functioned less well and recruited fewer members and activists (Selle & Østerud, 2006).[3]

The entire research program was premised on the belief that electoral democracy creates legitimacy (Tranvik & Selle, 2003). The program's empirical studies—on almost every conceivable aspect of the workings of Norwegian democracy—were evaluated against this normative ideal (described as the "parliamentary chain of government"; cf. Olsen, 1992) starting with the voters and ending with the political decisions that are actually implemented (Christiansen & Togeby, 2006).

In his thoughtful (and positive) review of this report, Ringen (2004) made a poignant comment. Although he did not disagree with the report's many criticisms of the workings of Norwegian democracy, he pointed out an intriguing irony. Norway is an extremely rich country with a highly educated electorate. The income from the North Sea oil creates an almost unmanageable budget surplus for the government. For many years the country has been peaceful, lacking in major social conflicts. Norway has a

long popular democratic tradition going back to at least 1814 when the constitution was created. Furthermore, this is a country with a very generous welfare system, few industrial conflicts, an ethnically homogenous population and a political culture built on compromise, full respect of minority rights, and no known violations of human rights or liberties. Together with the other Nordic countries, Norway ranks at the very top in the United Nations Development Program's measure of human development. Its corruption by standard measures is one of the lowest in the world and politicians are for the most part seen as honest and benevolent. Ringen's most interesting remark was that if it is not possible to get a system of electoral (read will of the people) democracy to work reasonably well in a country like this, then where on earth is such a system going to work? If this is what empirical reality looks like in rich, peaceful and homogeneous Norway, then what are the chances that this system of democratic representation will work to create legitimacy by introducing electoral democracy in countries like Iraq, Nigeria, or Bosnia?

Norwegian problems with democracy are not unique—the paradox is that whereas electoral democracy is hugely successful on the global level, especially considering the number of countries that have introduced some variant of this system and (not least) as a normative ideal, the citizens who actually live in countries that practice the system are less and less satisfied with its actual workings. Trust in central political institutions of electoral or representative democracy (parties, parliaments, politicians, local governments) appears to be decreasing in most established democracies (Dogan, 2005; Holmberg, 1999b; Pharr & Putnam, 2000). There are also important problems in the central institutions of the democratic chain of command in the other Scandinavian countries (Esaiasson & Holmberg, 1996; Teorell, 1998). In Sweden, the congruence in political opinions between the Members of Parliament and the majority of the electorate on a number of specific issues has been measured since the late 1960s. The result is not good news for those who believe in representative democracy. In fact, the congruence is far lower than a lottery would have produced (Holmberg 1999c). The results from similar studies of Germany, France, and the United States are not any better (Holmberg, 1999a).

Moreover, survey research in Sweden fails to show a positive correlation between citizens' political trust and congruence between their opinions and those of their elected representatives on a number of political issues (Holmberg, 2000). From 20 yearly survey studies on the degree of confidence that Swedish citizens have in various political institutions comes a truly puzzling result. Institutions whose leaders are elected—political parties, unions, the European Union Parliament, the Swedish Parliament, and the city councils—generate less confidence than do those in which citizens have no voice in selecting leaders, such as the public health care system, universities, the courts, the police, the social service, the Central Bank, and the Royal Family (Holmberg & Weibull, 2007). Overall, Swedish citizens have greater confidence in appointed power holders (doctors, professors, judges, policemen, central bank leaders, social workers) than in elected ones.

The shortcomings of the established representative system for producing an unbiased or reasonably well-informed will of the people has resulted in some pretty radical suggestions for alternative models, such as the adoption of a "deliberation day" (Ackerman & Fishkin, 2004). Still, most observers would argue that proclaiming that the Scandinavian democracies (or other established Western-style democracies) are in a state of deep crisis and on the verge of collapsing is like crying wolf. True, political parties are not always havens for democratic procedures. True, Murdoch-style mass media offer no ideal for unbiased political information. True, private money plays a troubling role in many democracies. True, voting is lower than we would have hoped for. True, interest and lobby groups often play a dubious role. True, powerful bureaucracies have been known for derailing the policy intentions in the implementation process. The list can go on and on. In fact if, as Dahl (2006) states, political equality is the norm that underpins electoral democracy, and if this is to be understood as providing this system with legitimacy by ensuring that every citizen has the same chance of influencing public policies, then every known national democracy is (and will always be) light years away from realizing this ideal. At the end of the day, all this evidence about the failings of actual Western-style democracies leads us to ask if something other than the Rousseauian will of the people renders these governments legitimate.

Minorities, Electoral Democracy and Legitimacy

To this point I have discussed the ample empirical research showing that even for citizens who are in majority electoral democracy does not work very well to articulate interests and transform them into appropriate public policies. Beyond this, the notion that electoral democracy in and of itself can serve as a vehicle for creating legitimacy appears to be mistaken. In all known democracies, there are minority groups who know that they are never destined to become the majority no matter how many elections are held. For these minorities, legitimacy cannot derive from the belief that they will prevail in some future election (Przeworski, 1991, pp. 10-33). Even so, many of these perpetual minorities do not rebel against their political system. Instead, in some cases they seem to thrive. To take a few examples, Finland has a spatially concentrated Swedish-speaking minority with a distinct culture that constitutes about 6% of the population. This minority has higher levels of trust in Finnish political parties and is more satisfied with the performance of the government than the Finnish-speaking majority is (Bengtsson & Grönlund, 2005).[4] German-speaking minorities in Denmark, Belgium, France, and Italy appear to be doing equally well (Wolff, 2001). Ditto for the large Hungarian minorities living in Romania and in the Slovak Republic.[5]

Other kinds of minorities are in a similar situation. Scandinavian voters who would prefer to live in a society with lower levels of public spending (such as the United Kingdom) have no chance of becoming a majority. In a recent analysis based

on survey data from 38 national election studies, Esaiassion showed that there is surprisingly little evidence that those on the losing side of a national election decrease their support for the political system. In fact, in many cases the losers actually become more supportive of the political system (Esaiassion, 2007). This casts further doubt on the will-of-the-people theory of legitimacy as well as on the Schumperterian view that the main function of elections is to provide accountability.

Thus, in a large number of cases it appears as if electoral democracy is not a necessary condition for the creation of political legitimacy. In the cases I know best (Denmark and Finland), there is little support for the idea that ethnic and linguistic minorities regard the political system as illegitimate even though they can never hope to attain a majority and thus determine public policy.[6] If so, what other feature of the political system is responsible for the attainment of political legitimacy? Obvious candidates include factors like minority rights and the rule of law, but I argue that these concepts do not go to the heart of the matter. To shed light on this, I discuss a recent example when legitimacy completely broke down, namely the outbreak of the civil war in the former Yugoslavia.

The Counterpoint to Legitimacy—The Outbreak of Civil War

The complexity of the concept of legitimacy makes it very difficult to operationalize and measure it in empirical research. Surveys are often used, but when a person states that he or she does not have confidence in a political institution, this is not necessarily a good measure of lack of political legitimacy. Low confidence in a Parliament, for example, may be because of (a) healthy skepticism of authorities that people often conceive of as a democratic virtue, (b) dislike of the current majority but not necessarily of the democratic system as a whole, (c) disdain for some recent policy or scandal despite support for the system.

Another window on the causes of legitimacy can be provided by historical case studies of its breakdown. What counts as a breakdown of legitimacy is of course debatable, but most people would agree that when large groups of citizens take up guns and start a civil war, this is a clear-cut indicator that something has gone astray with the democratic system's legitimacy.[7] By studying these events, one may discover the causal mechanism responsible for the breakdown of legitimacy. When it comes to newly established democracies, recent empirical research presents a fascinating finding: The process of establishing electoral democracy generates a considerable amount of political violence (Mann, 2005). When citizens get the right to participate in reasonably free and fair elections and choose representatives who in due time will adopt policies mandated by the will of the people, things ought to go well. But this seems not to be the case. Often, the resulting political representatives are "elected to fight" (Mansfield & Snyder, 2005).

The civil war in the former Yugoslavia is a case in point. There are certainly numerous explanations for the outbreak of this civil war, ranging from those that point at ancient hatreds to the ambition of specific political leaders and the failures of the international community to intervene in due time. Other explanations point to specific decisions (or miscalculations) by specific political leaders. Some of the explanations point to historical and cultural forces that appear to have made the war inevitable. The number of explanations is overwhelming and sometimes it seems as if there is a distinct explanation for each writer.

In the following discussion, I try to disentangle the sequence of events that led to the outbreak of violence. The analysis is very simple and inspired by noncooperative evolutionary game theory. In such situations, people react to recent actions by the other agents, and their behavior—peaceful cooperation or defection by engaging in violence—depends on their belief about others' behavior (Aumann & Dreze, 2005). People base these decisions not on perfect information (which is virtually impossible to get in a case like this) but on whatever information that they can obtain. Moreover, they constantly "adjust their behavior based on what they think other agents are going to do, and these expectations are generated endogenously by information about what other agents have done in the past" (Young, 1998, p. 29). A central part of this theory is that behavior is disentangled from basic beliefs. The agents' behavior evolves dynamically as they learn about what the other side is doing, whereas their normative beliefs about the world (e.g., that it is best to live in peace with one's neighbors in different ethnic communities) are not necessarily revised.

This is not the place to give a thorough background of this tragic conflict. What I want to underline is an argument put forward by Ignatieff (1993, p. 13), namely that in many respects this conflict was unexpected. First, this is because Tito's policy from the 1960s to replace the various national identities with a Yugoslav identity was relatively successful. Second, because Serbs and Croats had similar languages and habits, they were "neighbours, friends and spouses, not inhabitants of different planets" (Ignatieff, 1993, p. 15). There are several analyses of specific ethnically mixed villages that substantiate this (Gagnon, 2004; Oberschall, 2000). This is in line with Fearon and Laitin's (2003) quantitative analysis that lends support to the argument that ethnic diversity is not a primary cause of civil wars. Third, Ignatieff argued convincingly that the conflict cannot be traced back to some kind of uniquely Balkan viciousness. The ethnic cleansing nationalism and murderous practices that had taken place during the Second World War in the Balkans were all imports from Western Europe, and if Western Europe could erase these habits during the postwar era, the same should have been possible in the former Yugoslavia:

> Therefore, we are making excuses for ourselves when we dismiss the Balkans as a subrational zone of intractable fanaticism. And we are ending the search for explanation just when it should begin if we assert that local ethnic hatreds were so rooted in history that they were bound to explode into nationalist violence. On the contrary, these people had to be transformed from neighbors to enemies. (Ignatieff, 1993, p. 15ff)

My interpretation of these events is as follows. First, Slovenia decided to secede. This met with some opposition in Belgrade, but because Slovenia only had a small population of Serbs, very little fighting took place before Slovenia was de facto acknowledged as an independent state. When Croatia desired to secede, it had a fairly large Serbian minority (about 11%) principally residing in the province of Krajina. This Serbian minority became worried about its fate in the new state, especially because the first elections were won by a nationalist Croat party led by Franjo Tudjman. Despite this, the Serb leaders in Croatia initially put forth relatively modest political demands; they had no intention of taking the Serb minority out of the new Croat Republic (Mann, 2005). In a speech to 10,000 Serbs delivered in June 1990, the most important Serb leader in Croatia then, Jovan Rašković, stated that

> The Serbs respect the Croatian people's right to their sovereign state, but they (the Serbs) demand in that state an equal position for the Serbian and other peoples. The Serbs do not want a second state in Croatia, but they demand autonomy. . . . The Serbian people in Croatia should be allowed to speak their language, to write their scripts, to have their schools (cheers), to have their education programs, their publishing houses, and their newspapers. (Silber & Little, 1997, p. 95)

Rašković's claims were modest and in fact similar to those of the Danish-speaking minority in Germany and the Swedish-speaking minority in Finland. Thus the prospect that Serbs would be a permanent minority in a new Croatian state was not sufficient for these leaders to consider the new Croatian state as illegitimate. However, the newly elected nationalist Tudjman regime was unwilling to compromise with these moderate Serb leaders. Instead, the regime did five things that ignited the conflict and led to the outburst of violence in the Krajina and later in other parts of former Yugoslavia.

First, the constitution of the new state ensured that Serbs would be treated as second-class citizens in Croatia. The moderate Serbian leaders' demand that Serbs be defined as a constituent nation on an equal footing with the Croats was denied (Gow, 2003, p. 44). Instead, the new constitution held that Croatia was to be a state for Croatians and that all other nations were to be considered as national minorities. Since the constitution of the Yugoslavian Federation regarded the Serbs in Croatia as a constituent nation of the Republic of Croatia, this important change "was a hammer-blow to Rašković. It strengthened the hand of Serb nationalists much more radical than he: those who wanted territorial autonomy, and finally, secession from Croatia" (Silber & Little, 1997, p. 97).

Second, the Tudjman regime began to fire employees from government jobs merely because they were Serbs (Gow, 2003; Oberschall, 2000). These layoffs took part in the country as a whole but also in the Krajina, where ethnic Serbs were a majority (Silber & Little, 1997; Woodward, 1995, p. 107). "Massive layoffs of Serbs took place almost immediately after Tudjman's election, striking Serbs in the police,

army, the judiciary and the educational institutions" (Udovički & Torov, 1997, p. 94). Third, non-Croats were differentiated from Croats in yet another way:

> An official document called a *Domovnica* (a form providing proof of Croatian origin) was instituted and became an instrument of differentiation between Croats and non-Croats when it came to jobs and privileges. Opening a private business, obtaining medical coverage and the right to retirement pay, getting a passport or a driver's license, even in some cases being qualified to make withdrawals from one's own savings accounts—all these things hinged on the possession of a Domovnica. (Udovički & Torov, 1997, p. 95).

Fourth, from very early on (the summer of 1989), the police forces of the new regime failed to protect the security of Serb minorities "from vicious outbursts of anti-Serb terror in some mixed communities" (Woodward, 1995, p. 107). It is noteworthy that these events took place even before moderate Serb leaders had made their demands. Thus, for the Serb minority, the new Croatian state showed itself to be a "weak state" unable to provide even basic protection (Fearon & Laitin, 2003, p. 76). Last, the Tudjman regime deliberately leaked information given to it by the moderate Serb leaders expressing their willingness to compromise and their doubts about more radical Serbian elements of the Serbian community. This delegitimated the moderate Serb leaders in the eyes of their own community. It also strengthened more militant Serb leaders in the Krajina whose aim "was not to secure for the Serbs autonomy inside Croatia, but to take the Serbs, and the land on which they lived, out of Croatia altogether" (Silber & Little, 1997, p. 97).

In conjunction with the delegitimation of the moderate Serb leadership, these policy changes carried out by the Tudjman regime sent a clear signal to the Serb minority that the new constitution was not merely symbolic but would likely have very negative consequences for their life chances. The police could not be trusted to protect Serbs from attacks, no Serbs would apply when looking for government jobs, and they would encounter difficulty dealing with the new state's Croatian bureaucracy because of a lack of necessary documents.

The resulting violent conflict over the control of the police forces in the Krajina empowered Serbian secessionist political entrepreneurs. The secessionists mobilized support for their cause in Belgrade, outmaneuvered the more moderate Serbian leaders, and received military support from the Serb-dominated National Yugoslav Army (Bennett, 1995: Oberschall, 2000; Silber & Little, 1997; Udovički & Torov, 1997).[8] Notably, the Milosevic regime in Belgrade did not publicly recognize or support the self-declared "Serb Autonomous Province of Krajina" until after the first (two) causalities in a clash between Croatian police forces and the Krajina-Serb militia over the control of a local post office (Silber & Little, 1997, p. 137). Serbian leaders in Belgrade did not protest against Croatia merely because the Serbs in Croatia were downgraded to a national minority. They only took action

after the Tudjman regime made it clear that the Serbian minority in Croatia would be the victims of discrimination.[9]

Interpreting the Causal Logic of Legitimacy

The main lesson from this interpretation of events following the establishment of the Croatian state is that political legitimacy is more dependent on the output side of the political system than on the input side. As such, it is connected to citizens' perceptions about procedural fairness in the implementation of public policies (cf. Grimes, 2006). In fact, the input (will of the people) side of the political system seems rather unimportant: After all, the Serb leaders in the new Croatian state were resigned to their new status as belonging to a permanent minority. As is the case for many other minorities, the Serbs in Croatia were prepared to accept Croatian rule if they were given cultural autonomy in the Krajina and a guarantee of civil and political rights. Not until this option was rejected by the Tudjman government did the Serbs change strategy from compromise and negotiation to violent confrontation.[10] This interpretation of the evolutionary game that took place in Croatia explains why the secessionist Serb leaders could persuade the members of their community that their Croatian neighbors, friends—and in some cases even spouses—were out to harm them. Hence, they had better start fighting back.

My argument is not that weak state capacity causes civil war (cf. Migdal, 1988). Instead, I suggest that a state that systematically departs from the ideal of impartiality in implementing policy will be seen as illegitimate. Logically, it is more plausible that a strong state can implement systematic discrimination against ethnic or racial minorities. The idea that legitimacy has more to do with the exercise of government power than the access to this power by participation in elections makes a lot of sense. Your ability to vote is unlikely to have a clear and significant impact on your life chances: The likelihood that your vote will be decisive is, of course, miniscule. Many citizens voluntarily abstain from voting and from participating in other forms of political activity on the input side of the political system. However, if the police do not protect you because you are an X-type citizen, if the fire-brigade does not come to your house because you are a Z-type citizen, if your children are systematically discriminated against in the schools because they are Y-type children, and if the doctors at the hospital ignore you because you are a P-type person, then you are in real trouble. To be blunt, whereas what happens on the input side usually has little consequence for individual citizens, what the state does on the output side may be life threatening. Because Croatia had formerly been a semicommunist society, most social services and insurance, health care, and education were run by government officials (as is the case in most European welfare states). This magnifies the importance of the treatment of citizens on the output side. In sum, ethnic and linguistic minorities that are reasonably well protected against discrimination by government

authorities and are granted cultural autonomy are likely to regard their political system as legitimate. However, attaining legitimacy in a situation like that of the Krajina is much more difficult. What the state does with respect to the output side affects people in a direct way (cf. Kumlin, 2004). If this analysis is correct, then it is on the output side of the political system that the battle of broad-based political legitimacy is won or lost.

This interpretation of the outbreak of civil war in former Yugoslavia is just one illustrative case.[11] However, in a comparative statistical analysis, Öberg and Melander (2005) showed that the occurrence of civil wars is not positively related to democracy but to bureaucratic quality. They argued that the relationship between democracy and civil war is *U* shaped, meaning that such conflicts are most common in what they label as quasi-democracies.[11] Using data about bureaucratic quality from 141 countries during the years 1984 through 2004[12] and controlling for a number of other variables (poverty, lack of economic development, time since previous conflicts, ethnic dominance and political instability), they found that bureaucratic quality is extremely significant for explaining the outbreak of civil wars. However, the causal mechanism they advanced to explain the relationship between bureaucratic quality and civil war is very different from the present one because it is not geared to the lack of impartiality and discrimination. Instead, they argued that bureaucratic quality increases the state's ability to obtain good intelligence about potential rebels as well as advancing the government's capabilities to distribute resources so "that each actor prefers to rebel" and to be effective in the implementation process (Öberg & Melander 2005, p. 9).

Levi's (1998) analysis of compliance to the demand for military service in Canada during the First World War offers further evidence that legitimacy is linked to state output. Levi showed that large numbers of French Canadians numbers refused to volunteer for the war. Moreover, Quebecois strongly opposed conscription. This is difficult to explain from a will-of-the-people theory of legitimacy because the Francophone Canadian soldiers would have gone to war to defend France on French soil and thus would be saving the homeland. Levi's analysis suggests most French Canadians believed that the Anglo-dominated government and army would not treat them impartially. Although there was no official discrimination against French Canadians in the military, "Francophone servicemen felt and were often made to feel uncomfortable" (Levi, 1998, p. 149). One possible interpretation is that many French Canadian young men may have thought that if they were to serve in army units led by Anglophones they would be discriminated against or simply be used as cannon fodder.

There is also wealth of survey-based studies about the determinants of citizens' satisfaction with democracy indicating that performance is more important than support for the will-of-the-people ideal (Diamond, 1999, p. 192). In one comparative study based on data from 72 countries, Gilley (2006, p. 57) found that "general governance (a composite of the rule of law, control of corruption and government

effectiveness) has a large, even overarching importance in global citizen evaluations of states." Another example comes from a recent study based on survey data from Latin America that concludes that for the majority of Latin Americans "democracy was embraced not just as a result of belief in its intrinsic legitimacy or because of any ideological value but mainly because of an ability to deliver expected results" (Sarsfield & Echegaray, 2006, p. 169). Yet another study that points in this direction is Seligson's (2002) survey-based analysis of the relationship between citizens' experience of corruption of government officials in law enforcement and political legitimacy carried out in four Latin American countries. Corruption of law enforcement officials is clearly a departure from the ideal of impartiality on the output side of the political system and this study shows that this type of corruption has a negative effect on political legitimacy even after controlling for if the correspondents had voted for the incumbent party in the last election (Seligson, 2002). Thus, experiencing low quality government is more important for the decline of political legitimacy than being part of the ruling electoral majority.

Conclusions and Reflections

If the representational system is democratic and public policies are decided according to the rules of this system, citizens will regard political decisions as legitimate—so goes the precept in mainstream democratic theory. They will do this either because they feel they belong to the political majority or accept that the majority rules until the next election. As this presentation has shown, however, this analysis of political legitimacy does not suffice. Instead, the main sources of political legitimacy are situated on the output side of the political system and have to do with the quality of government. It is the absence of corruption, discrimination, and similar violations of the principle of impartiality in exercising political power that serves to create political legitimacy. The manner in which public administrations are organized is not just a question of economic rationality and administrative efficiency. In addition, citizens seem to have strong norms about what to expect when they encounter government officials that implement public policies. This argument is built on the fact that citizens generally come into contact with the output side of the political system—with the administration, that is—far more frequently and intensively than they do with its input side. Moreover, what happens to them on the output side is often of crucial importance for their well-being. One could say that the public administration is the political system—as citizens concretely encounter and experience it. The character of the administration, therefore, is decisive for the way in which the political system is viewed. However, my argument is not that if a country is going to democratize, legitimacy through impartiality in the exercise of public policies should come before free and fair elections (Berman, 2007; Carothers, 2007). Instead, impartiality as the basic norm for generating legitimacy on the output side

of the political system is the equivalent of political equality as the basic norm on the input side. Respect for both norms must be considered to be central in a process of legitimization. If this line of reasoning is correct, it should have important implications in the efforts made from the industrialized world in promoting democracy in developing countries. As the Iraqi case clearly shows, merely bringing electoral democracy to a country is not likely to create political legitimacy.

The argument in this article has been that (a) political legitimacy ought to be the ultimate goal for any system of governance and (b) there is very little evidence that electoral democracy is the principal political instrument for the creation of legitimacy. Given the widespread belief in the superiority of electoral democracy, what accounts for its relatively minor role in creating political legitimacy? Let me very tentatively present three ideas. The first is that the introduction of electoral democracy creates a political opposition.[14] Simply put, it is hard to think of free and fair elections if there is no alternative to vote for. This has other implications. One of the most interesting things about communist dictatorships (and many others) is their inability to overcome the problem of succession. Dictatorships and other forms of authoritarian systems have a strong tendency to become gerontocracies. The third argument also concerns the political elite. Any ruling group, whether or not democratically elected, sooner or later loses touch with reality.[15] The reason probably is that after a while most systems of power tend to shield leaders from information (or to be more precise, the carriers of information) they do not appreciate to receive. For example, the Romanian communist leader Ceauşescu seems to have been convinced that his people strongly supported him at the very eve of his dismissal from power in 1989. When in 1989 the Polish Communist Party for the first time decided to allow for competitive elections to the new Senate, they appear to have been convinced up until the eve of the elections that they would get a majority of the seats. In fact, they got none. The same appears to have been the case for Pinochet in Chile and for the Sandinistas in Nicaragua in 1990.[16] My point is that democratic elections force political leaders to pay close attention to reality—or to be more precise, the perceived reality among a majority of the population.[17] Finally, elections may be good for the general political discussion and the education of citizens about public matters which, ceteris paribus, ought to increase political legitimacy. Politicians have to present alternatives, they have to argue for why their policies are better than their opponents', and in some cases the mass media are said to enlighten citizens about the feasibility and moral logic of these alternatives. However, even in a stable democracy like Sweden, the empirical evidence that elections foster legitimacy is not overwhelming (Petersson, 2006).

Notes

1. See http://www.stickergiant.com/, click "social-political," "progressive," and "anti-Bush."

2. It should be stressed that this definition does not imply that no other concerns than those stipulated beforehand by law should be taken into consideration when settling a case. Time or budget constraints

would be perfectly legitimate concerns, although they are rarely mentioned by laws or specific policies. Rather, what this definition implies is that no other characteristic of the citizen or the case to be dealt with—other than those stipulated in the policy or law—should be taken into consideration.

3. It should be noted that the Danish Power study that was carried out under the same period as the Norwegian project came with a much more positive report about the status of Danish Democracy (see Christiansen & Togeby, 2006). That two similar large research programs in two countries as similar as Denmark and Norway, using the same normative ideal about what should count as a good democracy, can produce so very different results is of course in itself interesting. Not all of this can be explained by differences in what has taken place during the past three decades in these countries.

4. There are certainly cases where things have turned out at to be more complicated (the Quebecois, the Catholics in Northern Ireland, the Basques).

5. See The Hungarian Government Office for Hungarian Minorities Abroad; Accessed on June 26, 2009, from http://www.hhrf.org/htmh/en/.

6. I am focusing on ethnic minorities here. Of course, there are other types of minorities based on, for example, sexual orientation, social class, and opinions. People who think that abortion is murder and should therefore not be allowed will in all likelihood always constitute a minority in the Nordic countries. What makes the minorities mentioned above interesting is that they also live in distinct parts of the country, which should make collective action an easier task according to what Hardin (1985) has labelled the logic of coordination.

7. Or as one of my first teachers in political science, Torbjörn Vallinder, used to say, "Democracy is a simple thing. You count the heads instead of chopping them off."

8. This interpretation of the history of the outbreak of the war should not be taken as an excuse for the many horrible war crimes that the Serbian military and paramilitary forces committed during the war that was to follow these events. However, what the Tudjman regime initially did was to give the nationalist hate mongers among the Serbs all the arguments that they needed.

9. Needless to say, I do not claim to have intimate or expert knowledge about the outburst of this tragic conflict (and as can be seen, I have to rely on secondary sources because I cannot read the Serbo-Croatian language). Furthermore, it is not unlikely that I have missed something of importance.

10. It is not at all certain that the initial moderate strategy of the Serb leaders would have had a chance to become successful. Even if the Tudjman regime would have played along, using their propaganda machine, the Milosevic regime in Belgrade may have been able to persuade the Serb minority in Croatia to abandon the moderate strategy, not least as the Croatians did not have a very good history of play from the Second World War. However, we can never know this because the confrontational actions by the Tudjman regime against the moderate Serbs effectively prevented a peaceful resolution to the crisis and made the following confrontational propaganda from Belgrade look credible in the eyes of many Serbs.

11. Recent historical research shows that one can give the same type of explanation for the outbreak of the Spanish Civil war in 1936. The newly elected Left government used the state to make lots of arbitrary political arrests of members of rightist parties, gave impunity for criminal action for members of the Popular Front parties, politicized the legal system to facilitate political arrests, accepted violation of property rights en masse, and so forth. "By refusing to enforce the law equally and by intensifying its policy of harassment of the right, the time would come when many moderate conservatives would be willing to ally themselves with the radical right" (Payne, 2006, p. 363). What drove many middle-class citizens into the arms of the fascist was the unwillingness of the Popular Front government to respect the ideal of impartiality in the implementation of policies.

12. An exception is a study by Fearon and Laitin (2003), but according to Öberg and Melander (2005) this is because they included wars of colonial independence, which implies that a number of Western European countries are coded as having civil wars during the 1950s and 1960s.

13. Their data on bureaucratic quality are from the International Country Risk Guide; see www.prsgroup.com/ICRG.aspx.

14. I thank Jan Teorell for this important insight.

15. This idea comes from my many discussions about Swedish educational policy with AnnChristin Rothstein.

16. Thanks to Adam Przeworski for providing me with this information.

17. In pure electoral terms, one of the world's most successful political leader is the Swedish Social Democrat Mr. Tage Erlander, who was Prime Minister for an uninterrupted period of 23 years (1946–1969). We he resigned as party leader in 1969, the advice he gave to his successor, Mr. Olof Palme, in his speech at the party was, "Listen to the Movement" (*movement* in this case being the Swedish labor movement). Thus, he did not say, "Do what the people want you to do" or "Be guided by the will of the people." A reasonable interpretation of "listen to the movement" is "Keep track of reality."

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Bo Rothstein holds the August Röhss Chair in Political Science at the University of Gothenburg in Sweden. He has been a visiting scholar at the Russell Sage Foundation, Cornell University, and Harvard University. Among his publications in English are *Just Institutions Matter: The Moral and Political Logic of the Universal Welfare State* (Cambridge University Press, 1998), *Creating Social Trust in Post-Socialist Societies* (edited volume with Janos Kornai and Susan Rose-Ackerman, Palgrave Macmillan, 2004) and *Social Traps and the Problem of Trust* (Cambridge University Press, 2005). His scholarly articles have appeared in journals such as *Comparative Politics*, *The Journal of Theoretical Politics*, *Politics & Society*, *Rationality and Society*, *World Politics*, and *Comparative Political Studies*.