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Researching State Legitimacy: A Political Approach to a Political Problem

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The Developmental Leadership Program (DLP) is an international research initiative based at the University of Birmingham, and working in partnership with University College London (UCL) and La Trobe University in Melbourne.

DLP aims to increase understanding of the political processes that drive or constrain development. Its work focuses on the crucial role of home-grown leaderships and coalitions in forging legitimate institutions that promote developmental outcomes.

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Executive summary

State legitimacy underpins power relations. It is an important concept for understanding power and politics, yet research on it has been surprisingly apolitical. Research has focused on measuring legitimacy and its sources at narrow points in time, at the expense of explaining how changes in legitimacy happen, and the people, ideas and political processes behind them. This paper carves a path through the sprawling debate on the meaning and measurement of state legitimacy, and sets out a political approach to researching it. Explaining legitimation and de-legitimation requires attention to political structures, ideas and agency – in particular, to the expectations established through the social contract, the nature of the political settlement, and how legitimacy claims are made and contested in public discourse. The paper provides an analytical framework that applies this political approach to a key question for state-building practitioners and legitimacy scholars: whether, when and why service delivery supports or undermines state legitimacy.

What legitimacy is, and what it's not

In its basic interpretation, state legitimacy means **citizens believe in the state's basic right to rule** over them and are willing to defer to it (Gilley, 2009). It is an elusive phenomenon: researchers cannot observe it directly; they can only observe how it reveals itself through thoughts or actions. Yet legitimacy is an important concept because it is primarily concerned with how actors or institutions accrue and maintain power. Studying legitimacy helps us understand the circumstances under which the use of power is willingly, as opposed to coercively, accepted (Gilley, 2009). It draws our attention to the accord between rulers and ruled, or dominant and subordinate, and asks us to pay attention to the terms of that accord – why unequal power relations are accepted by the subordinate, and what they might expect in return (Coicaud, 2002).

More specifically, legitimacy is popular approval of the state's 'rules of the game', or the system of rules and expectations on which government actions are based. It is distinct from approval of government actions, from confidence in the state's capacity to uphold the social contract, and from trust that the state's institutions will fulfil their obligations. Rather, legitimacy is the social rightfulness of the rules by which those institutions operate.

Three key questions

What is being legitimised? In any given context, the state might be viewed as a functional apparatus, an individual leader, a system of rules, or a collective national identity. An empirical approach to state legitimacy implies not adopting an externally imposed **view of what the state is, or what it means**. Further, citizens may view the state's various institutions differently, and their views of specific institutions may or may not signify or add up to the state's legitimacy as a whole.

On what basis? A legitimate state is one that uses power in justifiable ways. Justifiability is context-specific, and **depends on social norms**. Studying state legitimacy means studying those norms – the moral criteria against which the state is judged – and how far it fulfils those criteria. It is not about making assumptions about what sorts of institutions should be legitimate, but instead discovering the underlying moral principles that make them legitimate in any given setting.

By whom? Legitimacy beliefs may vary among population groups, and therefore also geographically. Likewise, not all citizens or organised groups are equal in their capacity to confer legitimacy on the state, or to orchestrate processes that could de-legitimise it. In some contexts, only powerful groups like the military or business may be able to influence the state's legitimacy. Explanations of state legitimacy need to account for the ability of **different social groups** to form a critical mass with the **capacity to confer legitimacy** on the state, or to withdraw it.

Measuring state legitimacy

Much research on legitimacy is not focused on the politics of its construction – that is, what is being legitimised, on what basis, by whom, and the political and communication processes through which (de-)legitimation happens. Measuring legitimacy has dominated the field, but has tended to provide a static, apolitical, and actor-free account.

Researchers have mainly measured legitimacy either by asking people how they perceive the state, or by observing how far people act as though it is legitimate, or some combination of the two. Both opinion-based and behavioural entry points

have strong theoretical rationales, but neither is a precise measurement tool for capturing the right to rule. Further, focusing only on these entry points neglects the political processes of legitimation that lie behind any changes in opinion-based or behavioural markers.

A political approach to legitimacy

Changes in legitimacy (indicators) at critical junctures – or those moments when the state's legitimacy consolidates or is called into question – are products of historical legacies, shifting social norms and political processes. These changes can only be understood in the context of the expectations in the social contract, which set a threshold of acceptability against which the state's rightfulness is assessed. The changes happen under the influence of the contemporary political settlement, and are a product of the degree to which powerful groups are included or excluded from the state's resources.

They are engineered through political processes – such as when elites draw on people's norms and ideas to persuade them that the rules of power are justifiable. Through such processes, evaluations of the state (beliefs) are collectively formulated and turned into action (behaviour). A focus on these historical legacies and political processes, and how they can help explain changes in legitimacy, brings us closer to the political heart of the concept – that is, on what basis, how and by whom legitimacy is engineered in the contest over rightful power.

A framework for analysing service delivery and state legitimacy

So how can this understanding of legitimacy help us address specific legitimacy puzzles? The framework summarised in the table below applies this political and historically-informed approach to the question of whether, when, and why service delivery supports or undermines a state's legitimacy.

Exploring why and how services influence state legitimacy in political perspective

		Possible focus of analysis
Service	Justifiability of service delivery	Norms Procedures Outcomes
	Service characteristics	Historical and social significance Visibility and attributability
Structure	Social contract	Expectations of rights and entitlements
	Legitimacy context	State's legitimacy reservoir/starting points
	Nature of political settlement	Inclusion/exclusion of different groups
Agency	The (de-)legitimation process	Public discourse around service delivery Politicisation of procedures / norms / outcomes

Table 2 on p.13 further unpacks how policymakers could consider the range of effects service delivery might have on state legitimacy, and the kinds of assumption researchers could test about these effects.

The framework incorporates the role of history and politics in four ways:

- It calls for more attention to **social norms**, against which the justifiability of service delivery is assessed, in understanding when and why services may influence changes in legitimacy.

- It proposes that any legitimacy gains/losses attributable to changes in service delivery have to be understood in the context of the **social contract** and the expectations of rights and entitlements it establishes.

- It draws attention to the **structural political conditions** that form the backdrop of citizens' assessments of the state's performance on service delivery. These include the degree and sources of legitimacy the state has overall, and the inclusion/exclusion of certain groups in the political settlement.

- It incorporates the role of processes of **politicisation**, paying particular attention to how actors convey the justifiability of services, and how this influences perceptions of, or behaviour towards, the state.

Exploring these conditions through qualitative analysis could help give thick, narrative description to any identified correlations between indicators, and could support a fuller political analysis of what is a fundamentally political phenomenon.

1

Introduction: the puzzle of state legitimacy

State legitimacy is a difficult yet central concept for understanding the politics of development. In its basic interpretation, it means citizens believe in the state's basic right to rule over them and are willing to defer to it (Gilley, 2009). This is unquestionably an elusive phenomenon in the sense that researchers cannot observe it directly; they can only observe its practice, or how it reveals itself through thoughts or behaviours. More awkwardly, the significance of state legitimacy is paradoxically most evident, and therefore measurable, where it is either entirely absent or under threat (Beetham, 1991).[1] Times of acute political turmoil when the prevailing system of rules is overtly rejected or comes into question, often loosely termed 'crises of legitimacy', are when non-compliant behaviours towards the state are at their most acute and destabilising. These crises have often become the focus of popular and scholarly attention.[2] In the otherwise normal operation of institutionalised states, legitimacy is usually taken for granted as an invisible stabilising force. In this way, legitimacy seems to simultaneously explain everything and nothing about the stability of the state. These and other awkward features underlie a palpable scholarly frustration with legitimacy that has seen it labelled as the 'dark matter' of political science or, worse, irrelevant (Blair, 2013; Marquez, 2015). Likewise in the aid arena, the case for abandoning legitimacy in favour of more directly measurable aspects of popular support has already started to creep into some debates.[3]

In spite of (perhaps even because of) its apparent elusiveness, legitimacy continues to enjoy a central position in the study of politics. Why? Because it is primarily concerned with how actors or institutions can accrue and maintain power. Not least for this reason, legitimacy has been termed 'the central issue in social and political theory' (Beetham, 1991: 41) and 'the master question of politics' (Crick, 1993: 150). Studying legitimacy brings us to the heart of understanding the circumstances under which the use of power is willingly, as opposed to coercively, accepted (Gilley, 2009). It draws our attention to the accord between rulers and ruled, or dominant and subordinate, and asks us to pay attention to the terms of that accord – in effect, why unequal power relations are accepted by the subordinate, and what they might expect in return (Coicaud, 2002).

Having legitimacy is unquestionably beneficial for a state, because it generates a certain level of loyalty that allows it to enforce binding decisions on the population (Tyler, 2006). This loyalty can support public order without the need for expending vast amounts of resources on incentives or coercion. This is why legitimacy can improve the prospects for stability (Booth & Seligson, 2009), and for development (Englebert, 2002). Legitimacy also creates a kind of elasticity in state-society relations, making citizens willing to defer to the state even if it does not always promote their self-interest in the short term (Easton, 1975). In sum, legitimacy underpins not only the acceptable use of power, but also its efficient exercise.

Notwithstanding legitimacy's significance for understanding power and politics, legitimacy research has been surprisingly apolitical. Measuring legitimacy and its sources at specific points in time has dominated the field of enquiry, but can give a static account of legitimacy that is, paradoxically given legitimacy's political origins, sometimes detached from political context or explanation. Testing sources of legitimacy through different indicators is institutionalised (Weatherford, 1992).[4] Instead of legitimacy measurements being the observation to be explained, they have themselves become the explanation. There has been comparatively less emphasis on understanding the politics of legitimation – that is, what processes, actors and ideas lie behind any observable changes in legitimacy indicators.

Changes in legitimacy (indicators) at critical junctures, or those moments when the state's legitimacy consolidates or is called into question, are products of historical legacies, shifting social norms and political processes. These changes can only be understood in the context of the expectations embedded in the social contract, which set a threshold of acceptability against which the state's rightfulness is assessed. They happen under the influence of the contemporary political settlement, and are a product of the degree to which powerful groups are included or excluded from the state's resources. They are engineered through political processes in

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1 Beetham puts it like this: 'As with so much else about society, it is only when legitimacy is absent that we can fully appreciate its significance where it is present, and where it is so often taken for granted' (Beetham, 1991: 6).

2 Many studies of legitimacy focus on states that have an obvious legitimacy deficit (For a recent example, see (Bakke et al.,, 2014).

3 This observation is made by the author based on her participation in closed donor discussions on legitimacy.

4 As Weatherford puts it: '…a research area is excessively measurement-driven if the bulk of activity consists of debate or experimentation involving alternative indicators and the separate measurement innovations rival one another, rather than successively contributing to the ability to explain empirical findings by grounding them in a larger theoretical context.' (Weatherford, 1992: 151)

which evaluations of the state (beliefs) are collectively formulated and mobilised into action (behaviour). A focus on these historical legacies and political processes, and how they can help explain changes in legitimacy, brings us closer to the political heart of the concept – that is, on what basis, how and by whom legitimacy is engineered in the contest over rightful power.

This paper presents an analytical framework for applying this political and historically-informed approach to understanding a key question for legitimacy scholars and state-building practitioners. That question is whether, when, and why service delivery supports or undermines a state's legitimacy.

The framework incorporates the role of history and politics into addressing this question in four distinct ways:

- First, it calls for greater attention to social norms, against which the justifiability of service delivery is assessed, in understanding when and why services may influence changes in legitimacy

- Second, it posits that any legitimacy gains/losses attributable to changes in service delivery have to be understood in the context of the social contract and the expectations of rights and entitlements it establishes

- Third, it draws attention to the structural political conditions that form the backdrop of citizens' assessments of the state's performance on service delivery; these include the degree and sources of legitimacy the state has overall, and the inclusion/exclusion of certain groups in the political settlement

- Finally, the framework incorporates the role of processes of politicisation, paying particular attention to how actors convey the justifiability of services, and how this influences perceptions of or behaviour towards the state.

The paper proceeds as follows. The next section disaggregates legitimacy into three operationalisable components: what is being legitimised? (the state as an object of legitimation); on what basis? (the social norms underpinning legitimacy); and by whom? (who confers legitimacy). The paper goes on to critically evaluate the possibilities and limits of opinion versus behavioural entry points for measuring state legitimacy. In view of the largely static, apolitical and ahistorical orientation of approaches to measuring legitimacy, it proposes greater focus on the people, ideas, and communicative processes that underlie critical junctures when legitimacy changes. The last section illustrates how this political approach might be applied to the question of whether, how and why the delivery of public services – widely assumed to be a vital source of legitimacy – supports or undermines a state's legitimacy.

2

Disaggregating state legitimacy: three key questions

To differentiate state legitimacy from other markers of popular support, and so that researchers can know legitimacy when they 'see' it, the concept must first be defined. It can also be disaggregated along three central lines: what is being legitimised (the state as an object of legitimation), on what basis (the social norms underpinning legitimacy), and by whom (who confers legitimacy). This disaggregation reveals some foundational qualities of state legitimacy that inform its study. First, state legitimacy is not an all or nothing phenomenon, but is divisible along geographic, population-based, and institutional lines. Second, social norms are central to an empirical understanding of legitimacy. And finally, not all citizens, or organised groups of them, are equal in their capacity to *confer* legitimacy on the state, or to orchestrate processes that could de-legitimise it. These features of legitimacy are unpacked below, after a brief discussion of what legitimacy is, and what it is not.

What legitimacy is, and what it's not

Differentiating state legitimacy analytically from other aspects of public support is a central challenge for researchers. Unlike popular approval of government *actions*, legitimacy is the approbation of the state's *rules of the game*, or the underlying system of rules and expectations from which the actions of governments derive (Migdal, 2001). This is why reported satisfaction with the incumbent government's performance is not equivalent to state legitimacy, though it may form part of it where governmental actions challenge or change the rules of the game. Citizens may view the state as legitimate, and voluntarily comply with its laws, even when they are dissatisfied with a specific aspect of government performance or policy. In the same way, satisfaction with government performance, or peaks and troughs in material conditions, may not necessarily produce greater legitimacy (Sacks, 2011). Legitimacy is also not equivalent to people's confidence in a regime or its institutions, because confidence means citizens believe the state has the capacity to uphold the social contract and deliver on its basic promise to promote wellbeing (Bakke et al., 2014). Confidence may therefore depend much more on how convincing the government can be about its capacity, whereas legitimacy depends on how convincing it can be about the rightfulness of its actions. Legitimacy, then, is something more enduring and less brittle than assessments of confidence or capacity.

State legitimacy is also analytically distinguishable from, though closely related to, trust in the state's institutions. Whereas trust is about expectations and the probability of an individual, organisation or institution fulfilling its obligations (Jackson and Jacinta, 2015), legitimacy is the social rightfulness of the rules by which those institutions or individual operate. Trust may mean citizens believe those institutions have good intentions, and are likely to carry through on their promises (Levi, Sacks, & Tyler, 2009). Hence, trust in the state is usually based on the credibility of is commitments. Trust may be significant for legitimacy where it supports or undermines the normative acceptability or rightfulness of the state (Levi et al., 2009). However, like confidence, trust can be based on a temporary assessment of leadership motivations, administrative competence, and government performance. Belief in the moral appropriateness of the state could be sustained independently of these factors.

What is being legitimised?

Different perspectives on state legitimacy derive from different normative understandings of what the state is, and what it is for (Lemay-Hébert, 2009). In other words, when citizens or researchers think of state legitimacy, they may have different starting points for understanding what exactly is to be legitimised. In any given context, the state might be viewed as a functional apparatus, an individual leader, a system of rules, or a collective national identity. Indeed, asking what state legitimacy means to people in different social settings is an empirical question deserving attention its own right.

An empirical approach to state legitimacy implies not closing off possibilities or adopting an externally imposed view of what the state is, or what it means. The state can be studied as a set of institutions in a physical sense, or as an idea (Holsti, 1996). This is more than semantics, because how we approach the study of the state determines where we might look for markers of its legitimacy. If we view it as a functional set of institutions then its legitimacy (or evidence of its acceptance) might be observed through its physical sovereignty (control over territory) or institutional and bureaucratic capacity (Lake, 2007). If we view the state as something more abstract, like an idea, then we have to look beyond these markers, to the deeper social values that the state represents in popular imagination. Much less tangibly, researchers then have to look for signs of the acceptance of and

loyalty towards the state's symbolic configuration, and approval of its desired social order (Migdal, 2001: 33). The point is that in the study of legitimacy, researchers should be open to the possibility that the state's legitimacy may derive either from its function or its symbolism – that is, not only what it *does*, but from what it *is*, or its deeper meaning to people (Gilley, 2009).

Though often discussed as a single entity, in practice the state's various institutions are unlikely to be cohesive or uniform in their goals or meaning to people (Loveman, 2005). In effect, the 'state' is not one but several objects of legitimation. Recognising this, some studies have specifically disaggregated the different physical markers or meanings of the state in their legitimacy analyses. Booth and Seligson's (2009) distinction is between the nation, regime principles, regime institutions, regime performance, local government and specific local actors. The political settlement – or the ongoing process of (re-)establishing the formal or informal rules that govern how power and resources are distributed in society (Parks & Cole, 2010) – is another conceivable object of legitimation. Other studies have tended to take a more localised, narrower view, focusing on the legitimacy of branches of the state apparatus – for example, the police, or the judiciary. Any one of these larger or smaller configurations of the state might be considered more or less legitimate than another at any given point in time. Citizens' views of specific institutions may or may not signify or add up to the state's legitimacy as a whole. As with any social research, the key point is that phenomena documented at one level of analysis (e.g. individual, institutional, regional) cannot provide a basis for drawing conclusions about any associations or causal processes operating at another level (e.g. central) (Hakim, 2000: 162).

On what basis?

At its core, legitimate power is power that is justifiable. A legitimate state is one that uses power in justifiable ways. Justifiability is context-specific, and depends on social norms. Studying state legitimacy means studying those norms – that is, the moral criteria against which the state is judged, and how far it fulfils those criteria. It is not about making assumptions about what sorts of institutions *should* be legitimate, but instead discovering the underlying moral principles that make them legitimate in any given setting. When we study the basis of legitimacy, we are essentially analysing the values and steering limits of societies (Abulof, 2013).

Understanding the basis of legitimacy has not always been viewed as integral to its study. Indeed, Weber famously defined state legitimacy as 'the prestige of being considered exemplary or binding' (Weber, 1962: 73). In this widely-challenged but also pervasive interpretation, ways of organising power are legitimate when people *consider* them to be legitimate. The implication for researchers is that in studying legitimacy, they need only observe the degree to which people acquiesce to a system as right and proper – and 'that's all there is to it' (Schaar, 1984: 108). The scholarly assault levelled against this, summed up by Lemay-Hébert (2009: 9) is that for Weber, 'the claim of legitimacy is a bid for justification of support, and its success consists not in fulfilling normative conditions, but in being believed'. Reducing legitimacy to beliefs reflects the reticence on the part of some researchers to claim to know or – worse – set universally-applicable, normative criteria against which citizens are likely to judge the rightfulness of their state (Coicaud, 2002: 1). Nevertheless, this detachment also closes off the possibility of knowing *why* citizens come to accept certain forms of rule as legitimate. It effectively divorces people's beliefs about the state from their grounds for holding those beliefs (Beetham, 1991: 10).

Scholars writing after Weber frame legitimacy as more than an internalised belief but, at its core, *justifiable* rules or procedures (Coicaud, 2002; Gilley, 2009). This is, in effect, a reversal of Weber's logic. As Beetham (1991: 11) argues, 'a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs'. In this model, the justifiability of power derives from shared beliefs, either about the qualities of the power holder, or the degree to which the power arrangement serves a recognisable general interest. In this reading, laws can only be legitimate where they represent and re-produce social values (ibid).[5] Following this line of thinking, de-legitimation happens when institutions or individuals exercising authority fundamentally breach social norms. Legitimacy is therefore built on justifiable rules, and likewise begins to unravel if power is used in ways that are not justified (Beetham, 1991: 23).

Externally-imposed norms or principles cannot provide a sound benchmark against which to assess the justifiability and therefore the legitimacy of the state. This is why legitimacy cannot be reduced to correlations between indicators – for example, overlaying indicators of attitudes towards the state with measures of 'good' governance (Gilley, 2009). Legitimacy is not synonymous with principles of participation, accountability, equality or efficiency (Saward, 1992: 33). A tendency to impose these justifications from the outside can lead to a fundamental misreading of legitimacy. It produces false dichotomies between 'illegitimate' and 'legitimate' regimes. The best known example of this is the failed states index,[6] which sets objective criteria or universal principles for legitimacy. Where these externally set benchmarks are not met, states are considered less legitimate. Yet even regimes that appear overtly repressive or inimical to democratic governance may nevertheless enjoy

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5   For Beetham, this need to morally rationalise the rules in use reveals itself when conflicts over the *interpretation* of laws can only be resolved through reference to justifiable principles.

6   The failed states index constructs a state legitimacy indicator based on four sub-indicators: Massive and endemic corruption or profiteering by ruling elites; Resistance of ruling elites to transparency, accountability and political representation, revealed by scandals, investigative journalism, criminal prosecution or civil action; and widespread loss of popular confidence in state institutions and processes, manifested in events such as widely boycotted or flawed elections, mass public demonstrations, sustained civil disobedience, inability of the state to collect taxes, resistance to military conscription, rise of armed insurgencies.

a high degree of legitimacy and resilience in practice. Elsewhere, legitimate systems of power that don't appear to fulfil externally imposed criteria have been labelled 'perverse'[7] without addressing what local social norms and values underpin the justifiability of that authority and make it legitimate.

The justifiability of power, and the social norms that underpin this, are fluid rather than fixed. It can conceivably change because of a declining overall belief in a particular norm (for instance, in the rightfulness of unelected power), or where there is divergence in norms among different communities (Beetham, 1991). Crises of legitimacy occur when norms are either violated or changing. All societies have a threshold of acceptable change, either to the structural conditions essential for people's existence or to their social identity. A legitimacy crisis follows when this threshold is crossed or threatened (Habermas, 1976). Legitimacy crises can be read in the context of these 'steering limits', which are historically contingent, and look different over time (Acuff, 2013).

By whom?

Legitimacy as the perceived quality of an *institution* is not divisible (an individual either perceives an authority to be legitimate or not). However, the state's legitimacy is a matter of degree in the sense that legitimacy beliefs may vary among population groups, and by association, in a territorial sense, across space. Researchers can expect to find a difference in how different social groups view the legitimacy of the state. Particularly in divided societies, perceived favouritism towards one group may support the legitimacy of the state in the eyes of that group, whilst simultaneously undermining it amongst others (Zaum, 2015). In the same way, unrecognised states may have to navigate between local and international audiences (and their respective norms) to accrue legitimacy (Caspersen, 2015). The implication for researchers is that legitimacy is a variegated phenomenon, and the methodological task is to disaggregate gains/losses in legitimacy as between specific social groups and regions, without falsely implying this pattern is replicated across the population as a whole.

In the same way that citizens may differ in their views of the state's legitimacy, not all citizens, or organised groups of them, are equal in their capacity to actually *confer* legitimacy on the state. Rather, the power of different portions of the population to confer legitimacy might depend on the degree to which the state's power and legitimacy is already vested in their particular support. This investment could be material, for example through capital and land ownership, or ideational, for example where certain social groups (or classes) have historically been the main constituency of the state. Depending on context, the legitimacy of the state may or may not be in the purview of the majority of the population, but rather lie with the more powerful groups within it (e.g. military, business) (Lipset, 1984). Indeed, states may face a deliberate choice between legitimacy via the majority, or legitimacy through special favour to these powerful interest groups, at the expense of the majority (Rothstein, 2009). Explanations of state legitimacy are inadequate unless they account for the ability of different social groups to form a critical mass with the capacity to confer legitimacy on the state, or to withdraw it.

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7   A blog released after the publication of WDR 2015 discussed the 'perverse legitimacy' of village power structures in Sierra Leone and India. These structures were not democratically elected and did not materially deliver, yet villagers reported their authority should be supported. See: http://blogs.worldbank.org/developmenttalk/dysfunctional-mental-models-marginalization-and-perverse-legitimacy-reflections-wdr-2015

3

Measuring state legitimacy: entry points

Without opinion-based or behavioural markers, researchers cannot measure legitimacy, or observe changes over time. However, because the concept of legitimacy is elusive and multi-faceted, measuring it directly has often been abandoned in lieu of a range of 'legitimacy-like constructs' (Weatherford, 1992).[8] Two main sets of constructs have been used: individual beliefs about the state, and group behaviour towards it. In other words, researchers have mainly measured legitimacy either by asking people how they perceive the state, or by observing how far people act as though it is legitimate, or some combination thereof. Although both entry points have strong theoretical rationales, neither is a precise measurement tool for capturing the right to rule. Furthermore, focusing only on these entry points neglects another possible one – that is, the political processes of legitimation that lie behind any changes in opinion-based or behavioural markers. The possibilities and limits of each of these entry points are discussed in turn below.

Legitimacy and popular opinion

Surveys have been the main methodological tool used for measuring legitimacy.[9] Examples abound of research that uses cross-country survey data to examine the relationship between the legitimacy of the state and a range of indicators of institutional effectiveness.[10] This research identifies important correlations and has produced comparative evidence of the relationship between degrees of legitimacy and prevailing social and political conditions across states. Nevertheless, these studies sometimes concede that complimentary qualitative analysis is necessary to understand the causal processes behind these correlations. This is the case, for example, in Gilley's (2006: 48) rich analysis of a data set of the determinants of state legitimacy across 72 countries. Whilst such surveys make important advances in determining which ingredients may generate state legitimacy, they are less effective at describing the particular transformative effects of each of the individual ingredients, or explaining *why* they are more or less significant across different social settings.

Operationalising the study of legitimacy through popular opinion surveys can also run into pragmatic difficulties. Particularly but not only in fragile and conflict-affected states, there may be a dearth of reliable public opinion data. More fundamentally, even where it exists, people may fear reporting their actual perceptions of the state (Call and Cousens, 2008: 15-16). In these situations, some researchers have found it difficult to differentiate between people's support for an incumbent government or individual leaders, and the more fundamental question of whether they accept the state's institutions as justified (Guerrero, 2011). A related, semantic problem is that neither the concept of the state, nor the concept of legitimacy is always translatable or intelligible at the local level. For example, a cluster of recent case studies of the effects of quality of service provision on how people view the state encountered field constraints because interviewees were not familiar with the terminology being used. They were not familiar with speaking about anything concerning state institutions, procedures, or their rights and obligations. In the course of these studies, the research questions had to be reconstituted, re-phrased and reformulated (see for example, Noor et al., 2010).

Another problem relates to survey design. A range of questions have been used in surveys to try to capture the degree to which people recognise and justify the state's right to exercise power. For example, questions have been based on whether the state 'should exist in independent form', whether it is it 'moving in the right direction' (Bakke et al., 2014); how far people trust the state's institutions; the right of different departments to make decisions (Sacks, 2011).[11] Other quantitative studies construct combined indicators from multiple questions to create a marker of legitimacy. Following this strategy, Carter (2011) uses

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8   There are, of course, exceptions to this. Some experimental research claims to measure legitimacy directly, either in a lab (Blair, 2013), or lab-in-field experiments (Dickson et al., 2015), but this approach remains rare.

9   See for example Gilley 2009, 2012; Bakke et al., 2013; Sacks 2009, 2011

10 For example, studies have tested how legitimacy (or some closely related measurable concept) is related to: corruption (Seligson, 2002); economic performance (Yun-han Chu et al., 2008); inputs versus outputs (Lindgren & Persson, 2010); trustworthiness of government and procedural justice (Levi et al., 2009).

11 Sacks uses Afrobarometer, Latino barometer and Arabbarometer data to measure approval of the incumbent, trust in government and willingness to defer to the government. The following questions were asked in the Afrobarometer surveys: i) *For trust* – "How much do you trust each of the following, or haven't you heard enough about them to say?: The President?" ii) *For approval* – "Do you approve or disapprove of the way that the following people [Your President] have performed their jobs over the past twelve months, or haven't you heard enough about them to say?" iii) *For willingness to defer* – respondents were asked how far they agree with the statement "The tax department always has the right to make people pay taxes."

questions about the right of courts to make decisions that people have to abide by, the police's right to make people obey the law, and the tax department's right to make people pay taxes. She takes the answer to these questions as a combined measure of 'whether state institutions have the moral authority to make decisions with which ordinary citizens would feel compelled to comply'. Inconsistencies in the interpretation of legitimacy used across different survey designs are hardly surprising given legitimacy's contested and difficult nature, but they nevertheless reduce the possibility for comparison across studies.

Perhaps a more serious challenge for opinion-based studies is what significance they assign to the opinions they survey. Some have argued that legitimacy beliefs are in any case irrelevant for state legitimacy unless citizens act on them; either by complying, or at the other end of the spectrum, withdrawing their active cooperation or compliance with the state. In adopting this position, Beetham (1991) even argued that it can be misleading to ask whether people *believe* that a particular institution is legitimate. This is not only because people are unlikely to understand what 'legitimacy' means, as discussed above, but because the more demonstrable, behavioural markers of legitimacy – consent and compliance – are more likely to be witnessed in the public sphere, rather than 'in the recesses of people's minds'. Following this logic, recent comprehensive studies of legitimacy have combined an attitudinal measure of state legitimacy with citizens' behavioural treatment of it (Gilley, 2009).[12] Indeed, beliefs and behaviours have a symbiotic relationship. Sacks and her colleagues, writing particularly on Zambia, model 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 (behavioural legitimacy)' (Sacks, 2009: 4). Legitimacy beliefs and behaviour towards the state may therefore be complementary, but in several respects measuring legitimacy through behaviour is as problematic as measuring it through beliefs, as the next section illustrates.

Legitimacy and behaviour

Consent, co-operation, and compliance (or reported willingness to comply) are among the main types of behaviour that have been used by researchers as markers of state legitimacy. For example, some research uses surveys to capture the relationship between legitimacy and people's reported willingness to comply with laws and taxes (Levi et al., 2009; Murphy, 2005). Others measure compliance with the police (Hough et al., 2010). Prominent theoretical models of legitimacy propose that when a state acts within the boundaries of justifiable power, citizens will reward the state with these types of everyday acts of consent (Beetham, 1991; Gilley, 2009). Furthermore, an institution or entity can only claim to have legitimacy when there is evidence of this consent (ibid). Beetham (1991) goes further in suggesting acts of consent actually *confer* legitimacy on the state, 'binding in' critical elements of the population through public ceremonies, actions or declarations (such as elections, swearing allegiance, participating in consultations).

One of the main challenges in measuring legitimacy through behaviour is that it is often difficult to know whether legitimacy, or indeed illegitimacy, is the true cause of that behaviour. On the surface, compliance may seem to have a more pressing bearing on the degree to which a state can claim to have legitimacy than privately held beliefs. Nevertheless, as Schaar (1984) reminds us, states can achieve compliant behaviour through coercion, and people can consent/not consent out of fear, rather than out of a belief in the state's rightfulness. The entitlement or *right* to rule is therefore not equivalent to deference to power. Put another way, the normative justifiability of the state's power – or what Marquez (2015) terms *institutionalised persuasion* – cannot explain *all* forms of consent or cooperative behaviour on the part of the subordinate. A suite of alternative private and public motivations might otherwise explain them, such as self-interest or material advancement, individual weakness, or the absence of an alternative (Weber, 1922 (1978)). Compliance with laws can result from perceptions of government's enforcement capacity, for example (Ramcilovic-Suominen & Epstein, 2015). In other situations, it may be motivated not by calculations of the feasibility and costs-benefits of seeking alternatives. In this reading, behaviour towards the state can only be taken as a marker of legitimacy where other potential explanations for that behaviour can be ruled out (Blair, 2013).

All behavioural acts towards the state – be they broadly supportive or non-supportive – are context specific and depend on the culture of political activism. For example, a study of the political attitudes of people in rural China found that when people do not comply with laws they are engaging in 'constructive non-compliance', a form of feedback to the state. People can hold the view that the government is rightful, but nevertheless believe that when they get a policy or decision wrong, it is not necessary to comply with it. On the contrary, it is a kind of duty to not comply, in order to send a feedback message to the state (Tsai, 2015). This illustrates that all acts of dissent cannot be viewed as a sign of a breakdown in legitimacy. Behaviour that confers or withdraws legitimacy may also be influenced by citizen's perceptions of whether protesting is more or less futile. This was recently demonstrated in an analysis of the propensity to protest in South Africa about the poor state of basic services over time, which conversely concluded that the greater legitimacy afforded to the government of Jacob Zuma (as opposed to the previous Mbeki government) enabled a heightened level of protest, because people assumed Zuma would be more likely to address their demands (Alexander, 2010: 14). So acts of dissent may, ironically, be more possible in situations where the state or its leaders are viewed as legitimate. The feasibility of dissent may also depend on political opportunity structures (Kitschelt, 1986). These include information, resources, access to the public sphere, or perhaps even a demonstration effect in the form of other successful social movements (in effect, evidence of the utility of protest) (ibid). Where these enabling conditions are not present, systems of rule may lack any normative justification, but they might nevertheless endure.

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12   Gilley (2009) is a good example of a combined approach.

The (de-)legitimation process

An alternative, or complementary, entry point for researching legitimacy is to examine the legitimation process – that is, the political processes that underlie any observed changes in opinion-based or behavioural markers. These processes are ongoing, but particularly observable at critical junctures during which the state's legitimacy is consolidating, declining, or its normative basis shifting. Critical junctures, derived from historical institutionalism, are formative moments that have a determinate influence over the future of policies, constraining subsequent choices and, over the long-term, institutionalising path-dependency (Pierson, 2004). During these junctures, economic, cultural, ideological or organisational contingencies change such that powerful actors have greater freedom, and a wider range of choices opens up to them (Capoccia & Kelemen, 2007). These moments in time when the relatively stable ordering of rules and institutions shift are what Krasner (1988) famously termed 'punctuated equilibrium'. This punctuated equilibrium provides an opportunity to observe legitimacy and the processes involved in its creation and destruction.

In several respects, processes of legitimation can be engineered. At the extreme end of this view, legitimation processes are viewed as top-down 'acts of persuasion' on the part of power holders, and legitimacy as the internalisation of the norms and ideas they evoke to justify their power (Marquez, 2015).[13] In many situations, political leaders and state institutions typically have resources at their disposal – such as influence over the public sphere, processes of political inclusion, patronage – that can help to create and maintain the belief that the system they represent is the most appropriate one for society (Beetham, 1991). In this way, the state itself – the very object of legitimation in one form or another – can be studied as one of the primary actors in its own legitimation. According to Weiler (1983, p. 140) the state can use three types of legitimation strategies to this end: *legitimation by legalisation*, which involves evoking the justification of legal norms; *legitimation by expertise,* including in evaluation, experimentation and planning (a useful tool for conflict management or prestige); and *legitimation through participation*, which involves implementing new mechanisms through which citizens can articulate their interests.

Studying processes of legitimation also calls for closer attention to legitimation discourse. This includes, fundamentally, the *strategic framing* of ideas[14] – or how ideas enable actors to 'bring political attention to an issue, to define the nature of the problem, and to present solutions, thereby actively shaping the way in which others perceive the issues in the political context' (Hudson & Leftwich, 2014: 89). Several recent studies have adopted a discourse analysis approach to studying these communicative processes (Hurrelmann et al., 2009; Schmidt, 2013; Steffek, 2003). They have examined, in part, the discourse[15] of political elites, and the symbols and messages they invoke to persuade key constituencies of the justifiability of rules of power. This is what Steffek (2003: 251) terms the act of 'explaining and defending'. Discourse is significant because, as Gupta (1995: 376) tells us, it is 'a key arena through which the state, citizens, and other organisations and aggregations come to be imagined' and that 'representations of the state are constituted, contested, and transformed in public culture'. In practice, justificatory discourse can be analysed by looking at the content of rhetoric found in public speeches, parliamentary archives and news articles.[16]

To be successful, legitimation strategies and legitimacy discourses have to mirror the social norms and ideas held by the audience from whom legitimacy is sought. Insightful qualitative studies have focused specifically on the micro-mechanics of this interchange (Bénit-Gbaffou & Katsaura, 2014). One study, for example, illustrated how temple bosses can successfully achieve legitimacy for popular religion in the eyes of an otherwise unaccepting state by evoking ritual ceremonies that draw on common understandings, for instance of what counts as an act worthy of merit, that make them 'legible' to the state (Chau, 2005). In contrast, NGOs seeking legitimacy in unsupportive environments may challenge the norms of the actors they seek to de-legitimise, replacing them with counter-norms and beliefs (Walton, 2012). Both cases illustrate that legitimation strategies are usually framed in response to an audience's perceived values and norms, or seek to draw on or develop shared understandings (Goddard, 2010). In this way, processes of (de-)legitimation may be viewed as processes of contestation over ideas.

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13   As Marquez (2015: 13) puts it: 'What accounts for the prevalence of justificatory discourses in politics (all the 'legitimating activities' of political actors), if not the fact that legitimacy is highly relevant to the production and maintenance of relationships of domination?'

14   A plethora of categorisations of ideas is available, but three stand out as useful for the operationalisation of research on state legitimation. Based on Schmidt (2013), these are: i) specific solutions to very specific problems; ii) underlying ideas which frame the nature of the problem and the ideal outcomes; and iii) political philosophies, or core worldviews about what values and principles are best for society, which underwrite ideas about policies or programmes.

15   (Schmidt, 2008) distinguishes between two types of discourse: *coordinative* discourse, between policymakers at the centre of the state, and *communicative* discourse, between political actors and the public

16   See for example, Goddard 2010 who deploys a combination of media analysis and historical texts to analyse rhetoric and justificatory discourses.

4

Putting it all together: a framework for analysing the service delivery-state legitimacy relationship

The discussion above has disaggregated the concept of state legitimacy, highlighted the centrality of justifiability and social norms as its basis, and considered the role of political and discursive processes in its (re-)production. But how can this inform research into specific legitimacy puzzles? This section presents an analytical framework that applies these insights to one research question that has recently risen up the international aid agenda. That question is 'when does service delivery improve state legitimacy?' (Mcloughlin, 2015).

To date, this puzzle has attracted primarily, though not exclusively, survey-based and mixed-methods research designs. These have focused on sampling populations to assess whether and how their views of service delivery may influence their views of the state's right to rule (Sacks, 2009), or, less commonly, whether they change in response to improvements or declines in service delivery over time (Carpenter, 2012).

The approach put forward here explores how any identified relationship between service delivery and state legitimacy – positive or negative – can be qualitatively interpreted and explained. It presents a framework that positions justifiability, political structures and political processes at the centre of this analysis. The framework is summarised in Table 1 below.

Table 2 on p.13 further unpacks how policymakers could consider the range of effects service delivery might have on state legitimacy, and the kinds of assumption researchers could test about these effects.

Table 1: Exploring why and how services influence state legitimacy in political perspective

		Possible focus of analysis
Service	Justifiability of service delivery	Norms Procedures Outcomes
	Service characteristics	Historical and social significance Visibility and attributability
Structure	Social contract	Expectations of rights and entitlements
	Legitimacy context	State's legitimacy reservoir/starting points
	Nature of political settlement	Inclusion/exclusion of different groups
Agency	The (de-)legitimation process	Public discourse around service delivery Politicisation of procedures / norms / outcomes

A political approach to a political problem

One of the key assumptions underlying the framework is that both political structures and political agency can influence the significance of public service delivery for state legitimacy at any given point in time. Exploring these two factors may help to add thick explanation to any identified correlations between public services and markers of legitimacy, be they behavioural or opinion-based. Conditioning political structures, and in particular the political settlement, have a deterministic influence over the distribution of services, as well as forming a backdrop against which that distribution is judged by citizens. Just as structural political conditions are integrated into the framework, so too is the role of individual actor agency – primarily, though not exclusively, that of political leaders. This draws attention to the ideational and discursive abilities of these actors – the *carriers* of ideas and norms – to shape the political salience of service delivery, and its significance for the state's legitimacy among different constituencies of the state (Schmidt, 2013).

Alongside the broader structure-agency framing, the focus of the analysis, as indicated in Table 1, is on a number of socio-political factors that may help to explain any relationship between service delivery and state legitimacy. Primary among them is the *justifiability* of service delivery. The degree to which service delivery can be justified determines whether or not it provides a basis for accepting or rejecting the state's legitimacy. Justifiability looks different across contexts, but could variably be based on assessments of the norms that services represent, the procedures followed for their allocation, or the material outcomes they produce. Not all services have the same *characteristics* in this regard, however. They differ in both their historical and political salience, or in the degree to which their justifiability can be assessed.

Moving down Table 1, the framework posits that service justifiability is best understood in the context of the *social contract* and the expectations of rights and entitlements it establishes. Any legitimacy gains/losses attributable to changes in service delivery may also be understood in the wider *legitimacy context*, or the degree of legitimacy the state has to begin with. This contract, together with the nature of the *political settlement* and in particular who is included and excluded from it, forms a backdrop against which citizens' assessments of service delivery are formed. Finally, the framework calls for attention to *processes of politicisation,* and public discourse around services. It asks how these processes produce and politicise public perceptions of services and turn assessments of service delivery into collective actions that can confer or withdraw legitimacy.

The remainder of this section briefly elaborates on each of these elements in the analytical framework in turn.

Justifiability of service delivery

In the same way that justifiability is central to the legitimacy of the state, so too the justifiability of service delivery may be central to its potential significance for the state's legitimacy. In other words, service delivery is significant for state legitimacy to the extent that it reproduces, or, from the reverse perspective, undermines the normative justifiability of the state's power. The justifiability of service delivery differs across contexts, social groups, and times. Nevertheless, the kinds of criteria against which it may be assessed can be loosely grouped under three categories – the norms it represents/reproduces, the procedures that determine the allocation of resources or decision-making, and the distribution of outcomes. Each of these is a matter of perception more than verifiable outcomes.

Service delivery is not only a technical exercise, but also an expression of the norms and rules that govern the state, and of the values is seeks to uphold. It is a means of transmitting what Gupta (1995) called the 'main myths and symbols' of the state. At a general level, service delivery may support the state's legitimacy where it reflects and reinforces some local concept of 'the common good' (Gilley, 2009: 211). Reversing this proposition, services may likewise challenge legitimacy and political order where they threaten some fundamental norm and principle (Easton, 1975: 451). More specifically, research has indicated that local interpretations of equity, merit, procedural fairness, freedom or quality may be among the range of possible norms-based criteria against which the justifiability of service delivery could be assessed (Mcloughlin, 2015).

All of these criteria are subjective. What counts as the common good is, as with legitimacy in general, likely to vary across and between social groups. Likewise, the common 'good' is not always objectively good. People may accept norms that discriminate against them as well as for them.

Another aspect of justifiability – and a potential basis on which services might be assessed – is the degree to which decision-making or procedures around delivery are considered fair (Mcloughlin 2015). There is convincing evidence across different contexts that the perceived fairness of the process by which authorities and institutions make decisions and exercise authority is a key aspect of people's willingness to comply with it (Tyler, 2006). When people see allocations as unfair and/or experience distributive injustice, they are 'less likely to react cognitively or behaviourally' if there is procedural fairness in decision-making (ibid). Procedural fairness implies some form of regularity and predictability of decision-making (Weatherford, 1992: 150). Regularity and predictability may be found as much in formal institutionalised procedures as in the informal rules of clientelism. In some settings, procedures may be considered fair when there are opportunities to participate in decision-making, and/or when people are treated with dignity and respect during the process (Tyler, 2010).

Objective conditions – or the reality of people's daily lives – are another potential set of criteria against which service delivery may be assessed as more or less justifiable. This has been shown through recent Afrobarometer public opinion survey data, where the quality of the experience (waiting times, availability of materials such as drugs/textbooks) and the accessibility of the service (capacity to pay fees, payment of bribes) were important in shaping popular evaluations of performance (Asunka, 2013). Sacks (2011: 10) likewise points to measures of government *competence* (more than capacity) as determinants of trust (an antecedent to legitimacy) in the state, including the ability to enforce regulations. This is echoed by research into South Africa's swathe of popular protests since 2004 which suggests the protests are not only about the absence of services, but in many cases their poor technical management, including lack of maintenance (Alexander, 2010).

Another outcome that the theory tells us might be significant for citizens' evaluation of services is distributive justice, or the (perceived or real) fairness of the allocation of benefits and rewards to different social groups. Perceptions of distributive justice can be based on narrow but specific high-profile outcomes. As Davies (1962: 8) identified in his analysis of the cause of revolutions, 'the crucial factor is the *vague or specific fear* that ground gained over a long period of time will be quickly lost [*emphasis added*]'. Distributive justice may be particularly significant for legitimacy where it exacerbates existing perceptions

of the *relative deprivation, or the relative worth*, of groups, or where over time it creates relative differences in wealth or social conditions between them. Leading scholars have made claims that a sense of relative deprivation is a condition for the withdrawal of diffuse support for a political authority (Easton, 1975). This is closely related to the hypothesis that crises of legitimacy happen during periods of structural change that threaten the status of major groups (Lipset, 1984).

Service characteristics

Not all services have the same normative, procedural characteristics or the potential to create outcomes that impinge directly and significantly on citizens' lives. Therefore, their significance for the state's legitimacy varies, even within the same context. Some services may be intrinsically more politically salient than others: where they are highly targetable to favoured constituencies (e.g. roads); where they are highly mobile and therefore lootable (e.g. medicines); or where they produce visible infrastructure that is easily attributable to political effort (e.g. hospital construction) (Batley & Mcloughlin, 2015).

In some contexts, certain services are historically embedded into state-society relations, or are symbolic of the ideological foundation of the state (e.g. the NHS in the UK, subsidies in Malawi) or have accrued recent social capital as part of a nation-building project (Mcloughlin, 2014). Understanding the historical significance of the service in question for the state's legitimacy is a necessary starting point for researchers seeking to understand its role in shorter-term fluctuations in legitimacy beliefs or behaviours.

Social contract

State-building processes entail extending social control, institutionalising rules, and creating a social contract between states and different groups in society that establishes certain expectations of rights and entitlements to goods and well-being on the part of citizens (Migdal, 2001; Tilly, 1992). These expectations provide a baseline against which performance is likely to be later judged. Any legitimacy gains or a loss resulting from the performance or effectiveness of public services may depend on the degree to which performance matches these expectations.

In particular, unfulfilled rising expectations can challenge legitimacy. If citizens have always had public services, and if certain services have been historically part of the myths and symbols of the state, then they are more likely to expect the state to perform well on them, and more likely to withdraw consent if they do not. As Easton (1975, p. 445) argues, 'there may be instances, not so rare as they might seem, in which the sudden frustration of expectations can so jolt the deeper loyalties of the members of a system that their diffuse support falls into a precipitous decline'. Others have likewise highlighted that a long period of social development and rising expectations followed by a sharp reversal in fortunes has historically been a causal factor in revolution (Davies, 1962).

Legitimacy context

Any legitimacy gains/losses attributable to changes in service delivery may also be understood in the wider context of the degree of legitimacy the state has to begin with. This might materialise in two tangible ways. At one extreme, an absence of or deficit in legitimacy might incapacitate a state, precluding it from operating efficiently in the extraction of resources or implementation of its goals and public policies (vom Hau, 2012). Legitimacy is endogenous to performance in this sense. At another extreme, where a state has a resilient source of legitimacy outside of the provision of public services or a need to satisfy felt expectations for service performance, public services are less likely to weigh significantly on the state's legitimacy.

In quite contradictory ways, therefore, legitimacy can influence the performance and effectiveness of public services. Whereas some degree of legitimacy is requisite for implementation and delivery, a highly resilient alternative source of legitimacy outside of the domain of public goods might weaken the legitimacy gains to be made from providing them.

While sources of legitimacy outside of the service delivery arena are not the focus, researchers may need to be aware of them so that the contribution of service delivery to processes of state (de-)legitimation is not over-stated. Services might either precipitate a calling into question of the state's legitimacy in their own right, or they may exacerbate the already declining legitimacy of institutions. Indeed, service delivery may particularly become significant precisely when there is an ongoing process of de-legitimation.

A wide range of potential sources of legitimacy has been identified in a variety of scholarly and policy-oriented classifications. One classification separates geographic (territorial jurisdiction), constitutional (agreement on the formal rules for organising power) and political legitimacy (the procedural fairness of elections) (Leftwich, 2008: 136-138).[17] At any point in time, any one of these sources can dominate or come under threat. The influence of service delivery on legitimacy cannot be studied independently of this broader stock of legitimacy a state has at its disposal.

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17   The OECD (2010) identifies four main sources of legitimacy: input or process legitimacy; output or performance legitimacy; shared beliefs, including a 'sense of political community' and beliefs shaped by religion, traditions and 'charismatic' leaders'; and international legitimacy (OECD, 2010: 8).

Nature of political settlement

Political settlements are of particular interest to the study of service delivery because they have a deterministic influence over the flow of resources between states and different social groups. In other words, they determine who gets what, when and how (Lasswell, 1936). They reflect the overall balance of power in society, which in turn filters through to the balance of public service allocation and distribution.

Political settlements can be located along a spectrum of more or less inclusive, open or closed. Where settlements are located on this spectrum affects whether public goods are likely to benefit all or some groups.

In an open access order, citizens are defined impersonally, and goods are ascribed to everyone who meets certain objective criteria (North et al., 2009: 33). Open access orders are problem-solving, impersonal, and characterised by a separation of state and civil society. They can make credible commitments to policies that solve problems and conflicts, and operate on institutionalised rules or systems for accessing political and economic power through competition (North et al., 2009: 32). In an open access order, the ruling coalition cannot manipulate public goods for political gains: they cannot force potential opposition groups to support the ruling coalition by threatening to cut off vital access to services, for example (ibid).

In closed access orders, the distribution of public goods is manipulated for political gains (ibid). Closed political settlements sometimes formulate and implement particularistic public policies which can de-legitimise regimes if they undermine common interest principles (Beetham, 1991). Exclusive political settlements may provoke or exacerbate public frustration with the allocation of material rewards such as services.

The (de-)legitimation process

To capture the process through which services become significant for a state's legitimacy, the framework incorporates the role of local discourse and politicisation, paying particular attention to how actors convey the justifiability of services, and how this influences perceptions of or behaviour towards the state. Political actors shape public perceptions of the effectiveness of public services. Through their discursive legitimation strategies, they may influence citizens' subjective judgment of the process, normative justifiability or outcomes of service delivery. They can legitimise public policy choices by drawing on common narratives or symbols.

Citizens might assess services based on outcomes and lived experience (objective reality) or cues and signals from political leaders (perceived reality) (Hanberger, 2003). For this reason, there may be a disjuncture between people's evaluation of their own experiences of delivery, and their perceptions of delivery as a whole.

Analysing public discourse around service delivery can provide an insight into public perceptions of the justifiability of service delivery. Viewed through a constructivist lens, these narratives are invoked by actors to justify or frame their choices or preferences and generate social meaning (Hall, 2003). They are, as such, part of the explanation of why services may, or may not, contribute to wider processes of state (de-)legitimation.

Table 2 overleaf summarises some testable assumptions about the potential effects of service delivery on state legitimacy.

Table 2: Service delivery and state legitimacy – some testable assumptions

Category	Object of analysis	Testable assumptions		
		Positive impact: service delivery supports state legitimacy when….	Neutral impact: service delivery has no effect on state legitimacy when….	Negative impact: service delivery undermines legitimacy when….
Justifiability of service delivery	Norms: Services are allocated according to social norms (e.g. merit, equity, inequity, rights)	Allocation / delivery upholds social norms	Allocation / delivery upholds social norms	Allocation and delivery challenges social norms
	Procedures: (Perceptions of) procedural fairness	Processes of allocation and delivery are considered procedurally fair	Citizens attach no significance to processes of allocation or delivery	Processes of decision-making and delivery are thought procedurally unfair
	Outcomes: (Perceptions of) improvements/ deteriorations in quality	There is a qualitative improvement in user experience or perceptions of others' experiences	There is no qualitative change in user experience or perceptions of others' experiences	There is a felt deterioration in user experience or perceptions of others' experiences
	(Perceptions of) distributive justice	Services perceived to be allocated fairly among groups	Services not targeted to any particular group	Services perceived to be allocated unfairly among groups
Service characteristics	Historical and social significance for state-society relations	Services uphold social contract between state and key constituencies	Services not part of social contract between state and key constituencies	Services rupture social contract between state and key constituencies
	Technical characteristics: • Visibility • Political salience • Attributability	• Service outcomes are visible (& positive) • Service is politically salient • The state is credited with good performance	• Service outcomes are not visible • Service is not politically salient • The state is not credited or blamed for performance	• Service outcomes are visible (& negative) • Service is politically salient • The state is blamed for poor performance
Social contract	Expectations of service rights and entitlements	Expectations match delivery	No expectations to be met	Expectations do not match delivery
	Who is expected to deliver	State is expected to deliver	State is not expected to deliver	State is expected to deliver
Legitimacy context	State's legitimacy reservoir / starting point	Service delivery is a source of state legitimacy and justifiable by norms / outcomes / procedures	Service delivery is not a source of state legitimacy	Service delivery is a source of state legitimacy but is unjustifiable by norms / outcomes / procedures
Nature of political settlement	Inclusion / exclusion of different groups	Service delivery addresses perceived exclusion (may simultaneously improve / weaken legitimacy among different groups)	Services reproduce acceptable status quo of inter-group relations	Services exacerbate existing group perceptions of exclusion from the political settlement
The (de-)legitimation process	Public discourse around service delivery	Political actors can justify performance in terms of social norms	There is no expectation that performance needs to be justified	Political actors fail to justify performance
	Politicisation of unjustifiable norms / procedures / outcomes	Political opportunity structures disable acts of dissent	Political opportunity structures disable acts of dissent	Political opportunity structures enable acts of dissent

5

Conclusion

Although legitimacy is an inherently political concept that underpins power relations, a good deal of research on legitimacy is not focused on the politics of its construction – that is, what is being legitimised, who confers legitimacy, on what basis, and the political and communicative processes through which (de-)legitimation happens.

Measuring legitimacy has dominated the field of enquiry, but this pursuit is limited where it provides a static, apolitical, and actor-free account. Changes in legitimacy markers – be they opinion-based or behavioural – can only be explained through political structures and political agency.

This paper has put forward a framework for exploring the relationship between service delivery and state (de-)legitimation from this political perspective. It draws attention to the justifiability of service delivery, the wider legitimacy context, the expectations of rights and entitlements imbued in the social contract, the inclusive/exclusive nature of the political settlement, and the processes of politicisation that turn assessments of service delivery into collective actions that can confer or withdraw legitimacy.

Exploring these conditions through qualitative analysis could help give thick, narrative description to any identified correlations between indicators, and could support a fuller political analysis of what is a fundamentally political phenomenon.

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