



**Heidelberg Papers  
in South Asian  
and Comparative Politics**

**De-Constructing Legitimacy with a Special  
Reference to the Panchayati Raj System in India**

by

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Working Paper No. 69

November 2012

South Asia Institute  
Department of Political Science  
Heidelberg University



**HEIDELBERG PAPERS IN SOUTH ASIAN AND  
COMPARATIVE POLITICS**

ISSN: 1617-5069

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## De-Constructing Legitimacy with a Special Reference to the Panchayati Raj System in India

Kai Fürstenberg<sup>1</sup>

*Keywords: legitimacy, legitimation, political institutions, Panchayati Raj*

### ABSTRACT:

*Legitimacy is a central phenomenon in the realm of every organised society. Its existence is pivotal for the continued existence of structures of governance and political institutions like administrations and legal systems. The legitimation of a political system, or any other social system, is necessary to keep it alive without the use of force. A wide range of hypotheses exists which define legitimacy and try to explain how legitimation is produced by institutions, respectively lent by the subjects of institutions. The evaluation of hypotheses touches on different disciplines, ranging from economics, sociology and political science to psychology, and their various theoretical approaches, from rational choice via cultural theories and organisational studies to behavioural sciences. In this, essay I want to give an overview about the current academic discourse, concentrating on the most prominent and influential works. The paper presents several definitions of what legitimacy entails and how systems and institutions gain legitimacy. Following this review of the academic discourse this essay evaluates the working hypotheses against the backdrop of a particularly interesting empirical case: The case of the Panchayati Raj Institutions (PRI), the local government system in India.*

### INTRODUCTION

Legitimacy is a central phenomenon in the realm of every organised society. Its existence is pivotal for the continued existence of structures of governance and political institutions like administrations and legal systems. The legitimation of a political system, or any other social system, is necessary to keep it alive without the use of force. To some extent legitimacy is even a way of reducing the “cost” of institutions by taking away the necessity of coercion by force. A wide range of hypotheses exists which define legitimacy and try to explain how legitimation is produced by institutions, respectively lent by the subjects of institutions. The evaluation of hypotheses touches on different disciplines, ranging from economics, sociology and political science to psychology, and their various theoretical approaches, from rational choice via cultural theories and organisational studies to behavioural sciences. In this, rather theoretical, working paper I want to give an

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overview about the current academic discourse, concentrating on the most prominent and influential works. I present several definitions of what leads to legitimacy and how the legitimation of systems and institutions comes to pass. Therefore I will look at the explanations rational choice theory provides, the common way organisational studies deal with the problem and how psychology and behavioural science analyse legitimacy and legitimation. While incorporating the seminal works from Martin Lipset (1959), John Dowling and Jeffrey Pfeffer (1975), Stephen Weatherford (1992) and Mark Suchman (1995), I will also have a close look to recent works (Buchanan 2002; Gibson 2005, Tyler 2006, Scott 2008) and the occasional “outsider” (Grafenstein 1981). After presenting a comprehensive overview of the various hypotheses I will draw from their surrounding theories ways of possible measurement of legitimacy. To provide a comprehensive overview over concepts of legitimacy and legitimation is crucial for this paper. Concepts and definitions of legitimacy, mechanisms and processes of legitimation and their measurements are at the core of my research and are also the main object of interest in this paper. My aim is critically review the existing literature on the topic. The first research question for this working paper would be:

*What explanations and concepts does the established research literature offer on the topics of legitimacy and legitimation?*

Following this review of the academic discourse I attempt to de-construct the presented hypotheses against the backdrop of a particularly interesting empirical case: The case of the Panchayati Raj Institutions (PRI), the local government system in India. The PRI present a fascinating puzzle in the realm of political institutions: They are a firm part of the Indian institutional landscape and barely questioned in their appearance, let alone in their existence. Nevertheless they are a relatively new<sup>2</sup> institution and ridden with corruption, partisan politics and a severe lack of efficacy in some cases, but successful in others. I want to explore how the current hypotheses about legitimacy and legitimation deal with this phenomenon and if and how they are able to solve this puzzle. My research question here is:

*Are the various approaches on legitimacy and legitimation able to explain the phenomenon of apparent legitimacy in the Panchayati Raj Institutions?*

To investigate the question I will use various surveys on trust, perception and performance of PRI in India which were conducted during the last decade. I also will use voters’ turn-outs in local elections all over India during the last years. These data are not particularly concerned with legitimacy and can only serve as indicators for the presence of legitimacy. Since this is a working paper and the related research is a work in progress I am not yet able to present any specific data. However, the existing data is sufficient enough to at least illuminate the puzzle. Further, the PRI is just an interesting case for the investigation of the phenomenon of legitimacy and legitimation and not the main interest of the research in general. I do not want to analyse the PRS as such, nor do I claim any explanatory value of my research in regard to any aspect of the PRI except for the particular puzzle on legitimacy!

## **LEGITIMACY AND LEGITIMATION – PROCESSES AND PROPERTIES**

In this part I want to provide various definitions of legitimacy as well as examine the components that constitute legitimacy and the processes that are necessary and

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<sup>2</sup> In their current form they exist since 1993 (constitutional amendment in 1992).

included in legitimation. I will examine the different approaches with increasing relevance to the field of political institutions, but will start with two main theorists in particular which are Max Weber and Martin Lipset.

I start with Max Weber and his idea of legitimacy and legitimation. He roughly defines legitimation of a social order as:

“[...] action [...] approximately or on the average orientated to certain determinate 'maxims' or 'rules'.” (Weber 1978 [1924]: 31).

The result of such action can be placed in one of three categories of legitimacy, according to Weber: Tradition, that is the authority of a canon of values, beliefs and social norms which constructs a past reality on which the dominated and dominating can invoke together; charisma, that is the authority of ability to lead and/or appearance of strength or wisdom (of a person or an institution); and at last legality/ rationality, that is the authority of legal status of decisions, rules and institutions and the rational functionality of them, respectively the legal and effective (bureaucratic) imposition of rules and decisions (Weber 1978 [1924]: pp. 78; see also Tholen 2004 and Tyler 2006). We have to understand these varieties of legitimacy as a hierarchy in which the last form, the legal and (bureaucratic) rational form, is the prevailing form in modern societies. In other words, in modern societies institutions are legitimated by the rule of law; the imposition of rules and decisions is accepted by virtue of their legal status (Weber 1978 [1924]: pp. 78). All three categories of legitimacy have a process in common which makes legitimation of institutions and rules possible: The internalisation of the social norms and values which are prevalent in a society. The internalisation of values and norms is the process of replacing the external pressure to comply, normally by force, with internal conviction that compliance is a self-interest and the norms and values are part of the individuals own maxims (Tyler 2006: 378). Tyler puts it:

“People who internalize social norms and values become self-regulating, taking on the obligations and responsibilities associated with the norms and values as aspects of their own motivations.” (ibid.).

The internalisation of norms and values also includes the aspect of obligation, which leads to the voluntary deference to the rules and decisions of a legitimated institution. The congruence of the institution with the social norms and values, which are generalised by virtue of internalisation of the individuals constituting the society, leads to the acceptance of the institution and its decisions as legitimated and prevents resistance. Coming back to the three categories, we can see that the compliance in all of Weber's varieties is easily explained by the internalisation of social norms of values. An institution can invoke tradition as the legitimating factor for a decision, it can use the charismatic aspect and it can act rational and legal. In the first case the institutions imposition is legitimated by virtue of traditional congruence: It is custom to do as I am told, so I will do as I am told. The internalisation of beliefs, customs and values has lead to the acceptance of the decision, because it is in accord with what the individual beliefs is right and always was right. In the second case the concept is the ability to lead and/ or wisdom of the charismatic authority which compels the individual to obey; from the individuals point of view the institutions decision must right, because the institution has, or seems to have, proven its ability to make acceptable decisions. In the third case, which is the case, which marks modern societies according to Weber, the virtue of the legality and rationality produces compliance. The individual obeys, because the decision is in accordance with the law, which has been internalised as the framework of acceptable action, and

the decision is, or seems to be, rational and efficient, a value/ norm of modernity. However, we have to be cautious when using the term *rationality* in this case. I would not ascribe the same meaning of modern-day rationality, as used in rational-choice theory, to the term in this connection. It is more a value, which expresses modernity vis-a-vis tradition. The emphasis lies on the contrast of traditional values, beliefs and customs against modern ideas of the rule of law (legality) and efficiency.<sup>3</sup>

Although that may seem somehow odd, I would describe this internalisation of norms, leading to legitimation of institutions, as a reversed categorical imperative. The categorical imperative states that the maxim of one's own action should be in such a fashion that could be applied to be a general law (see Kant 1781). The reversed argument would be that the general law should be applied as the maxim of one owns action. However, the critical problem would be the enlightened application of Kant's categorical imperative by a person in contrast to the unconscious internalisation of the social construct of norms and values. Weber's definition of legitimacy and legitimation has been, and are still, highly influential in the realm of legitimacy theory. The normative, value-oriented way of looking at legitimacy and legitimation is taken up especially by organisational studies and the psychological approaches.

Lipset deals extensively with legitimacy and legitimation in situation of structural change or crisis, while exploring systems, which continued to remain stable (1959: pp. 88). Although not giving a distinct definition, he describes legitimacy as the capacity of a political system to bring society to the belief that its institutions are the most desirable and appropriate ones, and to maintain this belief (1959: 86). He does identify sources of legitimacy and continuity in legitimation in societies which transform themselves from feudal structures, absolutism and oligarchy into democratic forms of government and which do so in a, more or less, orderly fashion. However, in contrast to Weber, Lipset separates effectiveness<sup>4</sup> and legitimacy, although both aspects complement each other when it comes to the stability of political systems (1959: 86). One of his main arguments is that new structures, e.g. new democratic institutions, profit from already existing institutions in the process of legitimation. He argues further, that such institutions are primarily conservative and integrative in nature (ibid.: 88). The idea behind that is that new institutions are brought into congruence with already legitimated institutions, which are in turn in congruence with the internalised values and norms of society. By virtue of their congruence, the right for obedience (French and Raven 1959 cited in Tyler 2006: 377; Tyler 2006: 379) is transferred to these new institutions. A very illuminating example presented by Lipset for this argument is the transformation of countries from oligarchies into democracies: Countries which kept their monarchies and integrated them in their new constitutional systems remained more stable than countries which abolished their monarchies and turned to democracy (Lipset 1959: pp. 88). He exemplifies that with the monarchies of Scandinavia and the United Kingdom in contrast to countries like France or Germany (ibid.). The monarchy with its integrative and symbolic values is a typical conservative institution which, if legitimated, can, through integration into the new structures, share its legitimacy with new (democratic) institutions. Lipset also sees the conservative aspect of the monarchy as a factor integrating former elites, which would retain their loyalty to the

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3 In the temporal context of Weber I assume that the contemporary belief in progress, social and technical, coined the understanding of rationality. The word *Technikgläubigkeit* (belief in technology) comes to mind in this context.

4 Effectiveness being a subcategory of rational and legal legitimacy in Weber's work.

legitimated institution of the monarchy, while this institution is co-opted by the new democratic institutions (Lipset 1959: 88). Problematically, Lipset's definition of legitimacy (see p. 2) is very short and does not imply much information about how institutions gain legitimation in the first place, i.e. how the monarchy became a legitimated institution to begin with.

Dowling and Pfeffer, working in the field of organisational studies, see the process of legitimation as an active process, initiated by the organisations or institutions themselves<sup>5</sup> (1975: 127). In the very beginning of their paper *Organizational Legitimacy*, they see congruence between an organisation's social values, implicit by their association and activities, and the "norms of acceptable behaviour" in society as legitimacy (1975: 122). They differentiate between the process of legitimation and the outcome of legitimacy (ibid. 125), the first being the attempts of the organisation to attain the latter. Following their own definition of legitimacy, that is the congruence of the organisation's values, its actions, with the prevalent norms and the socially acceptable behaviour (see p. 2), Dowling and Pfeffer see the organisation in need to have an output which society can identify as appropriate and conform with their own internalised norms and values, or the organisation must through communication give the impression of identification with those mentioned values and norms (1975: 127). They also identify a third way of attaining legitimacy: The organisation can try, through communication with society, to change the norms and values of said society and bring these norms and values in congruence with their own output (ibid.). That would basically mean they have to adjust the connotation of legitimacy in society itself. But Dowling and Pfeffer put this third way of legitimation in perspective by stating that this would be a very difficult and unlikely process and they see the first two possibilities as more likely (ibid.). However, seeing legitimacy as a behavioural constraint on organisations, them having to act within the realm of the socially acceptable behaviour, Dowling and Pfeffer hypothesise that organisation will tend to alter social norms and values nevertheless (1975: 131). We have to keep in mind, however, that they write about organisational legitimacy in the corporate and enterprises sector, making their observations and hypotheses aimed at private institutions and not directly at political institutions. On the other hand it is valid to look at these hypotheses for we can educe ideas to the application on political institutions.

Based on Dowling's and Pfeffer's second argument (see above) Meyer and Rowan see institutional isomorphism<sup>6</sup> as an effective way to attain legitimation. Following their definition of legitimacy:

"We take the view that organizational legitimacy refers to the degree of cultural support for an organization – the extent to which the array of established cultural accounts provide explanations for its existence, functioning, and jurisdiction, and lack or deny alternatives [...] In such a[n] instance, legitimacy mainly refers to the *adequacy of an organization as theory*. A completely legitimate organization would be one about which no question could be raised. [...] Perfect legitimation is perfect theory, complete

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<sup>5</sup> Organisational studies as a part of the wide field of the New Institutionalism has a definition problem: on the one hand organisation and institution are used synonymously, on the other hand institutions can constitute organisations; see Scott 2008 and Hudson 2011.

<sup>6</sup> Isomorphism is a concept, developed by DiMaggio and Powell (1983), which states that organisation will mimic other, already legitimated, organisations or elements thereof in order to gain legitimation for themselves.



and confronted by no alternatives.” (Meyer and Rowan, cited in Deephouse and Suchman 2008: pp. 50).

The organisations will seek conformity with already established and legitimated organisations and institutions, thus producing legitimacy through external factors rather than by virtue of being efficient (Meyer and Rowan 1991: 49). Further they argue that the incorporation of legitimated institutions and the creation of the formal structure of the organisation from these institutions, respectively the designing of the organisation in such a fashion that it “adheres to the prescribed myths in an institutional environment” (Meyer and Rowan 1991: 50), demonstrates the organisation acts in congruence with social norms and “purposes” (ibid.). While this argument may sound similar to the idea that organisational output, which is socially and normatively acceptable, is the legitimating factor, it is in fact the idea that the formal structure is socially and normatively acceptable. Hence the conduct of the organisation seems to have legitimacy. When it comes to private institutions, such as business organisations or even non-profit organisations, this idea may sound plausible. But in terms of political institutions, which are often independent from other institutions and are less adaptive<sup>7</sup>, the isomorphism argument is hardly applicable. Especially since Meyer and Rowan explicitly state that the organisation's legitimacy is increased in highly elaborated state structures, i.e. environments with highly legitimated political institutions (Meyer and Rowan 1991: 53). However, Meyer and Rowan argue that relational networks encourage the development of structures for the purpose of coordination and control, and societal relations and organisational elites create a highly institutionalised context. This is the environment to which the organisations adapt (ibid.: 54). An important factor in the institutionalisation of the context and subsequent legitimation of the organisations play so called *rational institutional myths*. These myths basically assume rationality in certain (state-) structures based on efficiency and expertise. Like already stated above, the formal adaptation to these structures promulgate the appearance of rationality of an organisation, thus legitimating the organisation (Meyer and Rowan 1991: 48).

Scott establishes a model which sees the phenomenon of legitimacy resting on three pillars, which can be theoretically distinctive: A regulative pillar, a normative pillar and a cultural-cognitive pillar (Scott 2008: pp.51; 59). The regulative pillar emphasises the congruence between an organisation and its output with the laws and regulations of a society (third type of legitimacy in Weber 1978 [1924]). The normative pillar establishes legitimacy on the ground of morality, which is the congruence of the organisation with the social norms and values. The third pillar, the cultural-cognitive, describes the conformity of an organisational outfit with an inter-subjective reality or frame of reference. The distinction of the second and third pillar seems somehow fuzzy, since norms and values are deeply integrated in the frame of reference and the inter-subjective reality is made up from commonly shared norms and values<sup>8</sup>. There is also a hierarchy to the three pillars ranging from the regulative pillar as the weakest way of legitimation to the cultural-cognitive pillar as the strongest. An organisation which legitimacy rests firmly on the third pillar can exist unopposed since it is taken for granted, that means its existence is so deeply integrated into the inter-subjective reality that it is unquestioned. Scott further argues that, although theoretically distinctive, in reality various combinations are observable, with a strong alignment of all pillars increasing and strengthening the

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<sup>7</sup> A bureaucracy cannot simply incorporate aspects of legitimated organisation from the private sector.

<sup>8</sup> For an more elaborate critique see Senge 2006: 35-47.



base of legitimacy (Scott 2008: 62). Scott's model is applicable on political institutions since it, in contrast to Meyer and Rowan, does not presuppose highly institutionalised contexts and rational myths to work.

Suchman gives probably the most influential definition of legitimacy in the organisational studies:

“Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed systems of norms, values, beliefs and definitions.” (Suchman 1995: 574).

He, providing a very comprehensive evaluation of the discourse, establishes, like Scott, three categories of legitimacy in organisations, which are, similar but not identical to Scott's categories<sup>9</sup>, pragmatic legitimacy, moral legitimacy and cognitive legitimacy (Suchman 1995: 577).

The pragmatic legitimacy is, unlike the regulative pillar in Scott's model, a very basic form of legitimacy, resting on the rational expectations of organisation's subjects. It makes efficiency and utility the main legitimating factors. Suchman puts it that way:

“[...] pragmatic legitimacy boils down to a sort of *exchange legitimacy* – support for an organizational policy based on that policy's expected value to a particular set of constituents.” (Suchman 1995: 578).

Further he presents a related form of legitimacy, influence legitimacy, which puts emphasis on the incorporation of subjects in the organisation's structure, thus invoking an appearance of responsiveness. Not the direct efficiency of the output is the main legitimating factor, but the co-optation of the subjects and the appearance of responsiveness towards the constituents (ibid.).

The moral legitimacy is very similar to Scott's normative pillar. Congruence with social norms and values, the moral grounds of an organisation's structure, procedures and output are the legitimating factors here (ibid.: 579). The third type of legitimacy Suchman describes, the cognitive legitimacy, is a type of legitimacy which is, like in Scott's pillar-model, based on the taken-for-grantedness of the organisation (1995: pp. 582). Cognitive legitimacy is basically the absence of questioning of an organisation, because it is perceived as inevitable (see Jepperson 1991 and Powell 1991). While Suchman criticises this type of legitimacy as beyond the realm of management and private organisations (ibid.: 583), the main scope of organisational studies, it is an interesting concept when it comes to political institutions, the inevitability of monarchy for example.

The main problem of the organisational studies is their focus on private organisations and management studies. Why do I include organisational studies then in my review? While not accommodating political institutions explicitly, a lot of approaches made by the organisational studies hold some interesting ideas. Further Suchman's definition (see p. 2) of legitimacy is widely acknowledged and universal enough to be applied to political institutions. In terms of concepts of legitimation ideas like regulative and pragmatic legitimacy are compelling concepts in connection with political institutions and the idea of (cultural-) cognitive legitimacy can have some value when it comes to bureaucratic institutions. On the other hand the lack of

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<sup>9</sup> Both published their seminal works first in 1995.

theoretical and empirical work on political institutions makes an evaluation in this field difficult. I can only try to apply ideas, meant for private and business organisations, to political institutions.

Further the lack of cohesiveness of definitions and the sometimes very confuse nature of definitions of institutions in the New Institutionalism make a comprehensive use of the concepts and hypotheses of organisational studies, which mainly work within the frame of New Institutionalism, very difficult (see Hudson 2011).

Now I will jump from organisational studies to psychology-based hypotheses about legitimacy and legitimation. The psychological account of legitimacy is explicitly applicable on political institutions, i.e. governance. Subsequently a definition from the field shows much more relation to political institutions than definitions from organisational studies:

“Legitimacy derives from beliefs citizens hold about the normative appropriateness of government structures, officials, and processes. Of central importance is the belief that rules and regulations are entitled to be obeyed by virtue of who made the decision or how it was made.” (Levi, Sacks and Tyler 2009: 354)

And further:

“A major effect of legitimacy is an increased likelihood of compliance with governmental rules and regulations.” (ibid.).

While psychological hypotheses still employ the Weberian accounts of morality, charisma and rationality/ legality (see p. 5) they add a new dimension of legitimation. This new dimension is procedural fairness that is the perceived (or even actual) fairness with which a decision of an institution is considered and imposed (see Thibaut and Walker 1975 cited in Tyler 2006: 378; Tyler 2001).

The attention on the concept of fairness in decision making (Tyler 2006: 379) is also reflected in other definitions of legitimacy in psychology-based approaches. Hence we could extent French and Raven's definition to:

“[legitimacy is] social influence induced by feelings of 'should', 'ought to', or 'has the right to' [and the feeling of 'being fair'” (French and Raven 1959 cited in Tyler 2006: 377; Tyler 2006: 379).

The idea of procedural justice and fairness as core elements of legitimation and subsequently as parts of a definition of legitimacy are important factors at the convergence point of psychology, law studies and political science. Tyler consequentially argues (defining a loss of legitimacy):

“[...] political authorities and institutions lose legitimacy when they do not adhere to procedural fairness norms.” (Tyler 2006: 382).

The effect here is that subjects of an institution which imposes a decision are more likely to acquiesce to a decision when they think that the outcome affects everyone in the same way, meaning that no one has an unjustified advantage or disadvantage over the other subjects. By that logic institutions which adhere to standards of procedural fairness, which has a legitimating effect on them, are more

likely to acquire obedience by the subjects, even if the decision is unpopular (Tyler 2006: 381; Gibson et al.: 2005). Further procedural justice and fairness can produce an appearance of rationality (Weber's third type of legitimacy; see p. 5) by virtue of being ostensibly neutral (Tyler 2006: 384). Another important factor of the aspect of procedural fairness in political institutions is participation and representation. As argued by Levi, Sacks and Tyler, influence, via participation and/ or representation, enhances the sense of ownership and the perception of fair and just procedures (2009: 360). Further research by Levi et al. suggests also a great influence of trust as a legitimating factor: A political institution becomes trustworthy when it promulgates good governance (2009: 356). Political institutions which serve the needs of their subjects, imposing policies which benefit the citizens and are generally trying to live up to the citizens needs, can gain the trust of the citizens and can therefore be legitimated. Levi et al. consider trust, together with procedural fairness, as a requirement of value-based legitimacy (ibid.). While basically identical in its output, the willingness to obey and sense of obligation, their value-based legitimacy forgoes the moral aspect, which is the congruence with social norms and values. Further, Levi et al. distinguish between the value-based legitimacy and behavioural legitimacy (ibid.: 357). Behavioural legitimacy is simply the compliance with decisions imposed by legitimated institutions. Interestingly, the legitimating factors of value-based legitimacy have a strong rational notion: An institution which delivers can be trusted and legitimated, because it fulfils the preferences of the citizens. This impression is backed by what Levi et al. describe as *government performance, administrative competence and enforcement and monitoring of regulations and laws* (2009: 358). These are indicators of efficiency of a political institution in regards to welfare, bureaucratic efficiency and legal security.

The arguments made by the supporters of procedural fairness have a problem: They are empirically ambiguous at most. Gibson et al. provide an extensive survey based on the hypotheses that the United States Supreme Court is more legitimated than the United States Congress by virtue of its perceived procedural fairness and strong implication with legality, and that the legitimacy of the institution is mainly responsible for the acquiescence of the citizens (Gibson et al. 2005: 189). They tested their hypotheses with opposition and support for the case of ballot counting in the Bush vs. Gore election (ibid.). While the hypothesis that legitimacy is responsible for acquiescence, not very surprisingly, received support from the data, the hypothesis that the U.S. Supreme Court is more legitimate than the U.S. Congress has received only little support, if any (the difference may be within the margins of error; Gibson et al. 2005: pp. 196).

One quote from the actual study is, in my opinion, pretty unmasking:

“When forced to choose between pure experimentation [...] and a design mandated by theory, we chose theory. This has imposed a price [...]. We admit that we sacrifice some of the strength of the causal inference [...]” (Gibson et al. 2005: 198).

This leaves to some degree the impression, that there is no real scientific interest, but an urge to 'model' reality after theory, rather than rethinking theory and maybe sacrificing assumptions made by theory in order to relate to the empirical reality.

From these psychological approaches I will now turn what is probably most sensible in regards to political institutions: Political science approaches to legitimacy and legitimation.

Easton's concept of political support is probably one of the more interesting and influential in the field. Easton distinguishes between two forms of support: Specific and diffuse support (Easton 1975: 436). Thus he describes specific support as:

“The uniqueness of specific support lies in its relationship to the satisfaction that members of a system feel they obtain from perceived outputs and performance of the political authorities. This kind of support is object-specific [...]” (Easton 1975: 437)

And diffuse support as:

“[Diffuse support] consists of a 'reservoir of favourable attitudes or good will that helps members to accept or tolerate outputs to which they are opposed [...]” (ibid.: 444)

The first form, the specific support, is the support lent to a political institution or authority<sup>10</sup> based on the individual's evaluation of the perceived outputs and performances of said institution (ibid.: 437). He adds that individuals will give specific support to an institution when they perceive that their demands were met, or in other words, when individuals benefit from the output and performance of an institution. Diffuse support is, according to Easton, not directly tied to the evaluation of perceived outputs and performances of a political institution. It is more an attachment to that institution that may last longer and is harder to erode (ibid.: 445). While specific support may be more orientated towards incumbents of an institution, diffuse support is more orientated to the arrangement of an institution (ibid.) which reflects in the willingness of providing goodwill towards an institution independently from the evaluation of its output. The source of diffuse support for Easton lie in the socialisation of individuals, the familiarisation to the institution, the experiences individuals had with the institution, mostly the positive, and in ideological commitments which may be in accordance with the institutional arrangement (ibid.: 445pp.). Interestingly Easton does not equalise support and legitimacy, rather he describes legitimacy, in a very conventional way (see p. 3), as a component of diffuse support (Easton 1975: 451). This seems quite odd to me. While Easton defines legitimacy as a conviction that it is right and proper to adhere to an institution based on one's own moral norms and (social) values, he sees diffuse support as a 'reservoir of favourable attitudes and goodwill' towards an institution's output, or in other words, a conviction that the output of an institution is proper and one should adhere to its decisions. Also, I would argue that both, legitimacy and diffuse support, in Easton's definitions stem from socialisation, experience and ideology<sup>11</sup>. Easton develops a concept which seems to me being simply an aspect of legitimacy itself.

Buchanan makes an interesting distinction between political legitimacy and political authority (see p. 4), assessing a higher value to political authority. While still being to some extent in congruence with two basic Weberian accounts, morality and legality, he emphasis the role of human rights and the importance of a democratic system (Buchanan 2002: 703). Subsequently he provides a very interesting definition of legitimacy:

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<sup>10</sup> Easton talks of political authority rather than institution, but the meaning is basically the same.

<sup>11</sup> Easton more or less shows that himself in his chapter on legitimacy (1975: 452).

“[...]a wielder of political power (the monopolistic making, application, and enforcement of laws in a territory) is legitimate (i.e., is morally justified in wielding political power) if and only if it (a) does a credible job of protecting at least the most basic human rights of all those over whom it wields power, (b) provides this protection through processes, policies, and actions that themselves respect the most basic human rights, and (c) is not a usurper (i.e., does not come to wield political power by wrongly deposing a legitimate wielder of political power).” (Buchanan 2002: 703).

And one for political authority:

“I shall say that an entity has political authority if and only if, in addition to (1) possessing political legitimacy it (2) has the right to be obeyed by those who are within the scope of its rules; in other words, if those upon whom it attempts to impose rules have an obligation to that entity to obey it.” (ibid.: 691).

For him the main legitimating factors for political institution, and these are basically governments, are their ability, credibility and willingness to protect basic human rights. The human rights build the moral justification to rule and impose decisions. The other great legitimating factor is the democratic nature of the institution. A political institution can only be legitimated if its occupiers came to power democratically, respectively, if the institution is democratic in nature (ibid.). This conclusion is built on the assumption that where (liberal) democratic structures are available, only (liberal) democratic structures can be legitimate (ibid.: 689). The focus on liberal values like democracy and human rights makes legitimation a highly normative concept. Interestingly, the exclusion of the 'right to be obeyed' from the definition of political legitimacy, makes Buchanan's concept a floating concept, where it is somehow a moral justification to adhere to a legitimated political institution, but not a consequence to obey its decisions.

Rothstein, on the contrary, places legitimation on the output side of the political system, describing political legitimacy as rather a result of the quality of a government as opposed to the quality of the elections<sup>12</sup> which led to the establishment of said government (Rothstein 2009: 313). The normative foundation of the quality of government, according to Rothstein, is the impartiality of the government, that is the ability to decide without consideration of personal interest or personal relations, or in other words a government which is free of corruption and discrimination (ibid.: 314, 325). If citizens recognise that their government acts to protect their citizens' interests and serve them equally, that is without discrimination and without serving the personal interests of the occupants of the regime, they are likely to legitimate their government (ibid.). While his argument is much more grounded in reality than others, placing the legitimation process at the interface between citizens and institutions, it has the problem that in reality governments always cater to their own electorates first and that in liberal democratic governments, by the very definition of the political system their operating in, have to be discriminatory towards minorities<sup>13</sup>.

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<sup>12</sup> Rothstein is not disregarding the importance of free and fair elections and its possible influence on legitimacy. He is just placing much more importance on the output side (2009: pp. 325).

<sup>13</sup> A majoritarian system always discriminates against the preferences of the electoral minorities; likewise protection of the preferences of a majority in a society is very likely to discriminate against the preferences of at least one minority.

A completely different approach to the phenomenon of legitimacy is made by Grafenstein. His definition of legitimacy is probably one of the most notable and distinctive in this field of research:

“[...] an institution is legitimate when the range of meaningful political choices across which an individual calculates, develops attitudes, or reflexively reacts is effectively circumscribed by the institution.” (Grafenstein 1989: 61).

Already in 1989 he is criticising the, in his view, false assumption that legitimacy rests in the private sphere, that means on the norms and values of the subjects. Rather than that he sees legitimacy as a property of the public sphere (Grafenstein 1989: pp. 51). In contrast to the, in the discourse widely acknowledged, assumption that common morality, values and norms produce public behavioural coordination, Grafenstein argues, that they are public behavioural coordination (ibid.: 54). In his criticism he puts it very sharply, but also brightly:

“Consider first the methodological objection that the use of legitimacy to explain political obedience tends to become tautological. In the institutional view, this is virtually an inevitable result, since behaviour is not a product of a psychological state but constitutes what we construe that psychological state to be. Specifically, the behaviour that 'measures' legitimacy is ultimately the behaviour that defines it.” (Grafenstein 1989: 55).

And further:

“If the behaviour that is chosen to measure legitimacy ultimately defines it, then the difference between correctly identifying behavioral indicators of legitimacy and arbitrarily equating a set of behavioral indicators with legitimacy becomes obscure.” (ibid.).

Grafenstein's conceptualisation of legitimation and legitimacy is rather instrumental (see definition p. 4). His game-theoretical approach is intriguing with its rational assumptions of utility/ positive pay-off when using legal channels provided by the institutions, or in turn, the lack of utility/ negative pay-off when using an illegal channel outside the institution (Grafenstein 1989: 61). The idea that the legitimacy of a political institution is assured if the individual/ subject of that institution has no choice but to use the institutional, legal channels (otherwise he would invest more than he could get out of his choice, e.g. punishment) is compelling, because of its relative simplicity. Similar ideas are discussed also in the rational choice institutionalism, especially the solution of the collective action dilemma by channelling decision making through institutional arrangements and by that reducing the losses and providing a maximum utility to the subjects of the institutional arrangement (see Hall and Taylor 1996; Shepsle 2005). However, legitimation does not arise from the constraint of behavioural choices through political institutions as such. There are processes involved which shape the constraints.

The overall review of the literature on legitimacy, especially legitimacy of political institutions, shows that the discourse is mostly concerned with legitimation through congruence between internalised norms and values and the socially constructed frame. Morality and taken-for-grantedness through cognitive filters are the main arguments for the ability of institution to legitimate themselves. Organisational studies further emphasises the role of isomorphism, the imitation of



legitimated organisation and institutions to gain legitimacy for themselves. Psychological approaches add procedural fairness as an important legitimating factor. All hypotheses have one thing in common: Institutions can actively seek legitimacy and legitimacy can be derived from legitimacy (see the isomorphism argument). Although various assumptions are made in regard to rationality, they are often integrated in the overall construct of value-based legitimacy (see myths of rationality; Meyer and Rowan 1991). All in all the concepts of legitimacy and the assumptions on legitimation in most approaches are somehow arbitrary and make the impression of ex-post-facto constructions, probably stemming from small cases, where these approaches make sense (small inter-subjective communities with legitimated institutions make the assumption that the institutions congruence with the norms and values of the inter-subjective community legitimate these institutions very compelling). Grafenstein's critique follows that impression when he explicitly identifies the tautology of an argument which basically says legitimate behavioural is identified by compliance and compliance indicates legitimate behaviour leading to legitimacy. Grafenstein's approach in contrast, which is pretty much in line with later work in rational-choice institutionalism, is more instrumental and seems to be much clearer. His assumption of legitimation through institutional constraints, especially the point of high negative pay-offs in case of illegal choices, make sense, because legitimacy is not constructed from itself, but from instrumental behaviour and rational choices.

One major point which all approaches have in common, even the more recent ones, is the firm foundation of the concepts in western, industrialised contexts. Almost all research in the literature was done in Europe or North America in societies, which have all a very similar, often even intertwined, set of historical experiences, cultural backgrounds and norms. From a developing country perspective this is very problematic. The analyses of political institutions in such countries is complicated by the huge differences in the history of institutionalisation, i.e. the imposition of governance structures through colonial powers, the sudden changes in regimes or occupiers of regimes and the gaps between the cultural contexts of the occupiers of regimes and the norms, traditions and values of the institutions' origins. That makes a de-construction of the established research against the political institutions of developing countries even more important. The case of the PRI in India is an excellent object of investigation in this regards.

## **MEASUREMENTS OF LEGITIMACY**

The discussion of operationalisation of the presence of legitimacy via indices and valid indicators which are applicable to political institutions is crucial to my research. Various ways of to operationalise legitimacy exist within the academic discourse, ranging from structural to individual approaches. They can be aimed at the institutions itself or at the behaviour and attitudes of individuals towards the institutions.

Stephen Weatherford's work states in this regard clearly the complexity of measuring legitimacy and the distinction of two perspectives: The macro perspective, investigating the properties of the system and the macro-structures (society at large, etc.) and the micro perspective, investigating attitudes and behaviour of citizens (1992: 149). Improving on the conventional model for survey-based methods he identified, consisting of political components (political trust, government responsiveness, etc.) and personal components (political interest, political efficacy, personal trust, etc.), Weatherford proposes a revised model, which

includes now a 'judgement of system performance' side and a 'personal/ citizenship traits' side, with interrelated components (government performance, political involvement, interpersonal trust, personal efficacy, etc.) (1992: pp. 154). While his revised model has advantages over the conventional model in terms of macro level structures and can, in Weatherford's view, align theory and measurement more closely, the conventional model keeps its value when it comes to measuring the micro level (Weatherford 1992: 159). The revised model has some interesting attempts to open the government 'black box'. It should be able, according to Weatherford, to measure individuals evaluation of public policies and their ability to distinguish between procedures and policies, fairness and efficacy (ibid.: 161). Scully, Jones and Trystan argue for election turn outs as an indicator for institutional legitimacy (Scully et al. 2004: 521). Although they concede, in line with Pateman (1970 cited in Scully et al. 2004: 522), that low election turn outs do not necessarily indicate low legitimacy, high turn outs indicate political legitimacy (Scully et al. 2004: 523). There is, however, a threshold, a minimum turn out to justify elections (ibid.: 522; see Pateman 1970). The election turn-out argument seems rather compelling, since, intuitively, high participation in elections seems to indicate high acceptance. Further the argument is in accord with the argument made by Grafenstein. Elections are basically choices made within the legal institutional channels, thus the usage of this channel by voting, makes elections a legitimating process. Following the argument of Booth and Seligson that legitimacy ultimately relies on citizens' perceptions (Booth and Seligson 2009: 8), Doyle uses trust as a proxy to indicate legitimacy (2011: pp. 11). He uses a cross-survey analysis on confidence in main political institutions (parliaments, political parties, judiciary) to infer the level of trust/ distrust in political institutions and to indicate legitimacy from that (ibid.). The trust-proxy is an interesting instrument since it is applicable in nearly every context where political institutions exist and its measurement can be done with a simple, easy-to-understand question. However, I have to admit that this is just a one-dimensional proxy, which cannot encompass all aspects of legitimacy mentioned in the theoretical discourse.

Another method of measurement, derived from Grafenstein's definition of legitimacy (see p. 4), can be a measurement of the willingness to make illegal choices, respectively, choices outside the institutional channels. Such a measure can be the willingness of citizens to pay bribes to circumvent institutional channels or to abridge institutional processes via an illegal choice. Such measurements of corruption are already done in survey, i.e. by Widmalm (2008: 148). The advantage of such a measurement, if done by a carefully formulated question, can indicate the preparedness of citizens to solely make legal choices by using institutional channels or, negatively formulated, their aversion of institutions by their illegal choices. By the willingness, respectively, aversion to make legal choices, using institutional channels, it is possible to at least infer the condition of legitimacy of a political institution. The above mentioned measurements are only an excerpt of a much wider discourse, but they represent ways some important dimensions of legitimacy of political institutions can be measured. With election turn outs and corruption measurement it is possible to infer on the citizens willingness to choose from the set of legal actions, rather than from a set of illegal actions, respectively, the willingness to use the channels the political institution offers, because they provide a positive pay off, in contrast to no, or even a negative pay off when circumventing these channels. Following Grafenstein, the institution is legitimated if the citizens see no alternative to the use of the institutional channels. Trust, on the other hand, adds a perceptive dimension. Having confidence in a political institution indicates that this institution is perceived as an appropriate institution. Hence it is suitable as a proxy for legitimacy. Again, trust, as apparent in Weatherford's work, is also only one of

many dimensions. Weatherford offers additional dimensions of measuring legitimacy, for example political and personal efficacy, institutional performance and government responsiveness. Political efficacy and institutional performance, at least its perceptions, are good indicators for legitimacy, since high degrees efficacy and performance usually indicate delivering institutions. From a rational-choice point of view a cornerstone of legitimacy.

When it comes to the operationalisation of legitimation mechanisms in value-oriented approaches, like in DiMaggio and Powell, Scott and Suchman, one has to look at the context of the institution under investigation. What the core values, beliefs and traditions of a society in question are is the crucial knowledge in this regard. Such an investigation must aim at the expressions of the context, like iconography, language, symbols, codifications (both, actual laws and normative conducts) and belief systems. This can be done by hermeneutic devices, by discourse analyses or by ethnographical fieldwork. By the investigation of how institutions represent the context's iconography, language, etc. it is possible to identify the mechanisms of the legitimation processes. The empirical research in these cases, however, is limited to smaller cases, given the fact that qualitative research includes a great deal dedicated work (see DiMaggio 1991: pp. 286).

One important point, however, is has to be considered: The distinction between concepts and methods must be observed. Trust may be a good proxy in measuring legitimacy, but conceptualising trust as a legitimating factor may open a tautology trap (see Grafenstein 1989: 55). Further, election turn outs may indicate the existence of legitimacy, but low turn outs do not necessarily indicate its absence. Here only positive proof is possible. Also the argument concerning trust is valid for election turn outs, too. So while a measurement of legitimacy must be aligned to theory, concepts and methods must be distinctive from each other.

## **THE PANCHAYATI RAJ SYSTEM AND ITS PUZZLE**

For reasons of space I cannot fully engage into a discussion about the structures and the history of the PRI in depth, therefore I strongly recommend Goel and Rajneesh (2003), Bhattacharyya (2003), Palanithurai (2005) Datta (2006) and Widmalm (2008) as further sources of information on the Panchayati Raj System and its structure.

The Panchayati Raj System (PRS) and its institutions (PRI) are the result of a longer evolution of local government institutions in India. The current form was introduced as the 73<sup>rd</sup> Amendment to the constitution of India in 1992 and subsequently ratified into state acts during the years of 1993 to 1996 (Sharma 2005: 250; Widmalm 2008: 64). The system encompasses participative bodies with limited legislation and administrative bodies. The participative bodies are at the grass-roots level and are namely ward assemblies and village assemblies. They main duties are limited legislation and budget rights in terms of local development of agriculture, infrastructure and commerce and the levy of certain fees and taxes, as permitted by state law (Sharma 2005: pp. 251; Widmalm 2008: pp. 66). Additionally there is an executive committee at the village level, referred to as the village panchayat, which is directly elected by the citizens of the village. This village panchayat is the directly elected head of administration and employs professional personnel for administrative and other purposes (ibid.). Above the village level are the block and the district level panchayats which are partly elected by the citizens and partly constituted from ex-officio members, e.g. members of the legislative assembly from that constituency

(ibid.). A range of quotas shall ensure the participation of traditionally marginalised groups and minorities (Fürstenberg 2011: 2) While the names of these institutions can vary from state to state, and even the duties and privileges can be different under the respective state laws, the general outfit is the same all over India: A grass-roots level assembly and executive body and partly elected executive institutions at the block and district level. Also its directives are basically the same: The PRI are expressions of the developmental democracy approach; that means these institutions shall enable the citizens to take part on decisions concerning their own developmental needs, especially in the above mentioned fields. Further, through the quota system, social development should be advanced. Socially marginalised groups should be more integrated and able to exercise their democratic rights and profit from economic development (see Goel and Rajneesh 2003, Bhattacharyya 2003, Palanithurai 2005, Datta 2006 and Widmalm 2008). The results of the Panchayati Raj reforms in terms of their official goals can be describes as mixed at best. Research has shown that while successes are there, huge problems, such as social and political exclusion, corruption, etc., remain. In terms of social development Baviskar and Mathew (2009) present a comprehensive edition of field studies from all over India, showing the inconsistency of results of PRI. Joshi, for example, concludes his field research on Gujarat in Baviskar's and Mathew's edition with the remark, that, although some progress is made, most women and Scheduled Castes and Tribes remain unaware of the PRI's provisions and are not able to enforce social justice for their respective groups. Especially women remain dependent on their husbands (Joshi 2009: 431). In the same edition Singh, in his chapter on Rajasthan remarks that, even though real empowerment has not arrived yet, marginalised communities were able to include themselves into the political power structure (Singh 2009: 404). Palanithurai in his work on Tamil Nadu argues in the same line. While admitting that marginalised groups were sometimes refused to participate in local elections (Palanithurai 2005: pp. 226), he also states school enrolment increased through campaigns sponsored by local PRI (ibid. 2005: 240). These examples mirror the general impression on gets from the research made during the last decade. This inconsistency becomes also very clear in the following description of surveys made India, where the mixed outcome of the PRS is nicely shown by Widmalm's work on Kerala and Madhya Pradesh (2008).

With regard to legitimacy, empirical research on PRI produces curious results, which in my opinion, provide a puzzle. But before I elaborate further, a short recourse to a possible measurement of legitimacy: As I already described above (see pp. 11) measurements of trust, election turn outs, willingness to make illegal choices, efficacy and perception of institutional performance can be used as indicators of legitimacy. The argument behind this is that high levels of trust, high election turn outs and willingness to only use institutional channels indicate that the institution is accepted and its procedures are seen as utile. Since measurements of trust in PRI and election turn outs are widely available I will use these indicators to estimate if the PRI are legitimated or not. I will then look at other commonly accepted legitimating factors (values, efficiency, procedural fairness, etc.: see pp. 5) and evaluate if they are applicable in this case. Using survey data from different surveys I will concentrate on mainly the village level. Further, I will, in the case of trust, not distinguish between the 'quality' of trust, but will take a dichotomous approach, where a majority having trust indicates legitimacy. The surveys I use for my purpose were conducted during the years of 2001 and 2008 by three different researchers (Fürstenberg 2008, Mitra 2001, and Widmalm 2001) and in different states of India. Mitra (2001) conducted a nationwide survey on attitudes towards Indian state institutions, including the question for trust in various institutions. Widmalm (2001) conducted extensive quantitative research on perception, performance and Social Capital in Kerala and Madhya Pradesh. My own research on perception and

performance, modelled after the afore-mentioned two surveys, was conducted in 2008 in the district of Burdwan, West Bengal. The wide range over space and time of these three surveys, as well as their comparability, allow me to use them. However, since they are explicitly designed for the investigation of legitimacy and legitimation, they can only serve to illuminate the puzzle, not to solve it.

Using the data from the different surveys in different states of India, the following results can be observed: In West Bengal approximately 75% of the respondents has trust into the PRI on the village level (Fürstenberg 2010: 9). Another survey, measuring only high trust<sup>14</sup> showing an average<sup>15</sup> of 39.9% of high trust all over India with variations of 29.9% in Bihar, 40.7% in Maharashtra and 50.6% in West Bengal (Mitra 2001: 111). Asked about the importance<sup>16</sup> of village panchayats, an indicator which I use with some reservations, another survey showed that 74.8% of the respondents attached importance to the institutions in Kerala and approximately 68% attached importance to the institutions in Madhya Pradesh (survey data from the University of Uppsala 2001; parts of it are published in Widmalm 2008). Again, I must stress the ambiguous value of these data in terms of measuring legitimacy. In terms of personal efficacy of the PRI combined results of the Kerala and Madhya Pradesh survey show, that about 35% of the respondents believed their influence on the institutions increased following the 1992 reform, while 55% stated it to be the same (Widmalm 2008: 87). A rise in personal efficacy, especially a comparatively high rise, is indicating a legitimating process. To measure the political efficacy the Kerala survey asked for the satisfaction of needs<sup>17</sup>. The results show a high perceived efficacy of the institutions with 76.5% of respondents believing that their needs are satisfied at least on a low level (survey data from the University of Uppsala 2001; parts of it are published in Widmalm 2008). As the next indicator I use the voters turn out of the last village panchayat elections. The numbers are consistently high all over India: 73% in Gujarat, over 80% in Goa, over 70% in Jammu and Kashmir, about 70% in Orissa and even around 60% in one of the poorest performing states in India, in Bihar.<sup>18</sup> These high numbers indicate a willingness to support the institution through the legal and institutional act of voting. Deducing from these data I assume that the PRI, especially the village panchayats, can be described as legitimated institutions. I turn now to perception of institutional performance and attitudes towards bribes as indicators, looking at institutional performance first. In a survey conducted in West Bengal only 21.5% (about 64.9% could name one improvement, mostly improved maintenance of roads [49.7%]) of respondents could name three improvements in infrastructure in their village over the course of 15 years; only 27.8% were able to name at least one improvement in agriculture (Fürstenberg 2010: 16). In contrast the

14 The results evaluate only the answering possibility 'a great deal of trust'; the survey also asked for 'no trust at all' and 'somewhat'.

15 Combination of state surveys.

16 The questionnaire asked for a rating from 0 to 4, 0 being not important at all, 4 being very important; 2 is the threshold indicating importance attached to the village panchayat on a low level.

17 Using the same grading system described in footnote 14; grade 2 being the threshold again.

18 In order of naming: [http://www.dnaindia.com/india/report\\_high-turnout-at-gujarat-panchayat-polls-a-sign-of-villagers-zeal\\_1631587](http://www.dnaindia.com/india/report_high-turnout-at-gujarat-panchayat-polls-a-sign-of-villagers-zeal_1631587), [http://articles.timesofindia.indiatimes.com/2012-05-17/goa/31748539\\_1\\_voter-turnout-lowest-turnout-panchayat-elections](http://articles.timesofindia.indiatimes.com/2012-05-17/goa/31748539_1_voter-turnout-lowest-turnout-panchayat-elections), <http://www.dayandnightnews.com/2011/06/over-70-voter-turnout-in-13th-phase-of-jk-panchayat-polls/>, <http://news.outlookindia.com/items.aspx?artid=751821>, <http://post.jagran.com/Second-phase-of-Panchayat-polls-in-Bihar-witness-588-percent-turnout-1303666350> all retrieved on June 13, 2012; all numbers are based on the State Election Commissions numbers.



numbers in Kerala are more positive: 76.1% of respondents could name a successful project with a broad amplitude of answers (the top four answers include latrines [18.3%], water management [17.3%], feeder roads [ca. 14%] and transportation [ca. 10%]; survey data from the University of Uppsala 2001; parts of it are published in Widmalm 2008). The diversification of in the naming of successful projects in Kerala in contrast to the focus on one project in West Bengal suggests a higher perceived performance in Kerala. If we now look at the attitudes towards bribes in the Kerala and Madhya Pradesh survey we get two interesting results: While the number of respondents who would never pay bribes in the medical sector is very low (30%), indicating 70% of respondents would be prepared to pay bribes, 67% of the same respondents would never pay bribes in the educational sector (Widmalm 2008: 145). The attitudes towards bribes are more positive in low performing villages, with a higher inclination to pay bribes in low performing villages in Madhya Pradesh according to the survey (ibid.: 143). The result is interesting, because the attitude towards paying bribes is inconsistent and obviously depends on performance of the village panchayat, as well as on the field in which the bribes should be paid.

Although a cross-survey analysis of legitimacy indicators is to some extent critical and lacks the consistency of a monolithic survey, I will use the results I described before to illustrate the PRI puzzle. First, however, I must clarify two things about the PRI: The PRI have, despite variance in names and privileges from state to state, the same overall outfit of the institutions all over India. On the other hand India is culturally, economically and socially a highly diverse country. So what is the puzzle then? The puzzle appears in the form that, despite the huge variances in the perception of institutional performance and the attitudes towards paying bribes, trust (adding the attachment of importance) in the institutions remains high throughout India. Likewise the voter turn outs in panchayat elections is consistently high throughout India.<sup>19</sup> What does that mean? While trust measurements and election turn outs indicating consistent legitimacy of the PRI all over India, the perceptions of institutional performance and the measurement of attitudes towards bribes seem to deny this consistence. The first indicators suggest widespread acceptance and therefore legitimacy for the institution, according to Booth and Seligson (2009: 8) and Scully et al. (2004: 523). The variance in perception of performance and attitudes towards institutional channels conflicts with this consistency. While high performing PRI, where there is a mainly negative attitude towards bribes, should be consistent with high trust and election turn outs, low performing PRI with a less negative attitude towards bribes should enjoy low or no trust and election turn outs should be much lower (see the free rider problem; Ostrom 2000). Since the usage of institutional channels, the making of legal choices, and the performance of the institution, its efficiency are important legitimating factors (see Grafenstein 1989; Weatherford 1992), the high values on trust and election turn outs are contradictory to the low efficiency and positive attitude towards illegal choices in some PRI. So why do PRI then enjoy trust and why do citizens in their vast majority choose the institutional way of participation via elections?

## **BRINGING THEORY BACK IN**

I will try to briefly apply the above mentioned question to the commonly accepted hypotheses of the standard theoretical discourse.

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<sup>19</sup> I will omit the results on efficacy, since they are to ambiguous.



The bulk of literature (see Weber 1978 [1924]; Lipset 1959; Dowling and Pfeffer 1975; Meyer and Rowan 1991; Suchman 1995; Buchanan 2002; Levi et al. 2009) suggests that internalised norms, values and beliefs are the main legitimating factors. These are constructed in the inter-subjective community, the common cultural context, through interrelations of the individuals. Being in congruence with these internalised norms, values and beliefs is the legitimacy of an institution. Applied on the PRI case that would mean that the PRI are legitimated because they are in congruence with the internalised norms, values and beliefs which are prevalent in their contexts. Reality suggests that this cannot be the case. Although being basically the same institution all over India, a developmental democratic grass-roots body, the cultural, social and economic contexts vary greatly. Trust and election turn outs are high in Muslim dominated states, like Jammu and Kashmir, in states with a decades long tradition of communist rule, like West Bengal, in economically advanced states like Gujarat, and in socially advanced states, like Kerala. To believe that all these greatly differing states have enough norms, values and beliefs in common to result in such a consistent picture would be naïve. That this hypothesis seemed applicable for the proposing theorists is due to the fact that they relied mostly on empirical data from coherent target groups. Most research in this area is conducted in European and U.S. American contexts or on little inter-subjective communities (see for example Powell and DiMaggio 1991). The approaches using procedural fairness (see Gibson 1995; Tyler 2006) have also a problem: As the only legitimating factor it is not sufficient. The proponents of procedural fairness work also with the internalisation of norms and values, seeing procedural fairness just as an additional factor. Further, empirical results, employing procedural fairness as a factor, are ambiguous at most (see p. 9). Coming to rational approaches (Grafeinstein 1989; Hall and Taylor 1996; Shepsle 2005) the problem is pretty obvious: Efficiency, that is the institutional performance, varies greatly and the willingness to abstain from illegal choices and to use only legal/ institutional channels varies greatly, too. At the same time, indicators of legitimacy are high (trust, election turn outs). That defies the rational argument of legitimacy through efficiency. As I already argued, trust should not be considered a legitimating factor (Levi et al. 2009) since the danger of establishing a tautological argument would arise.<sup>20</sup>

## CONCLUSIONS

The paper has sought to present a picture of the prevalent research about institutional legitimacy and the problems which arise when such research is de-constructed against a developing country perspective, in this case the PRI in India. I neither claim completeness, nor do I want to comment on particular researchers and works only. My aim was to show what the research about institutional legitimacy has to offer and where they might go wrong or have sensible approaches. Further I did not intend to discuss the PRI as my particular object of research, nor do I claim any solutions for the presented puzzle. I simply wanted to illuminate the problems of the established legitimacy research by using the puzzle which can be observed when looking at the PRI case.

My main critique on the various theoretical approaches would be their lack of evolution. Since the 1960s the research has not made any leaps, but only small steps at best. The assumptions of most of the research are deeply rooted in an understanding of political science as a 'liberal western' science in my opinion.

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<sup>20</sup> I want to state clearly, that the arguments I make above can only be tentative with the data I use. However, the survey and election data do tend, in my opinion, strongly to contradict the prevailing hypotheses on legitimacy and legitimation.

Consequently most theories are aimed at liberal western contexts and their inter-subjective communities, which is evident in the objects of investigation, which are normally institutions like the U.S. Congress, the U.S. Supreme Court or European bureaucracies. Especially in organisational studies, but generally in most theoretical approaches, the importance of the existence of inter-subjective communities is obvious. The accordance of institutions and their decisions with social norms and values in the processes of legitimation leave no room for interpretations of legitimacy apart from cultural and normative patterns. Sometimes the arguments made are even tautological or concepts of measurement mix with explanatory concepts. Simultaneously, pure rational concepts are not working either, since their pure output-benefit logic may not be always applicable. The globalisation of political science and the advent of the modern state outside the western context, however, produce challenges and provide phenomena which cannot be sufficiently explained by the common theoretical canon. Multi-ethnic, multi-religious, multi-lingual states like India, China or Indonesia may lie beyond them and their normative and cultural focus or cost-benefit analysis. This is explicitly shown by the case of the PRI. Their relatively high level of legitimacy, which is indicated by trust and voters turn outs in elections, somehow contradicts the results the PRI have produced. These can be regarded as 'mixed' at best. The few successes are often overshadowed by corruption and social exclusion. Again, the case study, a cross-survey analysis, is merely a way to illuminate the shortcomings of the prevalent academic discourse on legitimacy and not an explicit object of investigation!

The discourse on legitimacy in political institutions and on the processes of legitimation must be brought into the context of the diverse world of the 21<sup>st</sup> century. Researchers have to aim their approaches at the emerging democracies of Asia, Africa and South America. Political institutions in developing countries cannot be adequately analysed with hypotheses born in Western Europe during the early second half of the 20<sup>th</sup> century: they need to be imagined afresh in the new contexts of time and space that mark the world we live in!

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