

Perceptions of the Legitimacy of Collective Decisions

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Abstract

In practical terms, political legitimacy is a subjective phenomenon, based on individuals' perceptions. These perceptions are based on four factors: the distributive efficiency of the outcomes from the decision, the distributive fairness of those outcomes, the equal access of the process used to make the decision, and the accountability of that process. In addition to discussing those factors, I also address the related questions of what factors lead individuals to make legitimacy judgments and the types of situations in which these judgments are most important.

In this essay, I discuss how individuals judge the legitimacy of collective decisions. Political legitimacy is, in the words of Peter (2014), “a virtue of political institutions and of the decisions—about laws, policies, and candidates for political office—made within them” and, from a subjective standpoint, legitimacy has been succinctly defined by Tyler (2006) as “the belief that authorities, institutions, and social arrangements are appropriate, proper, and just.”¹ While there are many possible definitions of legitimacy, I have shaped my discussion with Tyler’s definition as the reference point.

By considering the factors that lead people to perceive the decision of a group to be “appropriate, proper, and just,” I am focusing on what is often referred to as a *descriptive* notion of legitimacy, as opposed to a “normative” one.² That said, I do not rely upon this categorization in this essay. This is because, while the question at hand—the *perception of* legitimacy—essentially gives precedence to descriptive notions, it also suggests that descriptive notions of legitimacy provide insight into the

1. Tyler (2006, p. 376).

2. Normative notions of political legitimacy are principally concerned with how political authorities *ought* to behave: what kinds of actions are permissible, under what circumstances, and in what combination? Descriptive notions, on the other hand, tend to focus on the factors that lead individuals to obey political authorities. For a succinct review of the distinctions and their historical developments, see Peter (2014).

acceptance of various normative definitions.³ Put another way, I follow authors such as Habermas and Beetham in accepting that the most useful definitions of legitimacy include both normative and descriptive criteria.⁴

The ultimate goal of this essay is to provide and explain a sketch of the features of collective decisions that lead to individuals perceiving them as legitimate. This entails first thinking about what kinds of decisions are made collectively, which then leads to considering how individuals evaluate such decisions and the role that the collective nature of such decisions plays in these evaluations. Finally, it is important to consider when legitimacy of such decisions will tend to be important in both descriptive and normative terms.

With that broad roadmap before us, the essay proceeds as follows. I first discuss the psychological determinants of individuals' legitimacy judgments (see section titled "The Psychology of Legitimacy"). After that, I consider why it is important that I focus specifically on *collective* decisions (see section titled "The Role of Collective Decisions"). Section titled "The Bases of Legitimacy Judgments" represents the heart of the essay and presents the four basic factors that I argue undergird perceptions of the legitimacy of collective decisions. Finally, I consider the question of when these perceptions matter (see section titled "When Does Legitimacy Matter?") and then offer some directions for future work in the section titled "Concluding Thoughts: Where Next?".

THE PSYCHOLOGY OF LEGITIMACY

In terms of measurement, psychological conceptions of legitimacy—in terms of measurement—revolve around deference: put simply, legitimate policies and institutions enjoy voluntary compliance, and illegitimate ones do not. To be clear, the key aspect of legitimacy is the voluntary nature of the compliance. As Tyler puts it, "unlike influence based upon the influencer's possession of power or resources, the influence motivated by legitimacy develops from within the person who is being influenced."⁵ There is now a large body of research into what aspects of organizational structure and behavior generate the legitimating influence described by Tyler.

Procedural Fairness. One common thread running through empirical studies of the psychological determinants of perceptions of legitimacy is the importance of the procedures that produced a policy being seen as fair (Colquitt, Greenberg, & Zapata-Phelan, 2005; Tyler, 2001). Procedural fairness involves various structural characteristics, including the ability for all individuals to

3. Pushing a bit farther, one could leverage the observed actions of political authorities (i.e., the "rulers") to gauge how individuals perceive how others (i.e., the "ruled") perceive legitimacy.

4. For example, see Beetham (1991) and Habermas (1979). For a lengthier treatment of this topic and the theoretical difficulties with defining legitimacy, see Patty and Penn (2014).

5. Tyler (2006, p. 378).

both submit evidence to, and have some control over, the decision process, consistently applied procedures, reliance on accurate information, and procedures to correct mistakes.⁶

Explanations. A second common thread in the research on the determinants of legitimacy is the role of explanations (Bies & Sitkin, 1992). The provision of an explanation for an outcome increases its legitimacy, even if the explanation is not seen as satisfactory (Haines & Jost, 2000), and intergroup conflict is reduced by “social accounts” that explain decisions (Sitkin & Bies, 1993).⁷ Successful (i.e., legitimating) social accounts tend to be divided into three categories: *mitigating responsibilities*, *exonerating motives*, and *reframing outcomes* (Sitkin & Bies, 1993).

While procedures and justifications are important in legitimacy perceptions, it is nonetheless important to remember that an individual’s perception of the legitimacy of a political policy or institution is a cognitive product. Accordingly, on a day-to-day basis in the real world, an individual’s perception(s) of political legitimacy will be determined by his or her judgment processes. Thus, a complete understanding how individuals actually perceive the legitimacy of collective decisions requires understanding how individuals encounter and engage the question of whether a policy or institution is in fact legitimate. In other words, when do people make legitimacy judgments?

COGNITION AND LEGITIMACY JUDGMENTS

There is an intimate connection between legitimacy judgments and “deliberation,” or the exchanging of beliefs and reasons between individuals.⁸ The psychological evidence indicates that, in practice, deliberation is “episodic, difficult, and tentative,”⁹ and, at least on the margin, individuals rely on information shortcuts, such as habits and heuristics, in order to avoid the cognitive and emotional costs of deliberation, particularly in typically low-stakes political settings (Downs, 1957; Lau & Redlawsk, 2001). Thus, from a practical standpoint, legitimacy judgments are often determined by such informational shortcuts.

Heuristics and informational shortcuts come in various forms, but they all generally, if imperfectly, serve to minimize an individual’s costs. Two forms

6. Procedural fairness is sometimes also referred to as procedural justice. The seminal studies along these lines are Leventhal, Karuza, and Fry (1980) and Thibaut and Walker (1975). For an overview of the literature, see Brockner, Ackerman, and Fairchild (2001).

7. Conflict reduction is often treated as near-equivalent to legitimacy in the psychology and organizational literatures and I leave this equivalence unchallenged.

8. At least from a theoretical standpoint, a legitimacy judgment should not only be explicable and shareable but also be easily seen as such. For a thorough theoretical discussion of the impact of various approaches to epistemic notions of legitimacy, see Landa and Meirowitz (2009).

9. Ryfe (2005, p. 59).

of such costs are of particular importance when considering legitimacy judgments: emotional and instrumental. Instrumental costs are particularly relevant when considering when, and about what, individuals actually make legitimacy judgments. For example, when a person is distracted by other considerations or is otherwise unmotivated to think about a political policy or institution, he or she is unlikely to judge its legitimacy. Of course, a lack of individual motivation does not imply that the policy or institution is socially or collectively unimportant. Because of this lacuna, it is risky to infer individuals' perceptions of legitimacy from their observed deference to any given political policy or institution. The psychological evidence suggests that individuals tend to judge the political legitimacy when the individual feels that the stakes are high, that the individual is likely to be held accountable (called to account) for his or her judgment, and/or belong to a diverse group.¹⁰ From an empirical standpoint, these three factors are presumably correlated with each other in the real world. I return to this point in the section titled "When Does Legitimacy Matter?"

While instrumental costs deter individuals from making legitimacy judgments at all, emotional costs loom larger when considering the impact of these shortcuts on these judgments' normative reliability. Specifically, if we think that legitimacy is to some degree determined by how and whether the citizens perceive it, then we need to worry about whether they perceive it accurately. Most "emotional costs" associated with legitimacy judgments can be quickly described as resulting from cognitive dissonance. As I discuss in more detail below (see sections titled "The Bases of Legitimacy Judgments" and "When Does Legitimacy Matter?"), the political legitimacy of a collective decision is based on principles that are often in conflict with each other. A simple example of such a conflict occurs when a procedurally fair process produces a policy that clearly results in distributively unfair outcomes. Evaluating the legitimacy of that policy requires one to assign primacy to either procedural fairness or distributive fairness.¹¹ This conflict is particularly potent for those who benefit from the policy in question.

STATUS AND LEGITIMACY JUDGMENTS

Many collective choice settings are long-lived: the procedures change rarely, if at all, and the group tends to make the same type of policy decisions across time. In such situations, when individuals evaluate the legitimacy of the "system" *en toto*, the result is a product of their evaluations of both institutions

10. For more on this, particularly in the context of deliberative democracy, see Ryfe (2005).

11. Furthermore, if such a policy is produced by an institution that itself is collectively chosen (e.g., by a democratic legislature), this conflict can emerge when evaluating the legitimacy of the institution itself.

and policies. Furthermore, in most systems, subgroups of individuals are differentiated in procedural, substantive, and/or relational terms.¹² When left unexplained, such differentiations are presumptively unfair (Mikula, 2003). Thus, the perceived legitimacy of the system depends on whether and how these status differences are justified.

Regardless of the terms of the comparison, a persistence of intergroup differentiation is a difference in the *statuses* of the groups. Members of advantaged groups (e.g., groups that tend to have more influence on, or receive greater benefits from, the decision process) have obvious incentives to justify their elevated status (Della Fave, 1980), and are more likely to view the decision process as fair (Melamed, 2012). However, disadvantaged individuals nonetheless often view the system as legitimate as well: a phenomenon that led to *system justification theory* (Jost & Banaji, 1994). The basic foundations of system justification by disadvantaged individuals seem to be closely related to status quo bias (Jost, Banaji, & Nosek, 2004). That said, individuals tend to view the system as more legitimate when they are financially dependent upon it (Van der Toorn, Tyler, & Jost, 2011), but the degree to which one's own advantage in the system predisposes one to view the system as legitimate is mixed (Stolte, 1983; Sutphin & Simpson, 2009).

Social Effects on Legitimacy Judgments. Viewed broadly, a system's legitimacy is collectively created or reinforced through individuals' reactions to others' actions in support of, or deference to, the status differentials within the system.¹³ These foundations of legitimacy judgments are important for understanding the stability (i.e., the organizational legitimacy) of collective decision-making processes, but I set them to the side in this essay as background conditions. That is, fundamental questions of system legitimacy generally must be satisfied (at least among a sufficiently powerful subset of the group's members) for us to observe collective decisions being made.¹⁴ With that said, I now move on to consider the implications of focusing on collective decisions.

THE ROLE OF COLLECTIVE DECISIONS

The notion of a "collective decision" can be defined in variously capacious ways. I narrow the focus as follows: *a decision is collective only if it aggregates the information, beliefs, and/or interests of more than one person.* For example, in

12. While it is of course possible that there is no differentiation between individuals, such situations are empirically rare and, more subtly, have less need for legitimacy, as I discuss in the section titled "When Does Legitimacy Matter?"

13. For example, see Berger, Ridgeway, Fisek, and Norman (1998), Ridgeway and Berger (1986), Scott (1995), and Zelditch and Walker (1984), and the edited volume by Johnson (2004). For a more general review of social theories of legitimacy, see Johnson, Dowd, and Ridgeway (2006).

14. An interesting area for further research is how the factors identified in this essay interact with these baseline conditions for system legitimacy.

terms of the US Federal Government, Congress produces a collective decision whenever it passes a law, but not necessarily when one Member takes a public position, and the Supreme Court produces a collective decision whenever it issues a ruling involving more than one Justice, but not necessarily when a single Justice issues an emergency stay or injunction. While the Speaker of the House or a single Justice might (rightfully) claim to speak for his or her colleagues, I am interested in situations in which it is clear that the policy or institution in question was chosen *by a group*.¹⁵

Furthermore, in terms of implementation, many decisions are better thought of as an “order”: something that is smaller than, or ancillary to, a collective decision. The typical distinction between an order and a collective decision is that the order is issued by an agent or organ of the state in pursuit of a larger goal. The larger goal, then, represents the collective decision: the order inherits its legitimacy, in part, from that decision.¹⁶ Because much of the legitimacy literature focuses on the legitimacy of (and/or deference to) exercised authority, the question of where the policy or institution in question “came from” is typically treated as one of multiple explanatory variables. In a sense, then, the question at hand in this essay represents an “unpacking” of this variable.

For example, it is generally and unsurprisingly found that authority is more likely to be perceived as legitimate if the original decision—collective or otherwise—that created and/or directs the authority is perceived as legitimate as well. When considering orders from an agent appointed by or responsible to another unitary actor, it is reasonable (though not wholly uncontroversial) to suppose that the legitimacy of the more proximate authority and that of his or her superior are defined in the very similar, if not identical, ways.¹⁷

The distinction between how a collective decision is made and how it is implemented is important for our purposes only insofar as sometimes orders—or the agents who issue them—can be perceived to be illegitimate, even though the legitimacy of the original collective decision remains unchallenged. For example, racial profiling by agents of the state attempting

15. Space precludes a more in-depth consideration of some clearly gray areas. For example, when the president issues an executive order, is this a collective decision? Clearly, many such putatively “unitary decisions” are actually the product of inputs from multiple individuals, and executives often seem to claim legitimacy for the decision by claiming that they promote collective interests. In a sense, the focus on clearly collective decisions will illuminate how and why individuals might seek to portray their unitary decisions as the output of collective choice processes.

16. I say “in part” because most orders are the “products” of multiple collective decisions. For example, a subpoena might be issued by an institution that is deemed legitimate but in pursuit of an illegitimate policy goal, or vice versa.

17. To see that legitimacy might be defined differently for a subordinate and his or her superior, consider the role of individuals such as lawyers and executors. Such “subordinates” are frequently most legitimate precisely because they do not share the same characteristics, incentives, or information as their superior. This tension between democratic government and efficient governance is discussed in Beetham (1996) and Gailmard and Patty (2012).

to prevent terrorism might be perceived to be illegitimate without considering the collective decision to fight terrorism to be illegitimate, tax audits based on partisan affiliations can be considered to be illegitimate without challenging the legitimacy of the tax code, and so forth. It is important to distinguish this type of situation—situations in which the orders are in some sense inconsistent with (or superfluous to) the underlying collective decisions. This is because, as I turn to the bases of legitimacy judgments, individuals may judge a collective decision based not only on the decision itself but also on the nature of the orders required to implement it. That said, I now turn to describing four bases of legitimacy judgments.

THE BASES OF LEGITIMACY JUDGMENTS

As mentioned in the introduction, there are four basic characteristics of policies and institutions that affect their perceived legitimacy: *efficiency*, *distributive fairness*, *equal access*, and *accountability*.¹⁸ I refer to the first two of these characteristics as substantive characteristics, and the final two as procedural ones. I begin by discussing the substantive characteristics, because they are arguably more frequently perceived by individuals than are the procedural ones. Partly as a result of this, I will argue that the procedural characteristics are ultimately more fundamentally linked with political legitimacy.

SUBSTANTIVE CRITERIA: EFFICIENCY AND DISTRIBUTIVE FAIRNESS

Unsurprisingly, individuals make legitimacy judgments about a collective decision at least partially based on the outcomes produced by the decision. When considering collective decisions, outcomes often do vary across individuals, so that two collective decisions can vary in terms of both efficiency (e.g., the average outcome for all individuals) and distribution (e.g., how outcomes vary across individuals). The substantive criteria are in some sense sufficient for perceived legitimacy because, in line with the discussion in the section titled “Cognition and Legitimacy Judgments”, individuals will tend to make legitimacy judgments only when the outcomes produced by a collective decision are poor, unfair, or both (Elsbach & Sutton, 1992). In practical terms, it is when the substantive criteria are violated that a decision’s legitimacy will be “at stake.”

Efficiency. Put informally, the efficiency of a collective decision describes the average quality of the individual outcomes resulting from the decision. In

18. The four characteristics, and their names, are borrowed from Weatherford’s empirical measure of legitimacy of political systems (Weatherford, 1992, p. 153).

many cases, these outcomes are themselves multidimensional. For example, and in line with the discussion in the section titled “The Role of Collective Decisions”, the efficiency of a collective decision will depend on how it is implemented. Collective decisions such as the Paperwork Reduction Acts of 1980¹⁹ and 1995²⁰—each of which attempted to limit the amount of information that the government could require from citizens in the normal processing of government business—indicate the importance of efficiency in implementation. Similarly, the Budget Act of 1974,²¹ a collective decision intended to streamline the federal budget process, indicates the importance of efficiency in the decision-making process itself. For the purposes of this essay, however, I need not distinguish between these types of procedural efficiency.²²

Unsurprisingly, individuals prefer more efficient policies and institutions. Thus, all else equal, a collective decision that is relatively inefficient compared to an alternative might be judged to be less legitimate. Of course, when comparing two or more possible collective decisions, it is rare that all else *is* equal. When all else is not equal and the less efficient alternative is chosen, the other differences between the two potential decisions are an important part of an explanation for the collective decision.²³ More important with respect to the role of efficiency is the fact that the efficiency of a collective decision can usually be measured in multiple ways. As we will see, this reality leads to efficiency considerations ultimately becoming entangled with fairness considerations.

Multiple Measures of Efficiency. As stated above, there are multiple forms of efficiency. However, suppose that a group agrees on one unambiguously measured form such as, say, time required to choose and implement the policy. In most cases, there will still remain ambiguity about how to measure the efficiency of any given policy or institution. For example, suppose that one institution, X, would require all 100 people in the group to each spend 1 h of their time simultaneously choosing and implementing a policy and that a second institution, Y, would require that two of the people each spend 25 h. Supposing that X and Y will produce and implement the same policy (i.e., holding “all else equal”), which institution is more efficient? After all, while X requires a greater sum of individuals’ times (i.e., more person-hours), it is also a faster institution: the policy would be produced and implemented 24 h earlier than if Y is used.

When evaluating collective decisions, choosing a definition of efficiency necessarily implicates notions of fairness as well because any usable

19. Public Law No. 96-511.

20. Public Law No. 104-13.

21. The Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344.

22. Similarly, for reasons of space, I do not distinguish between procedural efficiency and other forms of efficiency such as eliminating loss, waste, or fraud.

23. See the discussion of explanations in the section titled “The Psychology of Legitimacy”.

definition of efficiency makes interpersonal comparisons. From a practical standpoint, this is important when considering what kind of explanations individuals will find convincing: increasing efficiency cannot be pursued without at least acknowledging related issues such as the fairness of the process and resulting outcomes (Tost, 2011; Vaara, Tienari, & Laurila, 2006; Vaara & Tienari, 2008), an issue to which I now turn.

Distributive Fairness. *Distributive fairness* refers to how outcomes vary across individuals. The simplest (but by no means only) example of a “distributively fair” outcome is one in which each individual receives an equal share of the rewards. Unsurprisingly, distributive fairness is an important determinant of perceptions of legitimacy: all else equal, individuals tend to prefer policies and institutions that produce “more fair” outcomes. However, just as with efficiency considerations, it is rare that all else is equal and there are many ways to define distributive fairness.

Space precludes a thorough treatment of the variety of ways in which distributive fairness can be defined (e.g., equality vs equity), but a common characteristic of individuals’ evaluations of fairness is a role for both expectations and deservingness. When outcomes are far from what is expected,²⁴ individuals are more likely to evaluate both the outcomes others received and the processes that produced them. Following on that, individuals’ expectations about outcomes are frequently based on both systemic and idiosyncratic factors. From a systemic level, fairness is less important when the outcomes are seen to be influenced by external factors, while idiosyncratic factors such as one’s social status shape individuals’ expectations about outcomes.

Deservingness, or equity, is central to how individuals ultimately judge distributive fairness. When individual outcomes are heterogeneous, the distribution will be judged fair only to the degree that the variation can be explained in terms of some socially accepted principle. This is, of course, a key link between distributive fairness and the bigger concept of legitimacy: social accounts are important in establishing (or salvaging) perceptions of either concept. Distributive fairness is a more limited concept than legitimacy because there are situations in which the rewards are either not supposed to be or simply cannot be evenly distributed (election outcomes and allocating scarce resources). In such situations, and generally when a collective decision does not result in distributive fairness, individuals tend to focus on procedural criteria, to which I now turn.

24. In addition, to some degree, regardless of whether outcomes are too high or too low, as alluded to in the section titled “Status and Legitimacy Judgments”.

PROCEDURAL CRITERIA: EQUAL ACCESS AND ACCOUNTABILITY

Procedural determinants of legitimacy can be divided into two categories, roughly based on timing. Regularized and transparent procedures that allow individuals to provide input into the decision promote both individuals' perceptions of the legitimacy of, and support for, collective decisions (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003). Similarly, legitimacy is promoted by formal mechanisms for revisiting and revising prior decisions. Putting the two together, legitimacy is bolstered by procedures that allow individuals to both influence and ultimately judge the collective decision.²⁵

Equal Access. A collective decision satisfies equal access if all of the affected citizens have equal and meaningful opportunities to be involved in the decision-making process. This is more easily stated than precisely defined, of course. For example, guaranteeing that each person can have his or her say can reduce what one might call the "procedural efficiency" of a decision if the number of affected citizens is large. On the other hand, circumscribing the right of equal access to a sample of affected citizens potentially raises issue of fairness or representativeness.

Of course, full access to decision-making is often infeasible. In such cases, the question of access is more properly recast as one about transparency. While perceptions of transparency bolster perceptions of procedural fairness, perceptions of transparency appear to be driven by external cues, rather than the transparency of the actual process (de Fine Licht, 2014). While the effect of transparency, *per se*, on legitimacy is mediated by context (De Fine Licht, Naurin, Esaiasson, & Gilljam, 2014), this simply indicates that transparency is not a panacea. This is not surprising: increased transparency should not lead to higher levels of perceived legitimacy when the process that is made transparent is actually unfair or capricious.

This is a challenge not only for transparency: true access itself is not a panacea. After all, even if citizens perceive that they have (or had) access, it is important that they believe that their input mattered or at least was taken into account by the decision-makers. The degree to which the collective decision did, or could, respond to the citizens' inputs is what is captured by the decision's accountability, to which I now turn.

Accountability. A collective decision satisfies accountability if the citizens can inquire into how and why the decision was made and if there is a way to alter or reverse the decision. Accountability is particularly important for the

25. While space precludes a lengthy treatment of how individuals perceive and judge procedural details, it is useful to note that there is some support for the idea that individuals judge a policy or institution by comparison through a process referred to as isomorphism (Deephouse, 1996).

decisions rendered by unelected decision-makers. Similar to equal access, accountability is a function of transparency: a minimal requirement for a collective decision to satisfy accountability is that the citizens both know who made the decision and have the ability to get an explanation for the decision from this group. Thus, accountability is enhanced by the availability of transcripts, legislative histories, interviews, and other accounts regarding how the decision was made.

It is important to remember that accountability is more than mere procedural details: accountability is also tied to the motives and goals of the decision-makers. That is, there is more to why a group made a decision than “a majority voted in favor of it.” Which majority, and why that one? Understanding dissent is an important determinant of individual perceptions of legitimacy. In addition to bolstering perceptions of equal access, observing and understanding dissent ideally allows individuals to understand why a decision was made. There is significant evidence that the “proper” grounds for a decision depend on the institution promulgating it (Gibson & Caldeira, 2009; Gibson, Caldeira, & Spence, 2005).

Finally, while citizens’ perceptions of the accountability of a political system are important determinants of their perceptions of the legitimacy of the system as a whole,²⁶ it is arguably even more important (at least from an instrumental standpoint) that the decision-makers within a group perceive the citizens as (potentially and ultimately) being able to hold them accountable for their decisions.²⁷

Ultimately, accountability is based on two things: the ability of individuals to request, and decision-makers to provide, an explanation for their decisions. In the end, such explanations, or “accounts,” reinforce organizational legitimacy judgments (Elsbach, 1994; Weick, 1995), affecting the legitimacy of the organization that “made” the collective decision (e.g., Congress, the European Union, and the Supreme Court). This point is relevant when considering the question of when legitimacy perceptions are important, to which I now turn.

WHEN DOES LEGITIMACY MATTER?

Of course, political legitimacy is relevant when evaluating a political authority. Thus, considering political legitimacy presumes that one or more groups of individuals are at the very least “in the background” of the decisions and actions being evaluated. This point has far-reaching implications, because it implies that political legitimacy is intimately tied to the concept of social

26. For recent experimental evidence regarding the determinants of such perceptions and their impact on legitimacy judgments, see Dickson, Gordon, and Huber (2015).

27. Weatherford (1992, p. 153).

welfare, broadly construed. To be quick about it, a relatively uncontroversial position is that legitimate decisions.

Legitimacy is arguably most relevant when the decision being made involves aggregating multiple factors or goals (Patty & Penn, 2015). Indeed, taking Tyler's definition of legitimacy ("appropriate, proper, and just") as an example, it is arguable that nearly every legitimacy judgment involves such an aggregation: it need not be the case that the goals of appropriateness, propriety, and justness are each maximally attained by the same decision. More specifically, legitimacy judgments are more likely to occur when the goals are at odds with each other. Generally speaking, challenges to legitimacy tend to occur during times of organizational crisis or external threat (Elsbach & Sutton, 1992).

Legitimacy and Democracy. Because political legitimacy is particularly salient when competing goals or criteria must be weighed against one another, legitimacy challenges in democracies will tend to emerge when individuals have competing beliefs or preferences. Taking this point seriously suggests a privileged position for the procedural determinants of legitimacy: equal access and accountability. These determinants are tied to the belief that a collective decision can be explained or rationalized. As discussed earlier in this essay, few collective decisions are the subject of active legitimacy judgments. Such judgments occur only when the stakes are high and some expectations have been violated. It is in these situations that procedural fairness is particularly important. When some individuals win and others lose, central to the decision being seen as legitimate is that all sides were both given access to, and taken into account by, the decision process.

CONCLUDING THOUGHTS: WHERE NEXT?

While I have focused on individual perceptions of legitimacy, political legitimacy is a multilevel phenomenon, "taking on different aspects as it links global attributes of the political system with the orientations of individual citizens."²⁸ How these levels interact with each other is the subject of ongoing theoretical and empirical work, but a basic structure consisting of individual and collective measures of legitimacy is widely accepted as a starting point (Bitektine & Haack, 2015). At the individual level, one can ask whether the citizens believe a collective decision to be legitimate. Dornbusch and Scott (1975) refer to this level of legitimacy judgment as *propriety*. On the other hand, Weber (1968) famously offered the notion of *validity* to capture legitimacy at the collective level. Validity is essentially a two-part notion, requiring not only that some citizens believe that the subject is legitimate but also that

28. Weatherford (1992, p. 150).

all citizens “at least know that others perceive it as legitimate and understand that it governs behaviors.”²⁹

In the end, legitimacy is produced by the interaction of political incentives and procedures. In line with this, future work on legitimacy should focus more squarely on how individuals should and do account for and respond to procedures and their perceptions of others’ incentives. For example, how do people evaluate trade-offs between the four bases described in the section titled “The Bases of Legitimacy Judgments”? What leads people to recognize such trade-offs? How do they evaluate accounts for how such trade-offs were implemented in actual decisions (Patty, 2008; Patty & Penn, 2014)? How do people perceive the political process when deciding whether to participate (Penn, 2016)? How do individuals balance the incentives for strategic, instrumental behavior against norms of sincere participation, and how do procedural details affect this balancing (Gailmard, Patty, & Penn, 2008; Penn, Patty, & Gailmard, 2011)?

These questions are important precisely because legitimacy is central to successful governance and, more subtly, the design of procedures represents the best tool we have at our disposal to create and sustain legitimate democratic government. By focusing more squarely on the institutional details and how individuals perceive and account for them, we will be able to provide more nuanced and reliable prescriptions for how democratic choices should be made.

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29. Tost (2011, p. 689).

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