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Paradoxes of Legitimacy in Mass Democracies

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Abstract

The issue of establishing political legitimacy is a complicated one in political philosophy. Strengthening legitimacy is an essential task for modern democracies. The danger of underestimating the threat to the state posed by an illegitimate government becomes obvious in the context of the second half of the twentieth century. The article reveals some essential aspects of the functioning of legitimacy in modern mass democracies. The authors analyze the concept of “legitimacy”, referring to the main interpretations, and demonstrate how the distinction between the normative and descriptive concepts of political legitimacy helps us better understand legitimacy. The primary purpose is to find an approach to answering the question: What degree and form of political participation in the framework of representative democracy will satisfy the condition of legitimacy in modern regimes?

Keywords

Political legitimacy, political philosophy, democracy, consent, normative concept, descriptive concept, political regime

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1. Introduction

When attempting to distinguish the first-order questions of political philosophy or political theory (the distinction may be omitted because it is not needed here), we inevitably face the complexity of such questions because the more straightforward the question seems, the more challenging it is to find the durable solution. When saying the first-order question, it means that when being asked, the subject reveals its specifics. Sometimes we even admit that some of the first-order issues in political philosophy are doomed to remain unresolved because most of the time, the aim is to clarify the definitions and arguments we use according to the relevant context and not primarily find one comfortable and suitable solution. In a certain sense, political legitimacy is a good example of such first-order questions in political philosophy, which demands the same treatment.

In the modern world, legitimacy has become a necessary, i.e. required, condition of a well-ordered state regarding its political institutions and their decisions. As an unquestionable requirement of the modern state, legitimacy also has its requirements within it, and the question fairly arises here, whether political legitimacy should be considered as a normative concept, i.e. does it prescribe standards of political decision-making process and how it should justify the authority rights to use power. Indeed, it is here, where the issue of legitimacy starts in terms of using power and coercion, political obedience and political consent. Speaking about legitimacy in another way, i.e. descriptively, means a specific kind of people's acceptance of the political authority. When we say that acceptance is specific, it means that people have their beliefs and faiths regarding the political institutes and do represent them. That reasoning immediately throws the bridge through the democratic theory to the argument of the inherent character of the democratic regime to the political legitimacy. However, there is a distinction between democratic and legitimate decisions whether every political choice made within the democratic regime would be considered legitimate.

Every point mentioned above itself includes many debates and arguments. Indeed, there have been provided countless theoretical reflections on the subject. The inexhaustibility of the issue is also due to the high amount of works devoted to studying the issues of citizens' trust in the government, means of its support and the formation of a stable democratic (i.e. legitimate?) regime.

Considering all of the above in this article, we would like to draw attention to those questions and problems democracies face regarding political legitimation, which have their roots in conceptual imprecisions. Based on classic works on political legitimacy, the aim is also to draw particular attention to Williams's, Greene's, Rozanvallon's and other philosophers' important considerations on political legitimacy. Still, the primary purpose is to find an argument regarding the degree and form of political participation in the

framework of representative democracy that will fulfil or satisfy the condition of legitimacy in modern regimes.

2. Political Legitimacy: Significant Conceptual Dimensions

The concept of “political legitimacy” is one of those fundamental categories of political theory that are at high risk of being conceptually imprecise from the very beginning. When Buchanan (2002: 689) points out that “the term “political legitimacy” is unfortunately ambiguous”, he means exactly the same: there are too many sources of confusion about possible interpretations of the term. As Langvatn puts it, “all of political philosophy’s central concepts are contested, but when we disagree about legitimacy there seems to be ‘less agreement about what we are disagreeing about’” (2016: 133). Political legitimacy may be defined in terms of consent, political values and beliefs, coercion, political obligations, and political regimes with an emphasis on democratic institutions, and of course, neither of these approaches would be incorrect, but at the same time, one particular definition of political legitimacy wouldn't be able to cover at once all possible ways of thinking about it.

Most of the relatively recent researches in the field of political theory or philosophy concerning legitimacy elaborated a trend of mentioning the distinction between normative and descriptive (or sociological) accounts of legitimacy whether the distinction itself arguable or not, but nevertheless, it has become an unavoidable point in the contemporary studies of political legitimacy. Moreover, the distinction includes all other possible contrasts regarding political legitimacy, because it captures the main question: how we should theorize and/or evaluate legitimacy. This approach or dichotomy offers a broader coverage of the legitimacy concept than various sorts of definitions, based on standings of claim (Coakley 2011; Simmons 1979), authority (Raz 2006) and power (Reglitz 2015), or consent (for example, contractualist and voluntarist theories of legitimacy presented by Greene 2016).

As pointed out in the article's introduction, we argue that the most valuable and helpful distinction between different understandings of political legitimacy is the distinction between descriptive and normative concepts of political legitimacy which was suggested by Copp (1999), Rawls (2001), Buchanan (2002, 2006), Thornhill (2011) broadly covered by Fabienne (2017), and objected by Greene (2016, 2017). Actual and possible objections allow to question not only the concepts themselves, but also to highlight as many existing issues arising due to objections to such a principle.

As it follows from the descriptive concept, legitimacy is understood mainly as a long-term consent of the people to accept the institute's rule as legitimate. So, Lipset (1957: 77) defines legitimacy as the ability of a system to form and maintain the belief that existing political institutions are the most adequate for a given society. Easton (1965: 58) relates legitimacy to the diffusion of support for the regime in society. An original and

influential definition of legitimacy was put by Weber (1964: 382–386), who formulated the types of legitimacy, revealing the traditional, charismatic and rational-legal forms of legitimacy. Although in Weber's typology, the types are not related, historically, the traditional and charismatic types are found in authoritarian regimes. In democratic states, rational-legal legitimacy is significant since the protection of democracy ultimately depends on the support of the majority of the population, or at least on whether the majority perceives democratic institutions as legitimate. In dictatorships, although obtaining the support of the people is one of the goals, it is not so crucial since the authority mainly relies on the force of coercion. Authoritarian regimes do not always have the necessary legitimacy, but, as a rule, they also feel the need for it. M. Weber implicitly recognized the idea of mixed legitimacy when the government relies on the support of the people, motivated by different types of legitimacy in some proportions. Moreover, according to Muller (2011: 244), there are some shreds of evidence that Weber indeed assumed a fourth type of legitimacy, which was democratic legitimacy, "where charisma was not authoritatively imposed by the charismatic person, but where the people endowed a leader with charisma from below, so to speak, through election". Besides, Luhmann (1973) entailed that the democratic political regime bases on Weber's rationalistic model of legitimacy. Luhmann (1973: 88–89) claimed that the transition to democracy is an experience of comprehending the target rationality:

“This experience is connected with the transformation of the political order into a relatively autonomous private system of society, i.e. a system of making mandatory decisions, and is doubly valuable because the boundaries of target rationality are experienced and processed here in the process of system formation.”

Another descriptive theory of legitimacy by the French political scientist Chabot (1993: 160), who defines legitimacy as “the adequacy of the real or perceived qualities of the rulers to the implied or clearly expressed consent of the governed”, has gained tremendous popularity and identifies four types of legitimacy — democratic, ideological, technocratic and ontological (Chabot 1993: 160). According to Chabot, the most common is democratic legitimacy, an integral part of European culture, taking into account the will of the majority, freedom of personality and speech, and collegial decisions. Chabot understands technocratic legitimacy as a degree of professionalism and competence of managers. Ideological legitimacy is associated with the functioning of socialist regimes, particularly the former USSR, Islamic states. Ontological legitimacy acquires a philosophical connotation. In this case, (Chabot 1993: 160) “we are talking about identifying the conformity of political power to an objective order inscribed in human and social reality, the continuation of the order established in cosmic extra-human reality”, i.e., a person is called upon to accept the order as the norm of being.

Also, Chabot notes the relativity of democratic legitimacy because the democratic decision-making mechanism itself does not guarantee a democratic result and democratic governance. Moreover, democratic legitimacy may be lost due to ineffective governance, and in this case, it transforms into the government's legality (legal legitimacy) but loses its main component - support from citizens.

The famous English political philosopher Held created a typology that included seven main variants of legitimation: consent under threat of violence; legitimacy due to tradition; consent due to apathy; pragmatic submission (i.e. support due to personal gain); instrumental consent (consent, since this regime can serve as an instrument for implementing the idea of the common good); normative consent; ideal normative consent (Held 1984: 303).

Held considers only the last two types as genuine legitimacy when there is a diffusion of support for the existing government from the majority of citizens in the complete sense of the word. However, he emphasizes that such situations are infrequent, and the latter type - the ideal normative agreement - is generally a product of imagination rather than reality. It is more typical to mix different variants of not entirely legitimate types, especially in transitional states.

Indeed, these are classical descriptive interpretations of political legitimacy which became a strong basis for contemporary studies in the field with a specific attention to sociological account of legitimacy (Tyler 2006; Gilley 2009; Beetham 2013; Schmidt 2013).

The normative concepts of political legitimacy primarily deal with the general justification problem regarding the use of political power “such as it being owed obedience, having a right to use coercion, or enjoying a general justification in the use of force” (Coakley 2011: 345).

As Rawls puts it (1993), it is sufficient for a political institute (state) to be considered legitimate when its power is justified and when this justification establishes for citizens and institutes political obligations toward each other. The question of political obligations which citizens “owe” to the state (obligation to obey the law and commands) is frequently debated among moral and political philosophers in the literature. For example, according to Dworkin (1986: 191), legitimacy is far from being a sufficient condition for people to obey or be coerced: “Why does the fact that a majority elects a particular regime, for example, give that regime legitimate power over those who voted against it?”

The distinction between normative and descriptive concepts of legitimacy is also essential and valuable because it was well questioned and objected, for example, by the most well-known author writing on democracies and legitimacy, Habermas (1979: 205):

“Every general theory of justification remains peculiarly abstract in relation to the historical forms of legitimate domination. ... Is there an alternative to this historical

injustice of general theories, on the one hand, and the standard lessness of mere historical understanding, on the other?"

According to Habermas, on the one hand, normative understanding of legitimacy leaves the historical context too outside the reflection, and on the other hand, descriptive concepts do not clarify further people's second order beliefs about legitimacy (Fabienne 2017).

Coakley also provides an interesting view but related to the concepts of legitimacy, justified in terms of moral value or moral disvalue. He also, like Dworkin, presents the classical problem of the legitimacy of coercive power, but initially calling it a "counterfactual import" (2011: 346): "legitimate appears to be to permit, excuse, or justify acts that are, based on their nature, morally undesirable". An obligation to obey the law becomes morally undesirable "not because it conflicts with moral autonomy, natural rights, or has not been consented to, but because its only counterfactual effect is to require us to obey laws that, on their merits, should be disobeyed". The main argument is that an obligation to obey the law of a legitimate state is redundant when we already have sufficient moral reason or moral law to obey. Coakley assumes that the better way to choose between existing and competing theories of political legitimacy is to discover which one is compatible with the solvation of the counterfactual problem.

At the same time, there is another significant problem of legitimacy defined as a necessary condition of justice. Some theorists in democratic theory tend to see no significant distinction between interdependent but these different concepts. Nevertheless, there has been a disputable claim that "a state can be fully legitimate without being perfectly just" (Wellman 2021: 1) and consequently a question, as Wellman puts it, "if there is a space between justice and legitimacy" (2021:1) and what follows from this. Valentini (2012: 595) finely wrote about the issue, analysing concepts of legitimacy and justice of coercive institutions and arguing that legitimacy and justice have *different standards for institutional evaluation*:

Standards of justice: indicate when institutions give their subjects exactly what they are entitled to (i.e. when they respect their rights).

Standards of legitimacy: indicate when institutions have the right to rule (and be obeyed)".

The sharpest political realist, Bernard Williams, criticized other philosophers' intentions to equate political legitimacy and justice as if a legitimate state necessarily implies justice or liberal democratic values. Williams (2005) argues that legitimacy (Williams signifies it as LEG) is necessary (i.e. required), but insufficient to solve the so-called first political question. The first political question is an important concept provided by Williams, and the question contains the Hobbesian problem of ensuring security and maintaining order,

protection, safety, trust and the conditions of cooperation (Williams 2005: 3): “It is not (unhappily) first in the sense that once solved, it never has to be solved again. This is particularly important because a solution to the first question being required all the time”. Accordingly, the first political issue can be resolved in an illegitimate state. Therefore, to be a LEG, any LEG state must fulfil what Williams (2005) calls Basic Legitimation Demand (BLD). What exactly is “demanded”? In other words, this is a differently formulated question about the justification of political power over individuals — most often we are talking about citizens of the ordinary state. This is a necessary clarification, since the BLD should be fulfilled not only by the state in the common sense, but also by a region within a federal state, or a union of states, and this argument should not be theoretically excluded. Thus, political power over citizens in the state is justified if every subject to that power not only recognizes the legitimacy of power over him, but what is even more crucial in order for the state to be LEG, according to the Williams condition, the political power makes sense to him since “the power of coercion offered simply as the power of coercion cannot justify its own use” (Williams 2005: 5-6). Moreover, as Williams assumes, the purpose of the solution to the first political question (i.e. the state) is to protect citizens from any kind of terror, but an illegitimate state, in turn, can initiate it, and in this case the solution becomes part of the same problem that it is aimed at (Williams 2005: 4). In other words, “the acceptance of a solution by subjects must not have been produced by the very same power that is being accepted” (Cozzaglio and Greene 2017: 2).

Nevertheless, legitimacy is often perceived as an attribute or characteristic of a modern liberal political regime, resulting from liberal ideas about how to govern. Williams tries to show why legitimacy itself does not necessarily imply liberalism.

Williams also refers to Habermas (Williams 2005: 10), agreeing that LEG + Modernity = Liberalism. For Williams Modernity is crucial here because one of the main Williams's points is that legitimacy should not be perceived as something prescribed, setting normativity in politics and ahistorically relying on liberal democratic values (Greene 2017).

Nevertheless, Williams disagrees with Habermas' ideas that it does not follow his arguments that illiberal states will necessarily be illegitimate. An illiberal state may well be legitimate, which is also confirmed by historical examples that do not indicate that they lived like this because they did not know how to live. Historical experience, on the contrary, confirms that an illiberal but legitimate order took place since it made sense for subjects of state power of a certain historical period of time.

A political realist and a strict follower of Williams's political philosophy, Sleat insists that the nature of the political framework brings persistent disagreement between actors, and general consent cannot be a condition of its legitimacy (Sleat 2013: 49). This is Williams's strong point, too:

“When it is said that government must have ‘something to say’ to each person or group over whom it claims authority – and this means, of course, that it has something to say which purports to legitimate its use of power in relation to them – it cannot be implied that this is something that this person or group will necessarily accept. This cannot be so: they may be anarchists, or utterly unreasonable, or bandits, or merely enemies. Who has to be satisfied that the Basic Legitimation Demand has been met by a given formulation at one given time is a good question, and it depends on the circumstances” (Williams 2005: 135–136).

Williams argues that a legitimate state should make sense for its subjects as a political power. The state is legitimate when it is accepted as such. However, it is essential to note that only genuine acceptance counts and submission is not an acceptance. It is almost impossible to gain suggested by Dworkin “integrity” (1986) to gain the consent of all citizens to their government and regard it as authoritative (Valentini 2012).

These considerations have led political theorists and philosophers to assume that legitimate institutions should be organized as democracies, or even that “only a democratic government can be legitimate” (Buchanan 2002: 689), yielding equal participation of citizens in the process of political decision-making.

3. Political legitimacy and modern democracies

Democracy is one of the well-known and popular political models of organizing socio-political life in the world. Despite many ideological concepts of democracy and fundamental forms of its implementation, there are general identifying principles of democratic regimes in political theory. These include recognition as a source of the people power or a particular part of it, the constant influence of society on state power, control over the activities of those who exercise it through the electoral system, equal rights of citizens to participate in political life, protection of human rights and freedoms.

Indicators of the level of legitimacy of power in democratic regimes are the percentage of population participation in elections, referendums, other nationwide actions and their results, the presence and activity of political opposition, mass actions of civil disobedience, demonstrations against or in support of the government (in the latter case, legitimacy can be objective and indicative, as, for example, under totalitarian and authoritarian regimes), the presence of attempts to overthrow the government or remove a political leader from power, acts of political extremism (terrorism), the presence of political prisoners, the degree and frequency of the use of coercive, disciplinary measures by the authorities.

Legitimacy combines with the opposite process of delegitimization – the authorities' loss of trust and support. A crisis of legitimacy is coming, which may have the following reasons: the inability of the authorities to carry out the functions assigned to

them, internal conflicts in power; selfish interests of the ruling elite, abuse, self-enrichment; disregard of national interests by the authorities; ineffective social and economic policy; confrontation between different branches of government; lack of actual results from the promised positive changes (loss of “credibility”); failures in international politics; immoral acts of individual government representatives. As a result, citizens are unable to assess the real political picture, understand the rules of the political game, make responsible political decisions and take responsible political actions (Osvetimskaya 2020).

The legitimacy and success of democracies do not depend on their ability to ensure general prosperity, and autocratic regimes sometimes quite cope with this task. Success does not depend on how much the system makes people happy – we are well aware of democratic societies in which people are unhappy. Success is determined by the ability of democracy to adjust policy and formulate common goals. However, it is precisely this vital advantage of democracy that is being questioned today (Shapiro 2001: 58).

Also, an essential feature of modern democracies is people's distrust of the authorities, who quickly forget their election promises to serve the common good. Hence, no regime in the modern world has permanent or acquired legitimacy because, being elected for a certain period, government representatives quickly cause an increased sense of distrust of their citizens. It is worth justifying here that from the historical point of view, the formation of universal suffrage for all citizens, regardless of gender, property status or ethnicity or race, was formulated by the global political science discourse as an achievement of the twentieth century. It is this trend that has taken place in most countries of the world in different years, destroyed the “right of the minority” (elite, aristocracy, leader) over the “right of the majority” and formed the concept of “public good”, “common interest”, “pluralism”.

Establishing the development agenda in the democratic countries by the “majority” due to the parliament's election (which form the executive branch of government in the future) provided the “minority” with the right to vote, which is taken into account. However, in current conditions, “the initial idea—that of a temple of public reason in which representatives would debate the definition of the general interest—in practice devolved into a system of bargaining in thrall to special interests.” (Rozanvallon 2011: 2).

In practice, it turns out that those elected by the majority become a minority (in the form of deputies, government representatives, heads of state) and determine what is best, nationwide, for the whole society, monopolizing their legally legitimate status for a period determined by law. Hence, the concept of “people” should be interpreted, guided by the pluralistic principle of democracy, as a multitude of “minorities” forming a whole, that is, a common one. Hence, formal democracy and its mechanisms are not able to represent and protect the interests of all (Kalinichenko 2018).

Rozanvallon (2011) puts forward a unique solution to the problem by interesting and well-founded theses about the need to ensure conditions for the development of an

active civil society (and this is what distinguishes democratic regimes from authoritarian and especially totalitarian ones), which form the so-called “counterdemocracy”, defined through three basic dimensions and focus, respectively, the practices of supervision, counteraction and judgment (Rozanvallon 2011). These three dimensions become the basis for forming a system of means that allow the civil society to influence, correct, and put pressure on the authorities' actions. In this way, according to the author, along with the people-the voter there is “the emergence of new forms of political investment: the people as watchdog, the people as veto players, and the people as judge” (Rozanvallon 2011: 7).

It is worth emphasizing in more detail that modern civil society, by its direct and minute-by-minute observation of the government, forces it to pass a permanent examination of its reputation and, thus, prove its legitimacy. That is, to extend the existing credit of trust received during the elections. The people-veto is an opportunity for the public to influence (block) the adoption of a particular decision by a specific power institution. Here, the primary means are certain public actions (meetings, round tables, speeches in the media), which activists use to block or qualitatively modify draft laws adopted to implement a particular policy.

Furthermore, “a third factor in the constitution of counter-democracy is the advent of the people as judge” (Rozanvallon 2008: 16) who pass the judgment on the actions of the authorities and the central state institutions under its direct influence. These are the judgments of citizens based on the information received, combined with their knowledge and feelings (an irrational aspect that is always present when making certain decisions or making choices), contribute to the formation of a stable legitimate, semi-legitimate or illegitimate democratic regime. The latter type usually leads to the re-election of the current government.

The state itself cannot create such a society, that is, the formation of public initiatives from above, by state events. Dahrendorf (2007: 37) wrote about this: “if necessary, their (citizens' associations) emergence can be facilitated by legal norms, tax benefits, exemption from work. Therefore, they are an expression of social behaviour, which is not determined primarily by power and submission, nor by benefits and interests”. This series of horizontal links create a particular protective layer – the infrastructure of freedom that ensures a stable and painless transition at the stages of legitimization crises. “Civil society is by its nature a creative mess” (Dahrendorf 2007: 89). Another essential purpose of civil society is the search, propaganda, dissemination and preservation of social values, both universal and inherent in a particular nation-state. “The buildings we are building can be destroyed; the institutions we live in can be threatened and also shaken, but the values that guide us are solid. It is at least the beginning” (Dahrendorf 2007: 39).

It is also worth noting that an effective means of maintaining democratic legitimacy for both the government itself and society as a whole is the formation of an independent

body and the Constitutional Court, which objectively and impartially influence the resolution of conflict situations, prevent and block decisions of elected bodies (if they are aimed at monopolizing power or violating the rights of citizens or individual social groups).

In general, in modern European-style democracies, constitutional justice has become not just a body that performs a formal legal function. However, it has become an institution whose purpose is to ensure the functioning of a new value-oriented paradigm of law – ensuring individual freedom as the main prerequisite for effective state activity.

Democratic legitimacy is based solely on the support of people and the power of collective opinion, where the use of an "arsenal of methods of violence" can only destroy the integrity of the construct of the existing political system and public relations as a whole.

Therefore, the multi-vector processes of formation and development of civil society have actualized the primary two-level meaning of democratic legitimacy, which in the conceptual context is the most effective mechanism for supporting not only the current system of political decision-making but also for harmonizing the interaction of government institutions with the social movement and society. Democratic legitimacy can be defined as the property of a political system to adapt state-political decisions and the process of their adoption in the spectrum of recognition by public opinion.

With the help of modern forms of community lobbying, namely the mechanisms of advocacy campaigns, the public can quickly convey a range of problems that concern public thought to the authorities. Creating public communication networks in associations, trade unions, or public forums could potentially depersonalize favourable conditions for structuring public interests into a particular cluster that would direct state authorities in line with the tasks set before the regime of democratic governance. Thus, there is a logical combination of the interdependence of society and the conditions for the implementation of democratic governance.

The interpretation of the interdependence of democracy and civil society in the general dimension is mainly understood as a specific set of mechanisms to contain the impact of any selfish interests of individual political actors or as a variant of institutionalization of the fundamental impossibility of establishing any monopolies that do not meet public interests in the field of political decision-making. This interpretation demonstrates the rational nature and rationality of the complementarity of democracy and civil society as a set of political actions and processes directed against the establishment of authoritarian political regimes. Especially Habermas' (1979) great contribution to the theory of legitimacy and the theory of democracy is that he offers a form of rational argumentation through free deliberation and open political discourses.

“The justification for conceptions of democratic legitimacy of this kind is that there is no shared standard for assessing the quality of the outcomes—deep disagreement about

reasons for and against proposals will always remain. A fair way to resolve such disagreements is thus the only source of the legitimacy of the outcome.” (Christiano Sameer 2022).

However, a broader philosophical and political combination of the conceptual categories of democracy and civil society occurs at the level of political self-government, carried out by equal citizens through direct participation in the discussion and solution of public affairs through free choice (or voting). The term “democracy” in its direct connotations means the state-social system in which the decisive role in the process of making state decisions and political power belongs to the people's assemblies and the voting procedure, which can legitimize their own decisions and political status through the mechanism of the “screen” of democratic legitimacy. However, in this broader interpretation of democracy and civil society, the main manipulative measures to use the mechanism of democratic legitimacy take place.

In general, legitimation as a process is the constitution of political power with all the manifestations that were mentioned above. However, the great advantage or disadvantage of democratic legitimacy lies in systemic, historically conditioned or artificially formed contradictions of its functioning. Sometimes they are solved with the help of the above-described independent body of the constitutional court and the like.

On the one hand, democratic legitimacy is a public (common) good, and on the other hand, it is individual rights and freedoms.

“The democratic vision of the people is reinterpreted through the lens of individual consent, such that the people is dissolved into a distribution of individual voting rights.” (Klein 2021: 38).

It is a combination of paternalistic and liberal concepts; it is the connection of institutions of indirect democracy with institutions of representative electoral democracy; it is the pressure of rational and irrational arguments on the decision-making system, and it is also present in both homogeneously ethnic (Sweden) and multi-ethnic (USA) countries. Rozanvallon (2011: 12) outlined the following pairs of contradictions of modern democratic legitimacy:

“The contradiction between the recognition of the legitimacy of conflicts and the desire for consensus. Democracy is a pluralistic regime that allows the acceptance of divergences of interests and opinions, and organizes an electoral competition on this basis.”

Improving the quality of deliberation in the public sphere is not an optional part of realizing a deliberative democracy, but a necessary one. Lafont puts it in a slogan: “No democratization without improved mass deliberation” (Lafont 2015: 45).

On the one hand, the system of established values generates the emergence of individual opinions and freedoms, which provokes conflict situations and disputes, but due to the existing general rules and aspirations, it does not take them to extremes and avoids any internal wars.

In modern conditions, it even takes on the coloration of a global scale. After all, there are universal rules, values, and norms, for example, are approved by the UN Charter, and conflicts that arise in certain regions could also be resolved according to this formula within the current and generally accepted rules. Therefore, “the conceptions and standards of legitimacy that were developed to answer the question of whether a state has the right to rule do not seem applicable to institutions that do not rule in the way states rule”, implying global government institutes (Adams 2018: 86). According to Buchanan and Keohane (2006: 406), the benefits of a principled global public standard of legitimacy may give the citizens who are committed to democratic principles the ability to distinguish legitimate institutions from illegitimate ones and to achieve a reasonable congruence in their legitimacy assessments. However, since there are no pure legitimate democratic regimes, and the world does not have permanence and democracy:

“The contradiction between the realistic principle of decision-making (majority) and the necessarily more demanding principle of justification (unanimity). There can be no democracy without the ability to decide, act quickly and if the need to resort to arbitration and choice is not recognized. Nevertheless, there can be no democracy without institutions designed to constantly remind about the essence of the common interest and independently contribute, at least partially, to its realization.” (Rozanvallon 2011: 13)

According to Rodrik (2011), there are three ways to overcome the conflict between national democracy and the world market. It is possible to restrict democracy to ensure competitiveness in world markets, reduce participation in globalization in the hope of building democratic legitimacy at home, to globalize democracy at the expense of national sovereignty. However, it is impossible to live in conditions of hyper globalization, democracy and self-determination at the same time, although this is what most governments do attempt.

On the other hand, there are other dangers, particularly the legitimization of the political system, which can become a problem as soon as consensus decisions prove ineffective and the mechanism of reaching an agreement problematic (Yerokhov 2008). That raises the question of the limits of the legality of agents' actions and has a disintegrating effect in existing systems, which again requires increased administration.

Thus, societies should be warned about carrying out transformations into democracy against excessive and complete adoption of democratic culture, which is not an automatic result of the existence of democratic institutions. One can disagree here because the artificial formation of democratic institutions will not lead to their high-quality and effective functioning without fair and open elections, the activities of civil society, which are the source and manifestation of democratic culture and the legitimacy of the regime as a whole.

The most significant contradiction remains for every society as the “ideal – real” confrontation. After all, regardless of the type of democracy, how it is achieved, the main criterion that allows a citizen to make certain judgments, legitimize a particular regime becomes the existing and ordinary state of affairs, which different feelings can assess: in the work of the authorities, its representatives, the available life chances for self-realization, the availability of various rights and freedoms, media activities and the like. The main question is whether national democracies will remain self-correcting societies, being in the grip between the power of the market element and voters' disappointment.

At the same time, the greatest and the main advantage of democratic legitimacy is the most conscious and acceptable competition of opposites. After all, the described contradictions simultaneously coexist in one system and contribute to the development of societies, are its engine, catalyst for changes and improvements.

4. Conclusion

In the article, when speaking of political legitimacy in modern mass democracies, we attempted to follow the distinguish between the normative and descriptive concepts of legitimacy as the most helpful distinction among current research and draw attention to the issues coming from the conceptual uncertainty. Almost in every aspect, conceptual or instrumental, the distinction arises. The main issue leading to the paradox of political legitimacy is the normative understanding of legitimacy inherent only to the liberal projects at the conceptual level and that view implies lots of constraints.

Speaking of the descriptive dimension of political legitimacy in democracy, Weber's basic principle of mixed types of legitimacy is still relevant. Indeed, one of the primary and most important types of legitimacy today is democratic legitimacy. However, this type of legitimacy is not ideal and is accompanied by many problems and controversial issues, as is the democratic regime itself. Therefore, the heads of modern democratic states need to reinforce their democratic legitimacy obtained during the elections with other types of legitimacy throughout the entire term of their rule.

First of all, the technocratic legitimacy and the following eudemonic type of legitimacy may improve democratic legitimacy. The decision lies in the effective public administration, which, in most cases, is followed by an increase in citizens' standard of living. If the leader has the appropriate qualities, charismatic legitimacy can reinforce

democratic legitimacy, and if there are specific requests in society to follow established foundations, traditional legitimacy is as well. For each particular leader, this is a unique combination of types of legitimacy, which allows holding the support of the people not only at the time of election but also throughout the entire term of government, which is no less critical, in particular when initiating any complex and unpopular, but necessary, political decisions. The most obvious example of such an unpopular decision is the case of raising the retirement age. Nevertheless, the most important thing for leaders who have received democratic legitimacy is not to forget the need to maintain and reinforce it throughout their term of occupation. At the same time, the authorities should realize that democratic legitimacy exists only when both the moment of elections and subsequent decision-making processes are democratic.

The crises of legitimacy faced by the leaders of democratic states confirm the theory of relativity of democratic legitimacy by Chabot and Rozanvallon. Overcoming this problem is possible with the constant operation of specific mechanisms to compensate for the relativity of democratic legitimacy. For example, the problem of extending democratic legitimacy from the moment of election to the end of the occupation term may be solved by effective mechanisms for the recall of deputies. An equally significant aspect of overcoming the relativity of democratic legitimacy is working with the so-called “minorities” (both informational and substantive), ensuring that their opinions are taken into account, finding common grounds and solutions acceptable to all parties.

Admittedly, there are two clear trends in the post-modern guidelines in determining democratic legitimacy as a function of civil society. The first is that civil society is a social filter that does not control the rotation of “persons of power” but selects and reviews state-political decisions to comply with public interests. The second trend is that democratic legitimacy is based solely on the support of the population and the power of collective opinion, where civil society is the most conscious and most active part of the entire construct of public relations and is the first to respond to internal and external challenges and problems of society as a whole.

Trends in developing a network of public structures and the consolidation of civic solidarity give hope that democratic legitimacy will be performed in the format of social practices inherent in modern democracies. Civil society should act not only as a controller of the development processes of power-political relations but also be a source of legitimization of the political regime. Channels for realizing democratic legitimacy can be activated through a broad public dialogue between the population and the authorities. Such a format will provide the representative connections necessary for the legitimization processes and orient the political elites to understand the needs of society and increase the effectiveness of the reform course.

Democratic legitimacy is a necessary and integral element of modern democracies. Indeed, any form of political legitimacy must be constantly formed both by the authorities and by citizens. The stability of the entire political system of the state depends on this

social mechanism. Civil society is one of the constructs designed to ensure and maintain the democratic legitimacy of political governance, that is, the effective functioning of feedback between the government and society.

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