

Ups and Downs: Thinking about Democratic Legitimacy from a Performative Perspective

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Abstract. Legitimacy is an essential requirement for governing in any regime. When coupled with “democracy”, the popular acceptance of an authority becomes even more crucial. Most scholars agree that long-term, cross-national trends indicate a gradual but steady erosion in legitimacy for democracy, forming what is known as “the crisis of democracy”. But is there, indeed, such a crisis? Recently, Pippa Norris (2011) had suggested that “the trend line displays considerable volatility, with dynamic peaks and troughs rather than a simple linear or continuous fall”. Is it possible to explain both the general trend of decline, and the volatility of the trend line? The paper will offer a positive answer to this question, employing a performative and dynamic theorization of legitimacy for democracy. Democracy, I will suggest, is a performative effect, a social fiction, perpetually constructed through social enactments, performances, and imaginations. Therefore, its legitimacy not only changes over time, but it is constantly constructed in the public discourse with each democratic performative act and procedure. Discussing elections as *acts of democracy*, I will argue that when the performance succeeds, a democratic ‘effect’ is produced and legitimacy is enhanced; when it fails, a flawed, partial or no effect at all may be produced and legitimacy may erode.

Legitimacy, the popular acceptance of an authority, is an essential requirement for governing in any regime. When Machiavelli put forward his advices for the new prince, he states that “a prince can never make himself secure when the people are his enemy, because there are so many of them” (Machiavelli 2005 [1532], IX, p. 36). Coupled with “democracy”, legitimacy from the people becomes even more crucial. As a regime “of the people, by the people, for the people”, democracy depends on the support, trust, confidence and satisfaction of the public towards political figures, political institutions and procedures, as well as democratic values (Easton 1975; Easton 1965). Yet, this public acceptance, so fundamental for democracy, is an elusive phenomenon. The massive scholarly work on the subject produced numerous definitions, dimensions, models, and explanations aiming at dispelling some of the mist surrounding it (Almond and Verba 1963; Dalton 1999; Dalton 2004; Easton 1975; Easton 1965; Norris 2011; Pharr et al. 2000). This vast literature clarified many of the theoretical and empirical aspects of democratic legitimacy. However, some key issues regarding the existence and the trends in democratic legitimacy are still under debate – How should we read the trends in democratic

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legitimacy? Is there, indeed, a decline in legitimacy for democracy? How can the trends in legitimacy be explained?

To address these questions I employ a performative theorization of legitimacy for democracy. Years of research have revealed numerous forces – economic, social, political, historical, temporal, and others – that influence “the crisis of democracy” (Crozier et al. 1975). However, economic crises, changing social values, changing political norms, and temporal acceleration can explain the general, long-lasting trends in legitimacy for democracy (usually those of decline in legitimacy) but are much less susceptible to the fluctuations found in these trends. Addressing this lacuna, I will suggest that democracy is a performative effect, a social fiction, perpetually constructed through social enactments, performances, and imaginations. Therefore, its legitimacy not only changes over time, but it is constantly constructed in the public discourse with each democratic performative act and procedure. Discussing elections as *acts of democracy*, I will argue that when the performance succeeds, a democratic ‘effect’ is produced and legitimacy is enhanced; when it fails, a flawed, partial or no effect at all may be produced and legitimacy may erode.

The paper begins with a performative theorization of democracy. Following Judith Butler’s performative theory, I will suggest that democracy is not the source of acts and procedures such as voting, but rather their ‘effect’. This perspective on democracy, I will argue in the second and third sections, has important implications for our understanding of legitimacy for democracy. The second section outlines the different dimensions, trends, and explanations of democratic legitimacy and the third section presents a new outlook on these elements from the perspective of performative theory.

1. Social Constructions and Political Imaginations of Democracy

The French philosopher Claude Lefort (1988) conceptualizes democracy (and in fact all political regimes) as a fictive social construct. He argues that regimes do not have a stable inner core that defines them, but rather are given form by staging:

No elements, no elementary structures, no entities, no economic or technical determinations, and no dimensions of social space exist until they have been given a form. Giving them a form implies both giving them meaning and staging them. They are given meaning in that the social space unfolds as space of intelligibility articulated in accordance with a specific mode of distinguishing between the real and the imaginary, the true and the false, the just and unjust, the normal and the pathological. They are staged in that this space contains within it a quasi-representation of itself as being aristocratic, monarchic, despotic, democratic or totalitarian (Lefort 1988, pp.11-12).

Since regimes do not have a pre-given structure, for a regime to be recognized as a democracy, it is staged through social conventions. “In democracy”, states Lefort, “the locus of power becomes *an empty place* ... it cannot be occupied and it cannot be represented” (p. 17). Since the democratic construct is *formed* by its empty locus, it is “fundamentally open”, caught in a

perpetual state of transition, never fully, or once and for all, achieved. Everything is constantly debatable, condemning democracy to enduring movement. Thus, in democracy, laws, representatives, and even "the people" are wrapped with uncertainty (Keenan 2003).

Democracy is, therefore, not a one-time commitment, but rather an 'effect' that requires continual assurance and may not always be achieved. Alexis de Tocqueville (2010 [1835]), in his visit to young America, observes that democracy is elusive and can never be fully-grasped: "democratic institutions awaken and flatter the passion for equality without ever being able to satisfy it entirely. Every day, at the moment when people believe they have grasped complete equality, it escapes from their hands and flees" (p. 316). Rousseau stresses that "no other type of regime has so strong and continual a tendency for its form to change, and none calls for so much vigilance and courage if its form is to be maintained" (Rousseau 1999, Book III, p. 102). Both Rousseau and de Tocqueville recognize the inner instability characterizing democracy. Given this characterization, stresses Rousseau, continuous effort is required in order to maintain it as a democracy. Viewed from this perspective, democracy is always in the making – not (only) because we can never achieve an ideal form of democracy, but because it is characterized by its inherent instability, or to use Lefort's terminology, by its *empty locus*.

Following this line of argument, Yaron Ezrahi (2012) defines democracy as a *political imaginary*. Political imaginaries are "fictions, metaphors, ideas, images, or conceptions that acquire the power to regulate and shape political behavior and institutions". Although being at first "empirically baseless fabrications, some gain sufficient credibility and adherence to attain the status of performative imaginaries that produce behavior that, in turn, affirms them" (Ezrahi 2012, p. 3). Therefore, "democracy, like any other political regime, must be imagined and performed by multiple agencies in order to exist. Like a symphony, democracy has to be performed reasonably well in order to be realized as a political world" (p. 1). Thus, democracy as a social construct is always in the process of becoming, as some political imaginaries are being established and others are being diminished. This is an ongoing process of composing, decomposing and recomposing images, narratives, symbols, popular views, values, and shared emotions that shape, enact and maintain the democratic political order.

These conceptualizations of democracy as internally unstable, call for a theorization of democracy as a continuous endeavor. To do so, I employ performative theory as it was developed by Judith Butler, and suggest that democracy is a performative effect, produced by repetitive acts, practices and procedures. Ezrahi marks the direction towards this conceptualization. Although he does not fully adopt a performative terminology, his conceptualization does suggest that in order to exist, every political order, including democracy, must be performed and enacted through imaginaries. Following this, I argue that while the construct of democracy is imaginary, the acts producing it are real. Thus, we should explore how acts and procedures achieve this effect and produce democracy.

1.1. Performative Theorization of Democracy

A quick search on "democratic performance" will usually yield results (and concerns) regarding voter competence, government accountability, liberal values, and legitimacy. However, from the

perspective of performative theory, “democratic performance” gains a rather different meaning². It suggests, that democracy is not a pre-given structure but rather needs to be constructed repeatedly. Thus, for a democracy to be recognized and maintained as such it needs to be *performed*.

Performative theory, employed here to re-think democracy, was developed by Judith Butler in the realm of gender and queer studies, in order to conceptualize gender identity as a product of performance whose aim is to mimic and reconstruct an imagined source of that identity (Butler 1987; Butler 1993a; Butler 2004; Butler 2010 [1990]). In her seminal work ‘Gender Trouble’ (Butler 2010 [1990]), Butler thus defines performance:

Acts, gestures, and desires produce the effect of an internal core or substance. . . . Such acts, gestures, enactments ... are performative in the sense that the essence or identity that they otherwise purport to express are fabrications manufactured and sustained through corporal signs and other discursive means. That the gendered body is performative suggests that it has no ontological status apart from the various acts which constitute its reality. . . . The original identity after which gender fashions itself is an imitation without an origin (pp. 187–8)

Performativity implies that the subjective experience of identity as an internal, authentic and coherent core is not the source but rather the product of a repetitive performance. Thus, “there is no doer behind the deeds”; rather, the subject comes into being through the performance (Butler 1993a; Butler 1993b). The success of the performance depends on the degree of its success in effectively quoting an array of accepted, normative practices (Butler 1987). However, a perfect gender performance is impossible since every performance is a copy with no origin – an imitation of an identity that lacks a point of origin. Thus, performance is not a one-time action but a repetitive citation of the practices associated with an identity category (Butler 1993b).

While performance theory focused initially on gender identity, more than two decades of intensive scholarly work has broadened its scope; not only to other identities (national, racial, etc.), but also to entities, such as the economy and the state (Bell 1999a; Bell 1999b; Butler et al. 2000; Callon 2010; Kjellberg and Helgesson 2006; Laffey 2000; MacKenzie et al. 2007; Mahtani 2002). Butler explains the transition of the theory to such non-human entities:

The presumption that gender is a metaphysical substance that precedes its expression is critically upended by the performative theory of gender. Similarly, if we say that there are effects of the state ... or that there are economic effects, are we in some ways released from the conceptual hold that the idea of a pre-existing and already delimited state had on us. ... ‘The economy’ only becomes singular and monolithic by virtue of the

² While Judith Butler distinguishes performativity from performance by claiming that performativity, unlike performance, does not assume an actor behind the act, she uses both terms when developing her theory in “Gender Trouble”. Therefore, here too I use both performance and performativity to describe democracy as an effect produced without a “doer” behind, or in the locus, of it (for a discussion in the differences between performance and performativity see Parker and Sedgwick’s *Performativity and Performance* (2013)).

convergence of certain kinds of processes and practices that produce the 'effect' of the knowable and unified economy (Butler 2010, p. 147).

The generalization offered by the transformation of performativity from human to non-human entities offers an opportunity to think about democracy as a performative effect. The relevance of performance theory to democracy has been considered in the literature only briefly so far, and especially in the context of radical democracy and feminist politics (Butler 1997; Butler et al. 2000; Webster 2000). A performative theorization of democracy similar to that described by Butler in the above quotation is therefore still in need. Here I wish to offer such theorization and conceptualize democracy as an outcome of repetitive performance. I suggest that from this perspective democracy is a dynamic movement of *becoming* (Derrida 1992), an imagined political structure that requires continuous enactments that will "hold it together".

Following Butler's performative account of the economy (Butler 2010), I suggest that it is possible (and, indeed, might be fruitful) to think about democracy from a performative perspective. Usually, we tend to think about democracy as 'a regime' or 'a structure', and thus overlook the performative efforts required in order to repeatedly construct it as such. From a performative perspective, we can talk about 'democratic effects' and explore how certain acts, processes and practices produce an 'effect' of democracy as a pre-existing, pre-given, identified entity.

Democracy is, therefore, not a pre-given structure but rather needs to be constructed repeatedly. Thus, for a democracy to be recognized and maintained as such it needs to be *performed* by citizens, institutions, office-holders, the media, etc. Acts being made by these actors – voting, demonstrating, decision- and- law-making, etc. – give form to the abstract concept of "democracy", thus producing it as their (imagined) source. This does not mean that the staging is easily seen. Rather, it is precisely those performative imaginaries that seem to be "natural" or taken for granted which are the most effective in shaping political institutions and behaviors. Not only public events or parades, but also (and perhaps especially) the subtle acts, beliefs and procedures that are believed to be generated from the political order are the outcome of the performative political imaginaries (Ezrahi 2012). The connection between structure and procedures is reversed here. Democratic procedures do not stem from a democratic structure; rather, specific procedures, associated with the imagined construct "democracy", are the ones that create, maintain and realize the structure and enable to call it "democracy".

Thus, political imaginaries play a crucial role in the ongoing existence of democracy. They imply legal and political reasoning, concepts of causality, agency and reality. As such, they enable the overall imaginary of the democratic structure as what precedes them. Ezrahi gives individualism as an example of one such imaginary. Individualism, argues Ezrahi, is a necessary fiction for the evolution of liberal democracy (Ezrahi 2012). That is, the concept of a person as an autonomous individual is the outcome of cultural, social and political forces. However, it has become the source of democratic foundations such as human rights, political participation, voluntary associations, and so on. In fact, the individual is a social structure, a fiction, an imaginary that is being performed and thus being conceived as the source of making, shaping and steering the

democratic system. Therefore, the individual does not presuppose the democratic structure, but rather is constructed for the maintenance of this structure.

Through this and other imaginaries (“the people”, for example) democracy is enacted over and over again, in each performance. Since there is no “democracy” that precedes the performance or imagination, it is being given, with each repetition, a different appearance. However, this is not to say that democracy is produced anew at each repetition or at each performance. Instead, the reiterative performativity over time creates a naturalized effect of a pre-given democratic structure. This naturalization process of the political imaginaries conceals the fragile, unstable, incoherent, always-in-the-making democratic construct. In this process the imaginary becomes the reality; in fact, the political imaginaries are most effective when they conceal their own creation. Democracy is, therefore, always open, performed, contested; it is created as a ‘democracy’ in each and every repetition, thus always changing, and always facing an option that the performance will fail to create it (appropriately).

Understanding democracy as a performative ‘effect’ suggests that when considering non-human entities such as democracy there is neither one particular subject that performs it, nor a collective of subjects that do so. Rather, non-human entities such as the economy, the state, or democracy are called into being through a repeated set of social conditions and institutions that are perceived as “performative agencies” (Butler 2010). Thus, institutions, procedures, the technology, and even theories, are perceived as autonomous actors holding power to create performative effects. Acts, procedures, rules, theories and prospects made by such non-human “performative agencies” create an effect of a singular pre-given “economy”, “state”, or “democracy”.

From this perspective, democracy is, therefore, not created just through a performance of an individual subject or even a group of subjects. Rather, institutions such as elections, the Supreme Court, and the Constitution become “performative agencies” that construct democracy as their source by repetitive acts and procedures. So, for example, when the United States Supreme Court legalized same-sex marriage in all states in June 2015, it performed American democracy by its performative power as a democratic institution (and not only by the performative power of the specific judges). This and other symbolic *acts of democracy* construct democracy as their origin. Similarly, as will be shown in the next section, the elections are democratic “performative agencies”; when all eligible members of the political community participate in the joint act of elections, the simultaneous act of all citizens judging their past and determining their political future enables to imagine a “we” that operates in a democratic political structure.

1.2. Elections as Acts of Democracy

Of all the “performative agencies” that produce democracy and maintain it, this paper focuses on elections. Elections are conceptualized as *acts of democracy* insofar as they are an arena in which democracy is being performed and produced. The focus on elections stems not only from the centrality of elections in democracy, but from the importance and uniqueness its repetitive structure bears for the performativity of democracy. Elections, in their repetition, ensure that democracy will be produced iteratively, encompassing the internal instability that makes democracy the open regime it is (or at least aims to be). Through elections, democracy, unlike

any other regime, institutionalizes its own performative re-production. Therefore, elections, more than any other democratic institution, encompass the underling performative mechanism of democracy.

The connection between elections and democracy from a performative perspective is, therefore, quite different than what is usually found in the scholarly literature. Usually, the connection between elections and democracy is understood either as thin or thick. In the first perspective, elections are the mechanism for the citizens to choose between competing elites. As such, they may be seen as merely a device that facilitates political moderation and stability through limitation of conflicts (Przeworski 1999; Przeworski et al. 1999). Elections are a practical (rather than ideological) tool that determines who will lead the country, and thus also what directions policy will take. Elections are about choosing between concrete policy and leadership alternatives. Voters choose the representatives who will implement their policy preferences. Thus, elections offer opportunity for conflicting forces to compete over their interests within the agreed boundaries of the system (Dahl 1971; Key and Cummings 1966; Rose and Mossawir 1967; Schumpeter 1950). When the connection between elections and democracy is conceptualized as thick, elections are described as an integral part of democracy and as a ritual that bears a democratic essence. Elections are not just a selection between policies and leaders, but are also a critical democratic instrument insofar as they give the people opportunity to express their preferences and influence representatives and policy (Powell 2000).

A third perspective, perhaps a less common one, suggests that elections are a site for democratic enactment. Edelman (1985) reverses the connection between democracy and elections when he stresses that political acts, i.e. elections, reaffirm the belief in the fundamental rationality and democratic character of the system. Elections give people a chance to participate in a ritual act. Like all rituals, elections draw attention to common social ties and to the acceptance of public policies that are adopted. In Durkheim's (1915) terms, it could be said that elections are a modern variation of a sacred event in which the political community maintains and develops its collective consciousness.

From a performative perspective, however, elections and their repetitive structure are embedded in the very (imagined) essence of democracy. Performance (be it of gender identity, national identity, the economy, or democracy) is not a one-time endeavor, but is rather iterative, aiming at imitating an imagined authentic core. In performance, “the repetition, and the failure to repeat, produce a string of performances that constitute and contest the coherence of [the] ‘I’” (Butler 1993a, p. 311). There is, therefore, no finite set of actions that can determine “once and for all” that a social structure is indeed a “democracy”, for democracy is not a stable and pre-given structure, but rather produced and imagined through acts and procedures. Democracy is a product of the repetitive performance of a set of actions, procedures and institutions associated with it.

While Edelman presupposes a democratic system that *is* being assured in elections as ritual and in this sense – precedes this ritual as its source, in a performative theory, democracy is being produced through elections as a ritual. In the absence of a pre-given, natural origin, each performance is a variation, an inaccurate citation that might reveal that there is no “democracy”

from which it is being stemmed. Butler stresses that “performativity never fully achieves its effect, and so in this sense ‘fails’ all the time; its failure is what necessitates its *reiteration*” (Butler 2010, p. 153). Since no origin generates the performance, it can never be perfect, and therefore always condemned to fail, prompting the next performative attempt.

So in democracy, each performative act of elections bears an option to fail to produce the effect of democracy. In some cases, elections are perceived as an effective tool for expressing the public’s preferences and choosing its representatives and desired policies. The 2008 presidential election in the United States is one example for such a case. Thomas Friedman describes the affirmation and fortification of American democracy in the day following the elections:

*And so it came to pass that on Nov. 4, 2008, shortly after 11 p.m. Eastern time, the American Civil War ended, as a black man -- Barack Hussein Obama -- won enough electoral votes to become president of the United States. A civil war that, in many ways, began at Bull Run, Virginia, on July 21, 1861, ended 147 years later via a ballot box in the very same state. The Civil War could never truly be said to have ended until America's white majority actually elected an African-American as president.*³

In other cases, however, the elections might not be so successful in creating such an effect. When they are perceived as a dysfunctional tool that does not translate citizens’ preferences into political outcomes, a flawed democracy is produced (we can think about the 2000 US presidential elections, for example, as a case of such a challenge to the creation of an American democratic effect). In extreme cases the performance of democracy fails completely.

This characteristic of inherent potential failure, argues Butler, differentiates performative theory from construction theory (Butler 2010). It implies that basic categories are not only a result of social construction (and not natural or pre-given), but that they are the unstable effect of a repetitive performance that never reaches its ultimate goal. Thus, to say that democracy is socially constructed through elections as symbolic rituals (Edelman 1985), is not the same as saying that democracy is produced by elections as performative acts. From the perspective of a performative theory, repetitive acts and procedures are repeatedly aiming at imitating an imagined origin, or to use Lefort’s terminology, filling the *empty locus*. Democracy is, therefore, always open, performed, contested; it is created as a ‘democracy’ in each and every repetition, and thus faces a threat of unsuccessful performance in every iteration.

Repetition, the fundamental characterization of democratic elections is embedded in the performativity of democracy as an iterative process. If we are to accept Ezrahi’s and Lefort’s claims that all regimes are imagined and staged (i.e., performative), then all regimes are repeatedly performed, facing constantly the option that this performance will fail. Democracy, however, defined by the repetitive elections of representatives, institutionalizes performativity. It

³ Thomas L. Friedman, "Finishing Our Work" *The New York Times* (Nov. 5, 2008)

is the only regime that institutionalizes its performativity and, by definition, constitutes its possible failure.

Democratic performativity is therefore not a one-time endeavor, but rather a continuous effort, which takes place over and over again at each election. While other democratic institutions (the Constitution, the Supreme Court, the Parliament, etc.) are “performative agencies” that (can) repeatedly produce a democratic effect, elections are the only institution that *ensures* the iterative structure of democratic performativity. Elections are therefore the site in which democracy is constituted insofar as all eligible members (can) participate in the act of voting, and therefore are constructed as the source of sovereignty. By this, elections produce democracy as their effect, as their source, and “hold together” the political imagination of democracy. And they do this periodically, thus open options for new variations (and failures) in the democratic effect they produce. Elections are therefore, not only an opportunity to replace representatives and incumbents, but also an opportunity to perform democracy, shape it, alter it, and load it with various meanings.

To sum, in a performative theory democracy is repeatedly performed through elections as collective *acts of democracy* that produce it as a stable, knowable, and pre-given regime. However, not all acts are performative in the sense that they gain power to produce democracy. Butler (2010) observes that “a politician may claim that ‘a new day has arrived’ but that new day only has a chance of arriving if people take up the utterance and endeavor to make that happen. The utterance alone does not bring about the day, and yet it can set into motion a set of actions that can, under certain felicitous circumstances, bring the day around” (p. 148). Thus, a performative act (or utterance) can generate a political effect, but this is in no way a deterministic process. Elections as *acts of democracy* might, therefore, produce an ‘effect’ of democracy, but they also may fail to do so. By this, they reveal the inner dynamics of democracy and hence the dynamics embedded in its legitimacy. As the next section unfolds, I will argue that when elections produce a democratic ‘effect’ democracy can be imagined and hence its legitimacy is enhanced. If, however, the performance is unsuccessful, it becomes harder to imagine the regime as a democracy and hence its legitimacy is impaired.

2. Legitimacy for Democracy: Dimensions, Trends, and Explanations

As a performative conceptualization of democracy unfolded throughout the previous section, the dynamic, ever-changing construction of this regime was highlighted. This perspective, I will suggest in the next two sections, can shed new light on the way we understand legitimacy for democracy and the role of “the people” in this legitimacy. I will first focus the discussion in those aspects and trends of legitimacy for democracy that are most relevant to the performance of democracy. Then I will offer to think about legitimacy for democracy, and to understand its trends, as a dynamic phenomenon influenced by democratic performativity.

2.1. Dimensions of Legitimacy for Democracy

Legitimacy, as was noted above, is especially important for democracy as “the rule of the people”. Yet, legitimacy, integral as it may be for the thriving of democracy, is an abstract

concept, with many fundamental aspects still requiring clarification: what exactly is legitimacy in a democratic regime? Is it a support or trust in political figures and institutions? Is it satisfaction with the performance of democracy? Perhaps a more broad commitment to democratic values? Or attachment to the political community? David Easton's three-fold model of democratic legitimacy is a common point of departure for mapping the various dimensions comprising legitimacy for democracy (Easton 1965). I will rely on his model, and popular variations thereof (Dalton 1999; Norris 2011), to portray the type of legitimacy that might be influenced by the elections as a performative act.

David Easton's model offers a concrete notion of system support as it distinguishes between three elements of political support – the authorities, the regime, and the political community (Easton 1975; Easton 1965). The first element, support in the authorities, relates to the human factor of democratic systems – politicians, incumbents, officeholders, policy makers, etc. The second element, regime support, is a broader one and relates to support for institutions and procedures. The third and most general element is that of the political community, and it refers to support for the political system beyond specific individuals or institutions.

This model served as a basis for many, if not most, theoretical discussions and empirical research on legitimacy for democracy. More recently, some scholars have developed this three-fold model into a five-fold model by refining the second Eastonian element of regime support. Dalton (1999) and Norris (1999; 2011) break Easton's mid-level support for the regime into three levels: political institutions, political process, and regime principles. The first addresses the support in institutions such as the Parliament, the Supreme Court, and political parties. The second relates to the quality of political and democratic processes such as law-making and elections, and the satisfaction with the performance of democracy. The third encompasses the approval and support for the core values and principle of the system.

Election as *acts of democracy*, it has been suggested in the previous sections, enable to sustain democracy as a political imaginary insofar as they produce a democratic 'effect'. The refinement offered by Dalton and Norris enables us to focus more precisely on that aspect of regime support that is most related to performativity – that of political and democratic processes. This aspect involves satisfaction with democratic processes and the way democracy works; it encompasses evaluations of the overall performance of *the regime*. Thus, it is broader than trust in- and judgements of specific institutions and officeholders, and yet more specific than general attitudes towards democratic values and principles. Since democratic performance takes place in democratic processes, it is most likely to affect this middle-level aspect of democratic legitimacy.

The five-fold model brought some clarification to the theoretical concept of legitimacy for democracy as well as to its empirical manifestations. As scholars have been able to match various survey items to the different facets distinguished by Dalton and Norris (Linde and Ekman 2003), the different trends found in measuring legitimacy for democracy were disentangled (Dalton 1999; Norris 1999; Norris 2011; Pharr et al. 2000; Weßels 2015). I will review some of these findings, focusing on the trends regarding the support for political and

democratic processes to offer some new insights on these trends from the perspective of performative theorization of democracy.

2.2. Trends of Legitimacy for Democracy

There is a wide agreement among scholars regarding the trends of two elements out Dalton's and Norris's five-fold models – the most specific level of political authorities and the most abstract level of democratic values. Data from democracies all over the world indicate that citizens do not trust their politicians, with declining approval rates for political leaders since the late 1960's (Dalton 1999; Hetherington 1998; Hetherington 1999; Norris 2011; Pharr et al. 2000). On the other end, research shows continuous support for the democratic idea and for general democratic values, such as freedom and equality. This trend too is consistent around the globe - in advanced industrial democracies, "third wave" democracies, and in Islamic countries (Inglehart 2003; Norris 2011; Pharr et al. 2000).

Pharr et al. (2000) stress that since support in the democratic idea remains stable (and even rises) and the skepticism regarding incumbents and politicians is a sign for a well-functioning democracy, it is the mid-level support that is of importance for the legitimacy for democracy. They observe that over the past few decades, citizens in advanced industrial democracies became less satisfied with their regime. However, when tracking the trends of support on each of the three regime-levels in the five-fold model, the picture becomes much more complex, with the three levels displaying different patterns of political support.

The first level of confidence in political institutions is usually measured by items of trust in various institutions such as the government, the parliament, the court, the police, etc. Data from the American National Election Studies show that the trust of Americans in their government declined significantly, from more than 70% to 36% over the past five decades, with only a few rising periods during the 1980's and the mid 1990's (Dalton 1999; Dalton 2004; Norris 2011; Pharr et al. 2000). This pattern is not uniquely American, with similar trends found also in Canada, Sweden, Germany, Great Britain, and Japan (Dalton 1999; Norris 2011). Similarly, attachment to political parties in countries such as the United States, Great Britain, and Sweden has declined steadily since the 1970's and in other countries since late 1980's (Pharr et al. 2000).

The second level of confidence in political processes and satisfaction with the performance of democracy shows a different pattern. While remaining relatively high for several decades, it started to decline in the early 1990's, exhibiting high volatility even in well-established democracies such as Great Britain, France, and Germany (Dalton 1999; Norris 2011). In Europe, where the question about satisfaction with democracy is used most frequently, the data show that satisfaction with democracy is highest in long-lasting western European democracies and lowest among the new democracies of the 1990's (Weßels 2015).

In the third level of support for democratic principles, the trend becomes similar to that of the support for the democratic idea. When asked whether democracy is the best form of government, most people express high degree of support and this trend is quite stable over time and across countries (Dalton 1999; Norris 2011). These findings indicate that as the level of support measured is more and more diffuse (Easton 1965), it is more stable and less challenged.

For most scholars, these long-term cross-national trends indicate a gradual but steady erosion in support of political institutions in advanced industrial democracies. Abundant research, influenced by exceeding worries regarding “the crisis of democracy” (Crozier et al. 1975; Pharr et al. 2000) has offered various explanations: the economy (Alesina and Wacziarg 2000; Alesina and Roubini 1992; Citrin 1974; Miller 1974), the political culture (Crozier et al. 1975), social values (Inglehart 1990; Inglehart 2000; Inglehart 2003), growth of social estrangement and social isolation (Dalton 2004; Putnam 1993), the media (Dalton 2004; Norris 2011), the downfall of Communism (Anderson and Guillory 1997), and social time acceleration (Hassan 2009; Scheuerman 2001; Scheuerman 2004; Thompson 2004).

However, recently, a different approach has challenged the methodological approach underlying these studies. In her influential book “Democratic Deficit: Critical Citizens Revisited” (2011), Pippa Norris argues that “the trend line displays considerable volatility, with dynamic peaks and troughs rather than a simple linear or continuous fall” (p. 64). Therefore, she calls for a different approach to explain the findings:

This complexity indicates the need for differentiated and nuanced arguments that can account for cross-national variance and the dynamics of longitudinal flux in political support. The diagnosis suggests that it would probably be most fruitful to investigate short- and medium- term explanations of any changes in indicators of system support, abandoning over-simple claims about steadily growing public disenchantment with politics across all established democracies – or indeed across the world (p. 58).

Following Norris’s call, I suggest that the performative theorization of democracy may shed some light on the mechanism shaping the volatility of the trend. From this perspective, insofar as democracy is successfully constructed through performative acts, democracy is re-affirmed, bringing about a rise in political support. However, when the performance fails, a challenge is posed on this endeavor (to construct democracy) and its legitimacy erodes. The following pages will elaborate this argument, pointing at the linkage between elections, democratic performance, and democratic legitimacy.

3. Democratic Performativity and a Dynamic Conceptualization of Legitimacy

Drawing upon Pippa Norris’s perspective on legitimacy for democracy and employing the performative theorization of democracy presented above, I suggest that legitimacy not only changes over time, but it is constantly constructed in the public discourse with each performative act and procedure. Perceived from this perspective, legitimacy cannot be fully understood by structural factors such as the economy, the technology, the media, or general values. A more flexible explanation is needed in order to address the dynamic movement of legitimacy for democracy. A performative account of democracy, I argue in this section, can explain the degree to which acts of democracy conform to general beliefs and expectations regarding democracy.

Democracy, it has been suggested above, is a performative effect, a social fiction, perpetually constructed through social enactments, performances, and imaginations (Ezrahi 2012; Keenan

2003; Lefort 1988). As an “open site” democracy is the “object of permanent debate and contestation” and its legitimacy is dynamic (Keenan 2003, p. 7). Therefore, it is impossible to achieve democratic legitimacy once and for all (nor it would be adequate to focus on the linear aspect of its trend). Keenan turns our attention to Claude Lefort's (1988) conceptualization of democratic legitimacy:

Modern democracy invites us to replace the notion of a regime governed by laws, of a legitimate power, by the notion of a regime founded upon the debate as to what is legitimate and what is illegitimate- a debate which is necessarily without any guarantor and without any end (p. 39)

For Lefort, the legitimacy of the debate over what is and is not legitimate lies at the (dynamic, ever-changing) essence of democracy and distinguishes it from other types of regimes. Legitimacy for democracy is therefore embedded in the inherent instability and the dynamic openness of the democratic construct. It is, therefore, inherently volatile, always changing, never gaining enduring stability. Moreover, under this perspective, the inherent instability of the democratic construct, which is usually understood as the source of democratic illegitimacy, is also the source of democratic legitimacy. Insofar as democracy is distinguished from other regimes by its inherent openness and continuous debate over its essence, it cannot obtain approval and support without these aspects, which at the same time might cause instability and ineffectiveness that haunts democratic legitimacy.

Democracy brings a radical experience of uncertainty regarding its basis and doubts regarding its legitimacy (Keenan 2003). Paradoxically, the legitimacy of democracy lies at this exact locus of doubts. Thus, democracy is caught in a dialectic position as it holds both legitimacy and illegitimacy in its inherent instability. Democracy is neither legitimate nor illegitimate, but is rather the space between legitimacy and illegitimacy, created in each enactment of democracy. Given this inherent instability, how is democratic legitimacy maintained? What are the factors that sustain it?

Some evidence indicate that elections are one possible factor that sustain legitimacy for democracy (Anderson et al. 2005; Blais and G lineau 2007; Singh et al. 2012). In a study on the 1997 Canadian federal elections Blais and G lineau (2007) have found that “the election itself made people more satisfied with the way democracy works” (p. 429). While these scholars point at a general trend of increased democratic legitimacy after the elections, they do so for only one election and overlook the mechanism behind this trend. The performative perspective suggested here reveals that it is not the elections themselves that enhance legitimacy, but rather their performative qualities and the performative democratic effect they may produce.

From this perspective, elections are the site of democratic re-affirmation. To the extent that the democratic performance succeeds, an effect of democracy is achieved and thus democracy is re-affirmed. Insofar as the elections are perceived as an effective act in which a self-sovereign “we” was able to influence its future through the act of voting, they reassure the beliefs and expectations associated with democracy as “the rule of the people” and thus enhances democratic legitimacy. When, however, elections do not enable “the people” to govern themselves through

elections, cracks and fractures in the democratic construct are revealed. The deep linkage between the act of election and its democratic meanings are thus being undermined up to the point that it would be impossible to imagine democracy, challenging its legitimacy.

Alan Keenan (2003) observes that in democracy, “the political community is never fully achieved as ‘a people’ ... it is instead constantly in formation, continually in the process of calling itself, and being called, into being” (p. 11). However, alongside this “fundamental openness” characterizing “the people”, some degree of closure and self-identification must take place:

In order to be the kind of entity able to have and to regulate its own collective life, “the people” must take an identity whose relative clarity and stability depend on particular foundations, traditions, and institutional forms that cannot be fully general or fully open to question. It is only through the widespread attachment to or identification with such forms and markers of collective identity ... that the community takes enough form to be and to rule itself (p.10).

This closure, he argues, is necessary for the democratic practices of openness – questioning, contestations, and debate. In other words, there must be some kind of basis - even an unstable, always-changing basis – for the dynamic act of self-ruling to gain legitimacy. In fact, this inherent incompleteness of “the people” is, for Keenan, the basis for a sustainable democratic politics: “democratic equality and identity must remain forever open to question because they can be provisionally determined only through the collective and never-ending efforts of the diversity of individuals who make up the always ‘promised’ people” (p.19). Butler stresses that with regard to gender, feminist attempts to fight for “women” flattened the diversity embedded within this broad category in the name of effective representation to gain rights and freedom, and eventually ended up fortifying an exclusionary identity category (Butler 2010 [1990]). Similarly, fights for the right of this or other “people” in the name of freedom and democracy might end up creating exclusionary boundaries that undermine democracy as an inclusive regime (Keenan 2003).

The dynamic perspective of openness and closure offered by Keenan is one possible way to negotiate this tension. Performativity, however, offers another one. “The people”, it is suggested from a performative perspective, is “a copy with no origin” (Butler 1993a), an imagined source of democratic practices. Democratic performance, therefore, does not require a genuine, authentic “people”. The degree of performative success is determined by the successful citation practices associated with democracy. Hence, it is not so much the “who” of democracy as the “what” and the “how”. “The people” is, from this perspective, a fictive category, a “performative agency” that facilitates the democratic performance.

It by no means lessens its importance. “The people” is a *necessary* fiction for democracy to sustain its appearance as the political regime it is. “The people” is a category associated with democracy, much like elections and other practices and institutions required to perform democracy successfully, and it is thus constructed *vis a vis* the democratic idea and its

performances. There is, therefore, no *a priori* “people” that precedes the democratic performance insofar as for an act to be considered democratic it needs to produce a “people” as its source.

It also does not mean that democracy and “the people” are completely open or contingent, changing freely with every performance. Rather, they are constrained by regulatory frames that determine what *is* democracy and what *is* a “people” that can be said to rule itself within it. They are *doings*, nonetheless, and not beings. As such, they are flexible, alternating with every performance, facing an option of failure in each and every performative repetition. In other words, to claim that democracy is a “deed without a doer” is to suggest that no pre-given “people” is required in order to rule itself. Alternatively, “the people” is (potentially) produced by the democratic performative acts as a requirement for a regime to be democratic (much as the subject, in Judith Butler’s gender performativity, is produced as a necessary *a priori* for the performance that produces it). From a performative perspective, the absence of a definite “people” is, therefore, not a challenge for democracy, but rather inseparable part of its production as a performative effect.

From this perspective, elections are a site for constructing democratic legitimacy through the production of “the people” as a democratic performative effect. They thus construct “the people” as a pre-given of democracy. In fact, democracy is performed as such in elections insofar as a narrative about “the people” who governed themselves through voting is created. The “doer” of democracy is therefore constructed in the “act of democracy”. This is not a one-time act – in their repetition, the elections ensure, and reveal, the ongoing effort required to perform democracy in the absence of a coherent, *a priori* “we”.

Thus, in a deeper level, when the performance of democracy succeeds, the openness/closure balance of democracy is sustained, thus maintaining the structure of democratic legitimacy described above. Thus, a dynamic of openness and closure is sustained insofar as the elections enable to stabilize, albeit temporarily, the unstable construct of democracy. In their repetitive structure, each and every election also undermines this stability since democracy is performatively re-produced and there is no guarantee that the act of election will be able to appropriately produce a democratic “effect”.

This brings us back to the pivotal role played by elections in the performance of democracy. Elections, I stated above, distinguish democracy from other regimes insofar as they ensure the inherent instability and iterative performativity of democracy. In democracy, unlike most regimes, the potential failure to maintain its legitimacy is embedded in the elections as acts of democracy. Thus, this potential threat on the legitimacy for democracy lies at the heart of democracy, encompassing the democratic balance between openness and closure.

This conceptualization of democratic legitimacy fits Norris's (2011) observation regarding the trend of regime support. As mentioned above, Norris challenges the common interpretation of the trend by focusing on the volatility (and not on the linearity) of the trend. Since democracy is constantly changing, with each performance, the trends of its legitimacy are volatile, and therefore we should trace and explain the volatility, and not (only) its linear direction of democratic legitimacy. We should track the fluctuations in democratic legitimacy that may stem

from the iterative performance that produces democracy. Insofar as every performance yields a slightly different version of democracy, variations in the trend of legitimacy are also should be expected.

“Democracy”, argues Seymour M. Lipset (1959), “has become stabilized because of certain supporting institutions and values, as well as because of its own internal self-maintaining processes” (p. 69). He further stresses that “legitimacy involves the capacity of a political system to engender and maintain the belief that existing political institutions are the most appropriate or proper ones for the society” (p. 86). For Lipset, legitimacy, the necessary requirement for maintaining democracy, is a belief. By this, he detaches legitimacy from concrete legal procedures and political performance. From this perspective, acts, rules, institutions, and leaders do not receive legitimacy just by following legal laws and procedures or by producing desirable outcomes (Bekkers and Edwards 2007). Alternatively, values, expectations, beliefs and attitudes are met by political institutions, processes, and leaders (Dahl 2006; Easton 1965; Fraser 1974). To establish legitimacy, politicians and institutions not only have to follow the law, but citizens must feel and believe the political system and the actors within it are adequate to meet their expectations (Citrin and Green 1986).

Combining the performative perspective with Lipset’s terminology, I argue that a successful performance strengthens popular beliefs in the system and thus maintains legitimacy for democracy. However, since democracy lacks an inherent, stable core, and is iteratively produced as a performative effect, its legitimacy can never be achieved once and for all. The degree to which democracy meets citizens’ beliefs and expectations depends on the success to perform it appropriately. So, by looking at the performance of democracy through elections we can explore the dynamics of democratic legitimacy.

To sum, I proposed that a performative theorization of democracy can shed light on the different trends in legitimacy for democracy. As a performative ‘effect’ that constantly changes, democracy also produces different legitimacy ‘effects’. The volatility of the democratic legitimacy trend, and not (only) its linearity should be addressed. Performance theory was offered as a framework for understanding this connection between the inherent instability of democracy and its legitimacy. From this perspective, a successful performance maintains the openness/closure balance, and explain the upward points found in the trend of democratic legitimacy. An unsuccessful performance, however, results in a too-open or too-closed democracy, thus resulting in challenges to its legitimacy as a regime “of the people, by the people, for the people”.

Conclusions

The conceptualization of democratic legitimacy offered here proposes that legitimacy is not only a social construct, but it is a dynamic one, requiring an ongoing maintenance. The growing concerns regarding “the crisis of democracy” have shaped the scholarly literature and the public discourse on legitimacy for democracy over the past several decades. The empirical trends of democratic support indicate that for now, democratic support erodes as the support is more

specific. However, some scholars warn from a spillover effect that might influence the more diffuse levels over time (Dalton 1999; Dalton 2004; Pharr et al. 2000). While there is little debate about the numbers themselves, their interpretation and the factors affecting them are the ground for a vibrant on-going scholarly discussion, and this is where, I suggested, a performative theorization of democracy has most to offer.

The paper aimed at portraying the dynamic contours of legitimacy for democracy through a performative theorization of democracy. In this conceptualization, *acts of democracy*, and especially elections, (can) produce a performative democratic effect in each of their iterations. From a performative perspective elections are not a product of a democratic regime, but rather produce this regime as their effect. Elections enable to construct a social imaginary of “the people” as a pre-given of democracy and thus establish democracy as the regime it is. As a “performative agency” election has an important role in the volatility of democratic legitimacy. Insofar as the joint act of elections produces a performative ‘effect’ of democracy, it enables to imagine this social construct as “the rule of the people” and thus enhances its legitimacy.

This perspective, I maintained, goes hand in hand with the scholarly approach that emphasizes the volatility of the democratic legitimacy trend. According to this “volatile approach”, legitimacy for democracy is much more susceptible to changes than the overall trend of decline might suggest. A performative perspective on democracy was presented in this paper to propose that the changes in the trend of democratic legitimacy echo the inner instability of democracy as a performative ‘effect’. Moreover, fluctuations in legitimacy for democracy are therefore inherent in this regime as the only regime that *ensures* its instability by repetitive performance.

The concerns regarding the legitimacy for democracy are valid and should be addressed by politicians, political experts, and the general public. However, this multi-vocal discussion should be guided by an understanding of democratic legitimacy as a dynamic phenomenon. As such, democratic legitimacy not only changes over time, influenced by the economy, the media, technology, collective values, and political effectiveness. In its dynamics, legitimacy for democracy echoes the internal openness of democracy as a performative ‘effect’ which is always open to re-signification. In exploring the factors affecting legitimacy for democracy we should therefore look not only to political performance but also to democratic performativity.

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