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**Crises of Legitimation.  
A comparative reassessment**

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**Abstract**

The paper starts with the assumption that a comprehensive concept is needed in order to understand and analyze in what sense our democracy is in crisis today, as it is so often proclaimed. The suggestion is that the notion of a ‘legitimation crisis’ is a likely and promising candidate, as it entails the advantage of broadening the scope and enriching the explanation through its intrinsic connection to the analysis of capitalism. Five pertinent approaches will be assessed, namely those offered by Jürgen Habermas, Charles Taylor, Hauke Brunkhorst, Wolfgang Streeck, and Nancy Fraser. The analysis proceeds in three steps: firstly, the five approaches are outlined separately. Secondly, their main features, along with strengths and weaknesses, are identified and related. Thirdly, the chances and difficulties of an integrative approach are discussed along four proposed dimensions: the basic principles of a legitimation crisis, its direction and dynamic, its scope and specificity, and its time-dependent, historical application. The result is both the facilitation of a sensible choice between the approaches, and the indication of criteria and dangers of further conceptual construction work.

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‘Democracy is in crisis’ – this statement, almost ubiquitous in public and academic debate, is widely shared and agreed upon. Contemporary examples to endorse that view are ample and readily uttered in any given newspaper at any given day: Climate change looms large and needs to be counteracted with drastic measures – but governments worldwide are hesitant or unwilling; strikes against unfair wages or increased costs of basic living, mass protest against the enduring trivialization of sexual violence can be witnessed in alarming regularity on the streets on an almost daily basis – showing that injustices still prevail; poverty, hunger, critical shortages affect large parts of the world – but exploitation, externalization and imperialism continue; nobody endorses slavery or displacement – and still we face peak levels today; people deplore that their voices are not heard in the political process or don’t make a difference any more – but democratic institutions are being dismantled by right-wing populists, or become negligible while formally intact as the ‘real decisions’ are made elsewhere in a post-democratic manner. What seems to be shared as an underlying feature in all those diverse predicaments is a basic sentiment, an impression that ‘something is not right’ in the way our society is arranged, or more specific: our political community. ‘Democracy is in crisis’ – this statement has also lost its conceptual accuracy (if it ever had it in the first place). The diagnosis faces a veritable dilemma in social and political thought: How can it fundamentally address common features of those aforementioned predicaments (that are not just coincidentally linked in both public imagination and academic discourse alike, as one might daresay) without losing all its specificity? Or differently put: How can the diagnosis be sufficiently precise without getting lost in details?

So the theoretical task is evident: A comprehensive concept is wanting. Or is it? Most of the time, it is rather pretentious or simply vain than actually innovative to develop an allegedly new concept from scratch, with a fashionable neologism to claim originality. A closer look into the historical archive usually proofs to be surprisingly effective, and maybe that is the case here as well. This paper thus proposes to turn to a certain candidate that might produce relief in the face of the diagnostic dilemma: The notion of a ‘legitimation crisis’. It is likely to be helpful as it constitutively captures a general political dissatisfaction: not superficially the dissatisfaction of voters with a certain political party or declining approval-ratings with a given government (although those can be indicators or secondary effects), but on a deeper level with ‘the system’, the political arrangement of social structures, the overall picture. And the concept does not stop at signifying dissatisfaction per se, but also provides an explanation, that lies, roughly speaking, in the pressures, distortions and dysfunctionalities of (late) capitalism. In short: the diagnosis fundamentally combines democracy and capitalism, which evidently not all theories of a crisis of democracy do. Term and concept of a ‘legitimation crisis’ were presumably ‘invented’ by Claus Offe (1972) in the wake of the real existing legitimation crisis of 1968, alongside his analysis of structural problems of late capitalism, and sparked a vivid academic debate in Germany (Nachtwey 2010, p. 359f.). While he offers an apt and innovative analysis, one can venture to say that he was not overly interested in fleshing out a clear concept of legitimation crises. Thus, the rise of the concept is rather due to the popularization of Offe’s mentor and fellow campaigner Jürgen Habermas (1975[1973]), who specifically focused on different types of crises, spelling out what a legitimation crisis actually is in contrast to other types of crises (which is the main reason that Habermas’ approach will be given priority here over the similar version of Offe). However, the aim of this paper is not to rediscover and plead for an allegedly ‘original’ version of the legitimation crisis concept, but to (re)assess elaborate models as they exist up to today in a comparative manner, in order to assemble a both problem-centered and slender theoretical archive for contemporary challenges. Thus, the object of analysis is a group of theoretical approaches with elective affinities, both historical and contemporary. The criterion will be that a theoretical approach is both explicitly marked as ‘legitimation crisis’ (not just any problems regarding legitimation and not any kind of democratic and/ or capitalist crisis), deals with the notion not circumstantially, but in a focused and elaborate manner, and resembles a sufficiently original outlook (and not ‘only’ an application, deserving as it might be)[[1]](#footnote-1). Rather surprisingly, this might well be the first comparative assessment ever of those theoretical approaches on legitimation crises, and also represents an explorative investigation into a timely theoretical demand as suggested at the outset.

The chronological selection of theoretical approaches treated in this paper, respectively condensed into the most telling text, reads as follows: (1) Jürgen Habermas (1975[1973]), (2) Charles Taylor (1985), (3) Hauke Brunkhorst (2012), (4) Wolfgang Streeck (2014[2013]) and (5) Nancy Fraser (2015). Interestingly, but not surprisingly, all those authors more or less share a strong connection to Critical Theory. That is apparent in Habermas, Fraser and Brunkhorst, as they unmistakably self-identify as Critical Theorists. It is plausible for Streeck due to his closer self-relating to the Frankfurt School in the Frankfurt Adorno Lectures of 2012 that are also analyzed in this paper, as well as for Taylor due to his continued constructive debate with Critical Theorists, for example continually in the annual meeting of Critical Theorists worldwide at the “Philosophy and Social Sciences”-conference in Prague (see Fraser 2018). All approaches were developed in and/or meant for so-called ‘Western’ liberal capitalist democracies, but are not necessarily restricted to those cases; it is very plausible that they also apply to authoritarian regimes of any modern kind. Thus, the aim is to extract the general features of a legitimation crisis in all approaches likewise and without prior categorization. The analysis proceeds in three steps: firstly, the five approaches are outlined separately (I); secondly, their main features, along with strengths and weaknesses, are identified and related (II); and thirdly, the chances and difficulties of an integrative approach are discussed (III).

**I. ‘Legitimation crisis’ – theoretical approaches**

**1. Jürgen Habermas**

In his book “Legitimation Crisis” – so the tapered English title of the original “Legitimationsprobleme im Spätkapitalismus” –, Habermas develops an exhaustive (as he claims) classification of four possible societal crises of his time, namely of economy, rationality, legitimation and motivation (Habermas 1973, S. 66ff.). While the first obviously pertains to the economic system and the last to the sociocultural system, both the crisis of rationality and legitimation concern the political system. On the one hand, the political system produces an output of „hoheitlich durchgesetzten administrativen Entscheidungen“ (ebd., S. 68); yet a contradiction of regulative imperatives endangers systems integration and leads to a crisis of rationality. On the other hand, the political system depends upon an input of „möglichst diffuser Massenloyalität“ (ebd.); its absence endangers political identity and leads to a legitimation crisis. While both crises are intertwined, the focus of the following reconstruction lies solely on the concept of a legitimation crisis.

What is the core idea? A deficit of legitimation means that „sich mit administrativen Mitteln legitimationswirksame normative Strukturen nicht im erforderlichen Maße aufrechterhalten oder herstellen lassen“ (ebd., S. 70). Legitimation is the basic prerequisite of any democratic politics. The more diffuse it is transferred, the more flexible is the capacity to act politically (and that means for Habermas here: state action). While the political system thus depends upon participatory input, it cannot provide such a thing itself: „Die Legitimationsbeschaffung ist selbstdestruktiv, sobald der Modus ‚Beschaffung‘ durchschaut wird.“ (ebd., S. 99). The actual cause for a crisis lies in capitalist contradictions that are relocated from the economic into the political system. Consequently, the pressure rises in the latter to operate in an interventionistic way. As those administrative interventions tend to unsettle the cultural system and as modernity involves the potential politicization of any given area of life, the „Schwelle der Akzeptabilität“ (ebd., S. 102) rises. This becomes evident in the increase of participatory demands and the appearance of new social movements. Yet for state regulation, participation is ambivalent: It enables the generation of specific legitimation, but also intensifies the need for consensus. That leads typically to a „Überforderung durch Legitimationsansprüche“ or „konservative[n] Planungswiderstände[n]“ (ebd., S. 103). A vicious circle arises: „Wenn das staatliche Krisenmanagement versagt, fällt es hinter *selbstgesetzte* programmatische Ansprüche zurück, worauf als Strafe Legitimationsentzug steht, so daß der Handlungsspielraum genau in den Augenblicken, wenn er drastisch erweitert werden müßte, zusammenschrumpft“ (ebd., S. 98; Herv. i. Orig.). Accordingly Habermas concludes: „Eine Legitimationskrise entsteht, sobald die Ansprüche auf systemkonforme Entschädigungen [für fehlende Legitimationen] schneller steigen als die disponible Wertmasse, oder wenn Erwartungen entstehen, die mit systemkonformen Entschädigungen nicht befriedigt werden können.“ (ebd., S. 104).[[2]](#footnote-2)

**2. Charles Taylor**

Moving to the next decade, Taylor is equally succinct as Habermas, but puts it as a question: “Legitimation Crisis?” (Taylor 1985). However, his take is not a cautious pondering, it’s a vital and urgent challenge. Taylor broadens the scope as his concern is the crisis of ‘Western’-capitalist societies in their totality. While agreeing with Habermas on the basic assumption of capitalist contradictions in principle, Taylor argues that a cogent concept to grasp the nature of the crisis is still missing: “But I think we can only make headway if we focus our attention on the question of legitimation. The breakdown, or self-undermining, of capitalism cannot be adequately understood, I want to claim, if we think of it primarily in economic terms: as a failure of output, or an escalation of costs. Rather, societies destroy themselves when they violate the conditions of legitimacy which they themselves tend to posit and inculcate.“ (ibid., p. 248). Taylor does not deny a connection of capitalism and (democratic) politics, but he insists on a deeper crisis of the whole society. To him, the moral self-image and self-demand of a society are central, not external requirements. As a consequence, Taylor strives to (re)capture nothing less than our “conceptions of a good life” (ibid), our “modern identity” (ibid., p. 249).[[3]](#footnote-3) Against that background, he observes that we act against our implicit and explicit collective normative convictions. He differentiates four interrelated drives as characteristically modern examples: 1) the growth imperative and desire for expansion only for expansion’s sake (which seems to be the fundamental problem for Taylor, working as a precondition of the following predicaments); 2) the instrumental drive to dominate and possess things; 3) the call for bigness and concentration, dissolving smaller communities; and 4) systematical irrationalities we would never choose deliberately (like a throwaway lifestyle, inhumane working conditions, ecological destruction etc.). The fourfold criticism against those drives, already forcefully articulated, “strikes a chord in great numbers of people in our society” (ibid., p. 252). And still those drives continue incessantly. To Taylor, this is not just moral decay: The irrationalities are only understandable and explainable if we see their attraction (as an increased standard of living, diversity of options in life etc.) – as practices somehow also embodying freedom and efficacy. Yet, the inadvertent imperative behind those irrationalities, that seems to be out of our hand, is precisely what constitutes a recurrent legitimation crisis. Correspondingly, it is not an intrinsically economic crisis: „It is a moral crisis, but which is inescapably also a political one; because what is impugned is the definition of the good actually embedded in our practices. Should we come to repudiate this, our allegiance to these practices is threatened, and therefore our society itself.” (ibid., p. 277). Thus, the modern society is in some sense a “contradiction” in itself, and has “a fateful tendency to sap the bases of its own legitimacy” (ibid., p. 288). The result consequently is : “We lose confidence in our definitions of the good life, partly to feel alienated from and even cynical about our governmental institutions, partly to feel uncertain and tense about our social relation and even family life, partly to feel unsupported by the larger society in our identity as modern subjects.” (ibid., p. 286). Severely detrimental effects for democracy lie close at hand: We do not have the conviction anymore that we shape our own future willingly as a society and political community.

**3. Hauke Brunkhorst**

Brunkhorst focusses on legislative and constitutional matters in his “Legitimationskrisen. Verfassungsprobleme der Weltgesellschaft“ (Brunkhorst 2012). He starts from the observation that there is a general structural tension today between the tendency towards increasingly democratic content of constitutions of various kinds and on many levels, and the tendency towards domination in the actual organizational implementation. He writes: “Die Lage ist ambivalent. Einerseits scheint die Entwicklung globaler Verfassungsregimes eine wachsende demokratische Kultur zu fördern, während gleichzeitig die in der Staatenwelt konzentrierten, demokratischen Entscheidungsverfahren immer wirkungsloser werden. Während die kommunikative Macht der Demokratie wächst, sinkt ihre Organisationsmacht.“ (ibid., p. X). That tension is fostering hegemony and domination, either of one class over the other, or of one part of the population over the other on a global level. Brunkhorst (rather implicitly) derives two sides of legitimation crises from his observation: Firstly, the mismatch between abstract democratic rights of access and concrete/ practical norms of exclusion; and secondly, the broken chain of legitimation in institutional settings. Brunkhorst conceptualizes the democratic legitimation of the law not only as input (that is: elections), but as entire process of generating, specifying, applying and enforcing norms, thus also including the output-dimension. Yet he warns that any reductive notion of output legitimation like efficacy in economy or security is thoroughly undemocratic. For Brunkhorst, the necessary possibility to intervene even at the end of the legislative process is crucial.

Now on a supranational level, the tension between constitutional ideal and organizational implementation is exacerbated. The rise of executive over legislative power increases the drive towards a legitimation crisis and its detrimental effects: “Waren die Legitimationsprobleme der 1960er und 1970er Jahre noch in den Wohlfahrtsstaat eingebettet, so sind sie heute zur *Legitimationskrise* in einer Weltgesellschaft geworden, die der Staat allein nicht mehr kontrollieren kann, […] die das ganze System der nationalstaatlichen Demokratie in ihren Strudel reißen und vernichten könnte“ (ibid., p. 15f.; quote corrected). And further: „Spätestens die Eurokrise zeigt, dass die *Problemlösungskapazität der national organisierten Demokratie* hoffnungslos überfordert ist, und wo die Handlungs- und Problemlösungsfähigkeit der Politik im transnational koordinierten Handeln von Exekutivkörperschaften, Zentralbanken, Fachministern und Regierungsspitzen wenigstens punktuell erhöht wird, *verliert sie zunehmend die Deckung demokratischer Legitimation.*“ (ibid., p.16).

Brunkhorst applies this to the example of the European Union, where there is a double need for legitimation due to the double citizenship of its denizens. However, the instruments of democratic legitimation (European elections, European parliament) do not constitute a sufficient legitimation of European law, what so far fostered supremacy of the executive over the legislative side. The referenda against an EU-constitution (in France, Netherlands 2005) made the European legitimation crisis apparent – the EU is too low on public autonomy and democratic organizational power, even if there is a democratic mentality. An appropriate democratic legitimation of binding EU-decisions would mean to organize them like in a national state, that is, as an unbroken chain of legitimation to the will of the people of the EU. Pseudo-elections of the European Parliament – without meaningful personal and programmatic alternatives –, do not suffice. The insufficient parliamentary power of legislation compared to European Court of Justice, EU-commission, and the European Central Bank render the organizational structure pseudo-democratic. Especially in the case of the ECB, the rule of reversibility of democratic delegation is destroyed.

Brunkhorst concludes with a suggestion: only a consequent Europeanization and globalization of democracy after the model of the nation state can be a viable solution to both latent and manifest legitimation crises (cf. ibid., p. 16). Legitimation crises in themselves are, however, inherently ambivalent according to Brunkhorst – the rise of executive domination goes along with increased public visibility – and people are more likely to “strike back”.

**4. Wolfgang Streeck**

Streeck‘s much-discussed book „Buying Time“ (Streeck 2014) is dedicated to an analysis of the threefold financial, economic and fiscal crisis culminating in 2008. It goes as follows: Far from being a singular incident, that crisis has to be understood as a long-term development since the 1970es. Despite all theoretical expectations, the collapse of capitalism has been successfully delayed by a succession of political-economical strategies – the rise of inflation, public debt, and private debt. Streeck explicitly undermines the typical confrontation of democracy vs. capitalism by framing the crisis as essentially one of ‘democratic capitalism’. Nevertheless he describes this unification as a „Zwangsheirat“ (ebd., S. 69) that will not fail in economic terms, but, if eventually so, because of democratic contradictions. And that’s where the notion of a legitimation crisis comes into play. Streeck reminds us of the inevitable time-dependent, historical nature of all socio-scientific theories of crises of the Frankfurt School of the 1960es and 70es that thus cannot simply be applied today, but argues that an update to present conditions suggests itself (ebd., S. 51): The social order of contemporary wealthy democracies may still only be understood adequately through a theory of capitalism. Despite all neoliberal reeducation, larger parts of the population would also still foster diffuse expectations in social justice. For ‚Frankfurters‘, this would not mean that a crisis can be found solely or foremost in the economy, but in democracy – making it plausible to model it as a legitimation crisis (ebd., S. 81). Yet Streeck prefers to side with Adorno, Pollock and Offe over Habermas. He comments the latter indirectly: „Indem die Theorie, so meine These, […] das Kapital als politischen Akteur und strategiefähige gesellschaftliche Macht unter- und die Handlungs- und Planungsfähigkeit staatlicher Politik überschätzte, ersetzte sie Wirtschafts- durch Staats- und Demokratietheorie und verzichtete insofern zu ihrem Nachteil auf ein Kernstück des Erbes der Marxschen politischen Ökonomie.“ (ebd., S. 66). Respectively, Streeck aims at „einen erweiterten Begriff der Legitimationskrise vorschlagen, der nicht nur zwei Akteure, den Staat und seine Bürger, kennt, sondern drei: den Staat, das Kapital und die ‚Lohnabhängigen‘.“ (ebd., S. 88). Contrary to existing Neo-Marxist theories of crises, a legitimation crisis in Streeck’s understanding may also arise from the opposite direction: As a discomfort of the ‚capital‘ (or the capital-dependent population) with democracy, as an alleged craving for taxation and redistribution might be harmful to the return on investment. Correspondingly, the occurrences of economic crises are less technical troubles in the economic system, but are, as crises of trust, political „*Legitimationskrisen eigener Art*“ (ebd., S. 91). Secondary legitimation crises may also arise in the wage-dependent population through endangered employment and subsistence – thus notably not through new demands, but a failure to fulfill the existing ones.

**5. Nancy Fraser**

Frasers “Legitimation Crisis?” (Fraser 2015) starts with current diagnoses of a rampant democratic crisis such as “Façade democracy. Post-democracy. Zombie democracy. De-democratization.” (ibid., p. 157). Her actual theoretical point of departure however is the altered state of capitalism today. She argues for a twofold task: We both need to address the new stage of capitalist development – namely its financialized and globalized form –, and we need to conceptualize capitalism comprehensively as a totalized social order (as opposed to a mere economic system). That task is explicitly framed as an update of Habermas’ approach. Due to the fact that he focused on the now obsolete form of ‚organized capitalism‘ with pronounced state interventionism, Habermas’ book would be diagnostically outdated, while key principles remain valid and seminal (ibid., p. 170). Fraser locates the sources of the widely ascertained crisis of democracy within the political contradictions of financialized capitalism, as they befall the power of the public: „On the one hand, legitimate, efficacious public power is a condition of possibility for sustained capital accumulation; on the other hand, capitalism’s drive to endless accumulation tends to destabilize the very public power on which it relies.” (ibid., p. 159). And furthermore, with focus on institutions: „On the other hand, the central banks and global financial institutions that now constrain state capacities are politically independent – unaccountable to publics and free to act on behalf of investors and creditors. Meanwhile, the scale of pressing problems, such as global warming, exceeds the reach and heft of public powers.” (ibid., p. 176).

For Fraser, two consequences follow theoretically from those political contradictions: An administrative crisis, as political institutions lack the necessary resources to fulfill their tasks; and a legitimation crisis, as the public protests against the lack of performance of the political system. And the latter is not a bad thing for Fraser: „Arguably, a legitimation crisis of this sort *should* be brewing today.“ (ibid., p. 165). The blockade of collective autonomy thus should be actively exposed as illegitimate in order to enable a structural transformation of capitalist society. While following Habermas to a large extent, Fraser virtually flips the argument: A legitimation crisis is not a threat for democracy, but a conducive and much-needed precondition for democratization. Yet despite grave problems, it failed to appear. Fraser explains that failure not through a distorted transformation of collectively generated inputs into administrative outputs in the political system, but through a practical erosion and ideological delegitimation of collective autonomy as such under contemporary neoliberalism. The predicament therefore is: „how can democratic forces fix a dysfunctional system when the instrument needed for the repair is itself being ground to dust by those very same system dynamics? Here, I submit, lies the key to the present absence of a legitimation crisis.“ (ibid., p. 188). Fraser concludes, that the crisis of democracy should be given prior attention, as all other present capitalism-induced crises (social, ecological, economic) would remain untouched without its solution (ibid., p. 189).

**II. Comparison: features, strengths, weaknesses**

All five approaches deal explicitly with the concept of a legitimation crisis – without necessarily working on the same empirical or theoretical problems. Any attempt to make those outlooks comparable will face the challenge of condensing rich and detailed analyses even further than in the five already brief portrayals above. The aim to assemble a problem-centered and slender theoretical archive urges to extract and evaluate the most prominent features of the selected approaches. While they are not entirely distinct or even unique – and show overlapping to various degrees –, they do emphasize different objects and involve certain specific strengths and weaknesses. They also vary in their stance towards potential or actual legitimation crises as such. The following attempt to condense those characteristics will not always do justice to a carefully modelled and well-balanced approach, but strives to highlight the most pertinent features. The approaches will again be dealt with in chronological order.

(1) Habermas focusses on the object of the political system. His basic concern is the functionality of the input-output-relation, that is, the necessary conditions for a democratic programming of effective state action. Respectively, a legitimation crisis is for Habermas a fundamental danger in late capitalism, and a realistic if not likely one, but not (at the time of publication) manifested. The main strength of his approach is the elementary connection of participation and political output, thus the emphasis of a core democratic precondition (based on a connection of system and lifeworld in his theory of society). The major weakness is a certain time-dependency of his diagnosis, as he theorizes ‘organized capitalism’ with a strong factual tendency of state interventionism as it is typical of the 1970es (especially in Western Europe), limiting its direct application to present conditions. Also, given Habermas’ clear normative preference for progressive politics and robust democratic participation, it is rather surprising that a certain status-quo-inclination is noticeable as he is predominantly concerned with the stability of the state and the political system that are endangered by a legitimation crisis.

(2) Taylor is dedicated to the object of morality and identity. He argues for the importance of our understanding of the good life, and tries to disclose our self-deception as we act against our implicit and explicit collective normative convictions. A legitimation crisis thus is on the one hand maybe even more aggravating as it pertains to our entire way of life, but on the other hand – and more importantly for Taylor – an almost necessary precondition for dismantling false beliefs and liberating our actual self-understanding. Respectively, one can talk of an ambivalent stance. The main strength of Taylor’s approach is that it adds a completely new perspective on what is at stake in such a crisis, and enables a deeper understanding of the social crisis beyond mere state action. The downside is that he is not really concerned with the legitimation process as such and does not provide suggestions on the translation of morality and identity into an institutionalized form. Furthermore, there is no clear distinction between a diverse society and an integrated political community (or system, or sphere), as which Taylor treats the first, opening to the danger of being overly harmonistic.

(3) Brunkhorst is concerned with the object of law and constitution. He is especially interested in the organizational implementation of norms under contemporary conditions of supranational integration. While arguing for the importance if not inevitability of such an integration, Brunkhorst criticizes the actual realization harshly by taking the example of the European Union. In that case, he sees a legitimation crisis already in place and condemns it, but with the upside of giving the people the chance to strike back democratically due to increased visibility, making it ambivalent as well. The main strength of Brunkhorst’s approach is that he provides a clear double criterion for legitimation: the unbroken chain of legislative accountability, and the reversibility of decisions, that is the chance to intervene at every stage of that process. A weakness in his approach lies in the tendency to glorify the nation state despite all calls for Europeanization. Brunkhorst respectively seems to suggest that there would not be a reason for a legitimation crisis if there were proper parliamentary rights, implying that a status quo of certain national settings is already sufficient.

(4) Streeck deploys his analysis within the object of political economy. State action with regard to financial matters – especially debt and taxation – comes to the fore. The looming crisis of democratic capitalism is postponed through respective strategies. While excoriating the injustices of late capitalism, he does not argue for overcoming, but rather for taming it or hedging it in. Accordingly, a legitimation crisis is a double danger, coming both from capital-dependent and wage-dependent parts of the population (which overlap sometimes) towards the state. The main advantage of Streeck’s approach thus is that it demonstrates the tension between different kinds of legitimation, combined with an elaborate practical analysis of concrete political-economical measures. A major weakness is the simultaneous preference for social-democratic taming of capitalism, and the underlying notion of an inevitable breakdown of capitalism that is only delayed. Additionally, that makes the different notions of legitimation crises ambiguous: While Streeck obviously sides with the wage-dependent population against the capital, he does not discern between the two identified legitimation crises regarding their potential danger and contribution.

(5) Fraser focuses on the object of collective autonomy. She is concerned with the scope of democratic self-rule under the ideological conditions of neoliberalism and the economic conditions of financialized capitalism, rendering capitalism an encompassing social formation on a global scale. A legitimation crisis is not a danger for her, but a much-needed transformative force, and its failure to emerge is precisely what is to be explained theoretically and to overcome politically. Fraser is thus calling for an invigorated public sphere. The strengths of her approach is the updating of the concept to the contemporary mode of capitalism and democracy alike, the decisive criticism of a specific ideological system (neoliberalism) as unwanted ‘safeguard’ of structural problems, and the explicit theorization of the conducive effects of a legitimation crisis, emphasizing its progressive and emancipatory potential. A weakness lies in the blending of a convolute of different simultaneous crises. Given Fraser’s focus on (the lack of) collective autonomy, she does not say much about how it could be conceptualized and institutionalized.

Overview:

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| --- | --- | --- | --- | --- |
| **author** | **object** | **legitimation crisis** | **strength** | **weakness** |
| Habermas | political system | danger | connection of participation and state action, system and lifeworld | diagnostically outdated (organized capitalism); status-quo-oriented |
| Taylor | morality/ identity | ambivalent | deeper understanding of social crises | no specification of (democratic) legitimation process; harmonistic |
| Brunkhorst | law/  constitution | ambivalent / already in place (EU) | concrete institutional criterion: legitimation chain, reversibility | glorification of nation state |
| Streeck | political economy | twofold danger | tension of legitimacies; practical analysis | taming of capitalism despite inevitable breakdown |
| Fraser | collective autonomy | needed | update on capitalism and democracy | blending of crises; undertheorized public power |

**III. Towards a new and integrative approach?**

The previous condensation and comparison is a step towards an archive that facilitates the selection of an appropriate concept of a legitimation crisis that fits the empirical context of choice and helps to analyze, explain or even overcome a given problem in the shared world of democracy and capitalism. As all five approaches shed light on different questions and have a specific profile of strengths and weaknesses, it is neither reasonable nor adequate to argue for the superiority of one single approach. A division of labor in the enterprise of social critique is by no means necessarily a flaw.

Still, the ambition might be to venture the construction of an integrative or newly built approach. That is not a trivial task: The presented approaches cannot simply be added up, as they have both potentially harmonizing and mutually exclusive features. A conceivable solution could be the development of a new and tailor-made approach using some of the described conceptual elements as ingredients. As the very understanding of what such an approach is actually tailor-made for varies with regard to the context, no ideal can be proclaimed in an entirely abstract, independent, universal way. What can be achieved though, at least approximately and in a provisional manner, is the discussion of options in their relation to each other, showing where features may be combined and conciliated, where a decision in one direction or the other is required, and where there are still deficits or open construction sites throughout the given approaches. In order to reduce complexity, that task will be attempted along four dimensions: the basic principles of a legitimation crisis (1), its direction and dynamic (2), its scope and specificity (3), and its time-dependent, historical application (4). For illustrative purposes, the theorists will be assigned in brackets where applicable, yet (also due to doublings) not systematically or exhaustively.

(1) Basic principles

Both wavering and often surprisingly opaque in the ensemble of the five approaches is the very understanding of the term “legitimation”. It varies from the acceptability of normative foundations of a political regime (Taylor) or its performance in certain normative regards (Streeck) to the adequacy of political institutions and rightfulness of decision-making (Brunkhorst). However, that is rather a matter of priority and focus, and not of selection: surely none of the theorists would argue that either an input- or and output-dimension would suffice. Here, a combination is indicated in order to avoid a reductive and misleading concept of legitimation, which can be an imminent danger especially in public debates (‘the government has a good performance’, ‘all voices were heard’ etc.). A usual way of distinguishing further is to separate theoretically (and potentially recombine practically) the concepts of ‘legitimation’ and ‘legitimacy’, that is either focusing on the process of failed, withheld, distorted legitimation, or the momentary state of il-/legitimate conditions. This differentiation is not a major concern in any of the approaches, but that circumstance seems no to be not an inadvertent failure of correct labelling, as more or less all approaches deal with both aspects (with Habermas and Brunkhorst mostly on the legitimation-side and Taylor mostly on the legitimacy-side, Streeck and Fraser in between). Underdeveloped in all approaches, however, are the specific means of participation (or, what also has to be acknowledged as pertinent aspect, resistance towards a system). Democratic procedures could be differentiated and related to each other, possibly either arguing for a superior form of participation, or calling for a comprehensive mixture of different modes.

(2) Direction and dynamic

This dimension revolves around the questions in what sense a legitimation crises is conceived as problematic or needed, and what the actual aim is. The poles of the dimension are either to secure the stability of democracy by preventing (Habermas) or overcoming (Brunkhorst) a legitimation crisis, or to transform democracy through such a crisis (Fraser). The choice is between the ‘realistic’ outlook regarding a usually former, now flawed and fragile status quo, and an ‘utopian’ or, more modest, progressive and transformative one. Or differently put: A choice of ambition and risk. A middle ground position could argue for a strategical fixing of basic democratic standards and goals as a first step together with a clear outlook of moving beyond the status quo ante (possibly Taylor, Streeck). That, however, becomes problematic when the threat to the desired functioning of the system is framed through the question if democratic demands are too high or too low (Habermas, Fraser). What obviously needs to be avoided in any case is either Conservatism or vulgar Marxism (the more crisis, the more suffering, the better, in order to ignite revolution). The former seems to be the greater danger, as it is in some sense built into the very concept of a legitimation crisis in a clandestine way: When talking of a legitimation crisis, it is an implicit call for its opposite: legitimate conditions. Now if a certain criticized flaw is remedied, it would automatically render the original position legitimate (tendency in Brunkhorst). It could also be argued in an advocatus diaboli manner that a non-existent or not apparently raging crises signifies immaculate conditions. So the danger is that any incentive may be stifled that could move towards progress, emancipation, normative ambition or deeper understandings of democracy (for example such as a shift from liberal representative to radical democracy, which none of the five theorists endorse in a full sense). That applies similarly to capitalism, where the question rather negatively is if it has to be eliminated (possibly Fraser) or tamed (Streeck, possibly Taylor).

(3) Scope and specificity

In this dimension, the choice of the object of a legitimation crisis, the possibility to combine objects, and the consequences for the accuracy of analyses are tackled. Those objects are, given the five approaches, of varying scope, ranging from the modern identity and social practices as such (Taylor) over the political system in a wider (Fraser) or narrower sense (Habermas) to more particular contexts such as political-economical measures (Streeck) or legislative and organizational arrangements (Brunkhorst). The mentioned objects do not exclude each other – they could potentially be assembled as one integrative approach with different aspects. Obviously, the price is increased conceptual complexity and thus a more demanding application. Yet it is not only a question of theoretical effort, as the concepts might turn blunt when applied to different contexts, and become either too specific, or too general, or neither specific nor comprehensive. The five approaches can be aligned on a dimension with the poles of very precise institutional settings and procedures (Brunkhorst) – with the danger of losing sight of the broader picture; a more generalized concept of inputs as a middle ground (Habermas) – with the danger of becoming reductive; and the abstract call for general self-rule, public power, collective autonomy (Fraser, Taylor) – with the danger of losing practical meaning. In any convincing integrative concept, at least one further problem has to be solved, that is surprisingly missing or marginal in all approaches (with Streeck partially as the exception): the fact of a pluralized society, where certain conditions are likely to be not legitimate as such, but only legitimate to some, and therefore not to others, thus entailing a structural conflict of interest (both culturally in diverse societies, and socio-economically in all capitalist societies).

(4) Historical dimension

This dimension has two central concerns. Firstly, the time-dependency of the concepts of legitimation crises. Obviously all approaches deal with the contemporary conditions of the time they were developed. For some, those conditions still apply. That is especially the case when the crisis is attributed to (late) modernity (Taylor, also Streeck). In other cases, either the stage of democracy in its institutionalized form has considerably changed over the last decades (Brunkhorst), or the stage of capitalism has superseded older forms (Fraser). Sometimes, the general logic may still apply with updated and enriched boundary conditions (Habermas). Given that update in the last case, all approaches may be integrated historically, making them applicable for today, only with varying starting points of the crises. That is not necessarily a critical problem when the theoretical aim is to disclose more or less constitutive contradictions (of capitalism as in Fraser, of modernity as in Taylor, of democracy as in Habermas). Yet it becomes a problem, and that is the second concern, when the concept of ‘crisis’ is really taken seriously and understood in a narrower sense, closer to its literal meaning of a turning point and decisive time between cure and demise. Then, a begin and a potential end have to be conceptualized at least roughly. Also, the more a diachronic process is prioritized (as in Streeck) over an analysis of the synchronic state, the more pressing is the theoretical need for a concept of ‘crisis’ as such. Finally, a temporally sensitive concept would also distinguish between diffuse/ long-term and specific/ short-term legitimation (Habermas), such as quickly shifting approval ratings or a general satisfaction with democracy and capitalism.

**IV. Conclusion**

This paper started with the declaration that a sound concept is needed in order to make sense of the many facets in which ‘democracy is in crisis’ today. It was suggested that the diagnosis of a ‘legitimation crisis’ is a promising candidate, as it also offers explanations that are essentially connected with the force of capitalism. Five pertinent approaches were briefly outlined, compared and assessed. The result is both the facilitation of a sensible choice between the approaches depending on what matters one wishes to address and analyze, and a prepared theoretical ground for the potential development of a new and integrative concept. That preparatory work necessarily had to deal with conceptual deficits and shortcomings as well. The most important theoretical challenges concern, rather surprisingly, the eponymous elements of any legitimation crisis: the aspects of ‘legitimation’ and of ‘crisis’. Here, further work needs to be done most urgently. Given the generality of both aspects, that is not an easy task, and exceeds the scope of this paper. Needless to say, there are major studies on those two sides of the coin available, but neither in concert, nor usually in a form that could just be added. Regarding legitimation, a pertinent and even classical contribution to social theory comes from Luhmann (1969) on the nature of the procedure, but he explicitly rules the critical diagnosis of a crisis out. There are plenty theoretical studies in democratic theory on the conceptualization of legitimacy, such as Peter (2011), yet with the problem of being characteristically overinvested in a narrower proceduralism and disinterested with a more robust conceptual connection to capitalism. The latter is astonishing, given the ample interest in critical theoretical assessments of the crises of capitalism today, that also rely heavily on democracy (see, for example, Fraser/ Jaeggi 2018). A fruitful conceptual source might be the historian Rosanvallon (2011), who traces the development of pillars of contemporary democratic legitimacy, yet not (or only very indirectly) as a diagnosis of a crisis, but as standards to achieve, namely impartiality, reflexivity, and proximity. Arguably – and somewhat disappointingly –, the most elaborate conceptual work on the notion of a ‘crisis’ might still be provided by the historian Koselleck (1973, esp. p. 132ff.). Those can be only some rough indications, some pointing towards where subsequent theoretical effort should be invested.

**References**

-Bonanno, Alessandro 2017: The legitimation crisis of neoliberalism: the state, will-formation, and resistance. New York: Palgrave Macmillan.

-Brunkhorst, Hauke 2012: Legitimationskrisen. Verfassungsprobleme der Weltgesellschaft. Baden-Baden: Nomos.

-Fraser, Nancy 2015: Legitimation Crisis? On the Political Contradictions of Financialized Capitalism. In: Critical Historical Studies 2(2), 157–189.

-Fraser, Nancy 2018: For Charles Taylor: an appreciation. In: Philosophy & Social Criticism 44(7), 759–760.

-Fraser, Nancy/ Jaeggi, Rahel 2018: Capitalism: A Conversation in Critical Theory. Cambridge: Polity Press.

-Habermas, Jürgen 1975 [1973]: Legitimation Crisis. Boston: Beacon Press

-Habermas, Jürgen 1996[1992]: Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy. Cambridge: MIT Press.

-Koselleck, Reinhart 1973[1959]: Kritik und Krise. Frankfurt am Main: Suhrkamp.

-Luhmann, Niklas 1969: Legitimation durch Verfahren. Frankfurt am Main: Suhrkamp.

-Nachtwey, Oliver 2010: Legitimationsprobleme im Spätkapitalismus revisited. In: Becker, Karina/ Gertenbach, Lars/ Laux, Henning/ Reitz, Tilman (Hrsg), Grenzverschiebungen des Kapitalismus. Umkämpfte Räume und Orte des Widerstands. Frankfurt a.M.: Campus, S. 359–379.

-Nullmeier, Frank/ Dominika Biegon/ Jennifer Gronau/ Sebastian Haunss/ Falk Lenke/ Henning Schmidtke/ Steffen Schneider 2014: Marktwirtschaft in der Legitimationskrise?

Ein internationaler Vergleich. Frankfurt a.M.: Campus.

-Offe, Claus 1972: Strukturprobleme des kapitalistischen Staates. Aufsätze zur Politischen Soziologie. Frankfurt a.M.: Suhrkamp.

-Peter, Fabienne 2011: Democratic Legitimacy. London: Routledge.

-Rosanvallon, Pierre 2011[2008]: Democratic Legitimacy: Impartiality, Reflexivity, Proximity. Princeton: Princeton University Press.

-Streeck, Wolfgang 2014[2013]: Buying Time. The Delayed Crisis of Democratic Capitalism. London: Verso.

-Taylor, Charles 1985: Legitimation Crisis? In: Philosophical Papers 2, Cambridge: Cambridge University Press, 248–288.

-Taylor, Charles 1989: Sources of the Self. The Making of the Modern Identity. Cambridge: Cambridge University Press

1. That is the reason why the very interesting study of Bonnano (2017) on a legitimation crisis of neoliberalism, the convincing discussion of Offe’s and Habermas’ concepts by Nachtwey (2010) or the international case-studies on the public appraisal of market economy of Nullmeier et al. (2014) will not be assessed as a stand-alone approach. [↑](#footnote-ref-1)
2. Habermas assesses the implications for a comprehensive and general theory of democracy in much later writings from the 90es (especially Between Facts and Norms, Habermas 1996). [↑](#footnote-ref-2)
3. That is the main objective of his truly large-scale historical account (and opus magnum) “Sources of the Self” (Taylor 1989). [↑](#footnote-ref-3)