Introduction

Legitimacy is a central concern in political theory and also in all political systems. Already Aristotle addressed the problem of legitimacy in his theory of political stability and Machiavelli emphasised the need for legitimacy of a government because of the ‘impotence of pure power’ (Zelditch, Jr 2001, pp.36–37, 42–43).

The challenges of maintaining legitimacy exist in all political systems, though the specific challenges may vary across long established and new democracies or democracies and non-democracies. This article focuses on regime legitimacy in Russia under Putin in light of the Russian debate about a social contract as the basis of regime legitimacy.

The Russian experience is particularly interesting for a number of reasons. The outcomes of the transition from communism, esp. in the 1990s, are still very contentious, not least since Russia did not develop into a consolidated democracy. The Putin regime has led to a consolidation of a more authoritarian regime, but the degree to which it can be seen legitimate and is supported by the population at large remains controversial, as illustrated by the protests after the 2011 elections.

Inspired by a recent debate among Russian authors (Makarkin 2011, Auzan 2009) who treat a social contract as a source of regime legitimacy, this article will investigate the relation between legitimacy and social contract in Putin’s Russia. Moreover, it will assess the impact of a number of crucial political reforms in the 2000s on the state-society relations. This article will try to identify the (missing) elements of the Russian social contract, relate it to the bases for political legitimacy of Russian authorities, and assess how the institutional reforms
introduced by the Kremlin altered the social contract and perceptions of authorities. It is structured as follows. The next section discusses key theories of the social contract, legitimacy and the connections between the two concepts. We then turn to some factors that promote legitimacy that have been identified in the literature. In the following section we survey the Russian debate about the social contract and legitimacy.

**Theories of social contract and legitimacy**

*Differences and overlaps*

Social contract and legitimacy are two contested concepts addressing the relationship between political authorities and society at large. Theorists of the social contract and legitimacy have been debating the justifications for exercising power, the characteristics of good rulers, and the duties and rights of citizens in relation to the state and political rulers for centuries. Philosophers and political scientists usually, if only implicitly, link the discussion of social contracts with the phenomenon of legitimacy. According to D’Agostino et al. (2012), the core idea that the concept of social contract carries, is that ‘in some way, the agreement (or consent) of all individuals subject to collectively enforced social arrangements shows that those arrangements have some normative property (they are legitimate, just, obligating, etc.)’. Similarly, the concept of legitimacy is concerned with the justification of power of authorities over citizens. Legitimacy understood as a multi-dimensional phenomenon characterizes (democratic) authorities when these have a legal right to exercise power, when they are justified in terms of shared norms and beliefs, and finally when a form of social consent is present (Beetham 1991, pp.15–25). Both a social contract and legitimacy can be understood in either a descriptive-empirical or a purely normative fashion. The social contract can be seen as an actual agreement between the authorities and the citizenry that was made at some point in history. Alternatively, it can be a theoretical device used to assess the fairness of current political institutions. For example, in Rawls's framework, institutions are assessed from the vantage point of the original position behind a veil of ignorance, but this is not an empirical account of how actual institutions have emerged, but rather a theoretical device to assess whether they are just or not. Similarly, legitimacy can refer either to perceived legitimacy - i.e. the degree to which people actually view their political institutions as legitimate - or to normative theories of legitimacy. Hence both social contract and legitimacy are related to the justification of the exercise of power and authority, and the establishment of laws that guide the exchange between authorities and citizens, namely in a transfer of coercive and decision-
making power to the authorities by people in exchange for the provision of security and justice.

However, theories of social contracts and legitimacy have emphasised different phenomena at different moments in time. Social contract debates initially focused on the moment of creation of the state and government and the transition from the “state of nature” to a society that is governed by certain rules. In its original version, the basis of the social contract was an exchange between individuals and rulers: the individuals traded some of their freedom in exchange for security and safeguards of their property rights by the government. In the words of Olson, (1993, p.572), ‘There is no private property without government!’, hence the main reason for the establishment of a system of rule is the mutual gain of the ruler and the ruled in terms of exchange of taxes for security.

The social contract tradition contains many strands, not least since different authors have stressed different forms of contracts, which differ in terms of content, who the contracting parties are and the duration of the contract (Boucher and Kelly 1994). While the normative approach to the social contract emphasises the need for general consent, empirically oriented scholars are more sceptical about the feasibility of the ‘consent of all’ or ‘general will’ in large societies (Olson 1993, p.568). However, the idea of justification became more prominent than consent in the later works on the social contract (D’Agostino et al 2012), with the main contribution of John Rawls (1958), who revived the debate on social contract.

Justification of the government taps into the same debate that inspires scholars of legitimacy. Perceived legitimacy—the authorities’ right to rule in the eyes of citizens—is concerned particularly with the normative aspects of the contract between authorities and subjects as legitimacy is a ‘strong inner conviction of the moral validity of the authorities or regime (Easton 1975, p.444)’. Perceived legitimacy is grounded in judgments about the public (not personal) good that these authorities deliver or guarantee. Gilley provides a good illustration of the difference between legitimacy and other forms of support: ‘A citizen who supports the regimes ‘because it is doing well in creating jobs’ is expressing views of legitimacy. A citizen who supports the regimes ‘because I have a job’ is not' (Gilley 2006, p.502). Moreover, an important aspect of perceived (also referred to as subjective or psychological) legitimacy is that is ‘a belief in the rightness of decision or the process of decision making’(Dahl 2013, p.46).
Although the debates on social contract and legitimacy are intertwined, for analytical purposes a distinction between the two concepts can be drawn. The foundation of the social contract is an agreement that grants the authorities certain powers and also some duties, such as the protection of individual rights and security. In that sense the contract is based on some notion of consent—either explicit or tacit. The departure point for the concept of legitimacy is the justification of power through the pursuit of the common good of society. This distinguishes the legitimate exercise of power from merely effective exercise of power. The common good is attained mainly through fair procedures (guarded by laws and rules), distributive justice and upholding the shared values and beliefs. The protections of individual property rights and securing favourable outcomes for every individual are of secondary importance. In other words, legitimacy is an ‘(...) institutional loyalty—support not contingent upon satisfaction with the immediate outputs of the institution’ (Gibson et al 2005, pp.188–189).

To sum up, both social contract and legitimacy address the relationship between the governmental (authorities) outputs and values and citizens’ rights. In the following section, we look at some of the sources of legitimacy proposed in the literature (Peter 2010).

Government effectiveness and legitimacy

One of the most common justifications of legitimate authority is based on utilitarian grounds. In other words, according to this view the exercise of authority is perceived as legitimate if it produces desirable outputs (Rothstein 2009). For example, economic gains that result from provision of physical security and property rights can be a consequence of a social contract. Economic development and improvement of living standards is one of the strongest arguments in the hands of authorities when justifying their right to rule. Lipset argued that economic effectiveness and legitimacy are two pillars supporting governments. He postulated seeing them as two separate variables contributing to government survival (Lipset 1981, p.79). However, effectiveness and legitimacy are linked to each other and in practice they ‘interact organically’ (Rothschild 1977, p.488). This causes problems with separating the two when measuring evaluations of political systems and regimes by citizens.

According to Lipset (1981), despite the unquestionable importance of economic growth for citizens’ positive evaluations, another pillar of government—legitimacy—contributes to sustaining regimes and political systems. In his view, legitimacy concerns citizens’ evaluations associated with norms and values and is a result of a general perception
of the regime as right and appropriate. These evaluative norms and values embodied by the
government can be contained in the spheres of religion, rights, and collective bargaining
(Lipset 1981).

A political system of a state can be justified by the ruled based on its two main
functions: the provision of physical security and delivery of material welfare (Beetham 1991,
p.138). Beetham argues that if the government cannot secure economic prosperity, this will
influence the judgement about its legitimacy. This might be true especially when the
government is concerned with satisfying particular interests of the office holders rather than
general interest of population (1991, p.140). Because it is expected that the government
should deliver material welfare to citizens, distributive injustice can lead to decrease of
support of large parts of society. Moreover, according to Gurr’s theory of relative deprivation,
a discrepancy between people’s expectations about what ought to be and what actually is can
result in escalation of discontent and ultimately lead to political violence (Gurr 1970, pp.23–
25). Although minimal efficacy of the authorities is ‘a necessary condition of a legitimate
state’(Morris 1998, p.112), it does not provide a sufficient justification for their right to rule.

If economic performance is the only source of legitimacy for authorities, it can be a
double-edged sword. As soon as performance of a government falls, the authorities are in
danger of losing control. Also, without the population’s commitment to the regime and their
willingness to engage with, for example, re-distribution of income, the efficiency of the
system will decrease. Following Rothschild (1977, p.489), it is helpful to think about the
relation between effectiveness and legitimacy as a circle of ‘effectiveness-legitimacy-
effectiveness’ that can only be closed if legitimacy is granted to the political system or regime.
Without some initial legitimacy, the government will not be able to foster (voluntary)
commitment to productivity and, as a consequence, will not achieve further legitimacy
through economic performance. Linz and Stepan (1978) see the absolute imbalance between
the requirements of society and the resources available to governments to satisfy them as a
source of crisis of legitimacy. Crisis escalates when successive governments lack the capacity
to solve pressing problems, while opposition offers viable solutions.

Whereas Lipset emphasised the role of economic development as the main indicator of
effectiveness (1981, p.70), later studies gave more specific accounts of what effectiveness of
government means in a modern state; output of government is understood not only in terms of
provision of economic growth but in terms of general quality of government. Hence outcome
favourability—preference for authorities that reward subordinates in one or another way—is linked to the quality of government and can involve many aspects of state-society relations. Also, the combination of these aspects can vary depending on the social context. The basis of the quality of government is a specific ‘community interest’, an idea about what constitutes a common goal of society. It could be, for example, impartiality, protection of human rights, improvement of social welfare, equality, education, supraethnicity or secularism of the state, accountability of government and many others (Rothschild 1977, p.498; Beetham 1991, p.82; Rothstein 2009; Chang et al 2013). Because the ‘community interests’ are not individual interests of citizens, they belong to the legitimacy realm rather than to the instrumental reasons to obey the authorities. If the authorities follow the ‘common interest’ their legitimacy is strengthened because, following Stillman (1974, p.42) legitimacy is ‘the compatibility of the results of governmental output with the values patterns of relevant systems; relevant systems are all the systems affected by the government: international system, the society, groups within the society, and individuals within the society’. Empirical studies of legitimacy show that citizens’ perceptions of justice of authorities influence their legitimacy judgments.

Consent and legitimacy

An influential strand of the literature views consent as the key foundation of legitimacy. For many authors who make such arguments legitimacy is closely bound up with a social contract. An example of this is arguably Kant's approach to legitimacy. For Kant, the social contract can be seen as a test of 'any public law's conformity with right', where 'the criterion is the following: each law should be such that all individuals could have consented to it. The social contract, according to Kant, is thus a hypothetical thought experiment, meant to capture an idea of public reason.' (Peter 2010). In an influential reading of Locke's writings, Waldron argues that the 'moral categories of contract and consent apply to the incremental steps in the development of politics and not to the process as a whole' (Waldron 1994, p.66). To the extent that institutional development is based on incrementalism of this kind, this can provide a basis for assessing whether political institutions are just. Among contemporary scholars e.g. Estlund (2008) has also developed a normative consent theory of democratic legitimacy.

Justice and legitimacy

The relationship between justice and legitimacy is complex. For many authors, the requirements of justice are more demanding than the requirements of legitimacy. For example, Rawls (1993) stresses that, while there is an affinity between justice and legitimacy
in that they draw on the same set of political values, political institutions may be unjust yet legitimate (cf. Peter 2010). Justice, nevertheless, is an important issue connected to legitimacy. To be perceived as legitimate—having the right to rule—authorities need to be seen as 'appropriate, proper and just' (Tyler 2006). As mentioned above, they need to engender ‘a strong inner conviction of the moral validity’ (Easton 1975, p.444) among the people. However, deference as such is not necessarily sufficient, as the authorities may use their power to bring about deference to illegitimate decisions (Patty and Penn 2011: 366).

Justice may be related to output legitimacy. For example, notions of distributive justice are often based on specific distributional outcomes. In line with the thesis of distributive justice, people are expected to ‘be more willing to give power to legal authorities when they feel that those authorities deliver outcomes fairly to people’ (Sunshine and Tyler 2003). Distributive outcomes, can be seen either as an instrumental motive to comply with authorities, when the main focus of the subject is their own gain, or it can be understood as ‘the fairness of the allocation of desirable outcomes across people'(Tyler 2012, p.345). Only in the latter case can be viewed as a non-instrumental normative motive linked to the legitimacy of the authorities.

Another important way of ensuring legitimacy is by means of procedural justice, which refers to people’s evaluations of procedures as fair or unfair, ethical or unethical, right or wrong (Sandbu 2007). The body of research on procedural justice has been growing in the past several decades within the field of social psychology (see Tyler 2006). A number of studies show that legitimacy of authorities increases when people experience fairness of procedures (Tyler and Caine 1981; Tyler 2001; Sunshine and Tyler 2003). Fairness of procedures usually refers to the fairness of decision-making process used by authorities. It can, however, be operationalized in various ways, e.g., as providing opportunity to voice people’s opinions about a particular matter (public deliberation/participation), considerations of all the relevant information on the issue, following established formal rules guiding the decision-making process on a certain issue, neutrality of authorities (unbiased and impartial decision-making), and treatment with dignity and respect (Tyler et al 1985; Tyler and Rasinski 1991; Tyler 2000; Peter 2009).

While it remains contentious whether legitimacy based on procedural justice necessarily requires democratic rule, many scholars view democratic deliberation as an essential part of legitimacy. Constitutions and laws are essential elements enshrining such procedures. In non-
democratic settings the rule of law may not always be respected, and breeches of law or the instrumental use of legal acts may be rather frequent.

The Russian debate

There has been extensive interest in the idea of a social contract in Russia. For example, in 2000 the independent NGO National Project Institute "Social Contract", which is directed by the Economics Professor Alexander Auzan, was established, and this organisation has actively contributed to debates and sponsored publications about the social contract and its importance to Russia. While Auzan (2009) has pointed out that there may not be any long tradition of social contract thinking in Russia – citing Berdyaev’s discussion of the Tsar and strong state and Lotman’s idea of contracts and personal commitment as competing models of culture, with Russian culture prioritising personal commitment to the state over contracts - he also views the social contract as increasingly important and even indispensable in contemporary Russia.

This idea has been used to analyse both contemporary Russia and earlier periods of Russian and Soviet history. As Peter Oppenheimer (2011) has noted, the term has been used both in a positive (i.e. descriptive-analytical) and in normative fashion. These two uses mirror the range of uses of legitimacy in Western political thought as well. In other words, the first use of the term implies that political stability and modernisation of the Russian economy depend on the existence of a social contract or a bargain, which obliges both the authorities and the population at large to meet certain obligations. This strand of Russian thinking explores whether at a given time such a social contract exists, and if so, what the terms of this contract are.

According to Aleksei Makarkin, expectations are based on a bargain, where the population accepts the regime, provided the state is able to 'guarantee a reasonable quality of life for the majority of the population'. Makarkin suggests that such a contract also existed for much of the Soviet period, where the bargain entailed stability in exchange for loyalty (p. 1467). This is also echoed in influential Western studies, such as Cook (1993), which also analyses the role of welfare policy and the bases of worker support for the Soviet regime through the lens of a social contract. Auzan (2009) states that the social contract 'is an exchange of expectations concerning rights and freedoms and it is rarely formally expressed. A social contract regulates informal rules at a very high level.' (Auzan 2009: 24). The second, more normative approach, is closely intertwined with the first and provides a foundation for holding
authorities to account and for justifying legitimate use of force by the authorities. It should be noted that this social contract does not necessarily presuppose democracy in Russian writings, at least not as conventionally defined in the West (p.1470) - Makarkin also suggests that Russians tend to view democracy as a system benefiting the people in socio-economic terms (hence, according to Makarkin, they view both Russia and Belarus as more democratic than an economically struggling albeit politically more open Ukraine) and that political demands will only result from the state's inability to meet these demands.

The Russian scholars' analysis also suggests that one of the main problems of Russia in the 1990s was the lack of a social contract or any broad-based agreement. Auzan stresses that demand for democracy was very low and that this contributed to instability, of which the constitutional crisis in 1995-6 is the key example (Auzan 2009, p.25). In light of an unstable economic situation and the first war in Chechnya, people remained highly politicised and distrustful of the authorities, hence welcoming direct elections of governors and single-member constituencies as a way of manifesting discontent with the central authorities (Makarkin 2011).

Makarkin suggests that the social contract was re-established under Putin, when people saw that wages and pensions were being paid on a more regular basis instead and the state as capable of restoring 'order'. In a situation when the population trusts the authorities to fulfil their part of the bargain they are also happy to evince loyalty and let the central authorities name the governors rather than protest against the fact that they are no longer elected. According to Auzan (2009), Russian citizens agreed to a “deal” with their authorities in which they exchange ‘stability [in the country] for political freedoms’. The shock of the economic transition in the 1990s that left most Russians in a tragic economic situation and the ‘low demand for democracy’ from citizens (Auzan 2009) contributed to the new arrangement of state-society relations after the collapse of the Soviet Union. The economic performance of the Russian state became the sole basis for evaluations of authorities by citizens as a result of the hardship caused by an abrupt transition from the centrally-steered communist economy to the capitalist free market and of the continuing failures in establishing democratic mechanisms and institutions strengthening the social control over the system of power. In line with the ideas about the Russian social contract (Colton and Hale 2009; Treisman 2011), citizens’ attitudes towards the regime of Putin are positive or at least neutral as long as the authorities can secure a sense of economic stability and these attitudes result in the citizen’s willingness to give up their political rights.
Auzan stresses the importance Russians attached to stability after 2000 and also a 'strong patriotic consolidation' in conjunction with the 2008 Georgian war. However, he also stresses increasing demand for justice and lawfulness after 2008 (Auzan 2009: 29), and suggests that Putin's social contract 'suggesting "stability for political freedoms" that has been observed for the past five years can scarcely be renewed' and that new institutional mechanisms will be needed.

Many Russian writings have also underscored the potential importance of social dialogue between organised civil society groups and the state as the best foundation for building a social contract - and in the absence of effective interest representation, experts charged with assessing a variety of social consequences may also play a key role in formulating core priorities within a centralised decision process (Bogayevskaya et al. 2001: 23). Nevertheless, these authors clearly view it as a second-best strategy that needs to be adopted when civil society organisations are non-existent, weak or non-representative. It should be noted that some authors, such as Bogayevkaya et al. (2001) in a study commissioned by the National Project for a Social Contract, stress the social contract primarily as a tool to facilitate modernisation and to improve policies or state institutions, such as the reform of higher education or the military sector. These authors believe that desirable modernising reform in these areas would be complex and far-reaching and that it can only be achieved as a result of a broader social contract including a host of affected actors. To the extent that modernisation is a widely valued objective of policy, such a social contract may contribute to output legitimacy as well as to some input legitimacy based on greater social participation in the formulation of policies. However, in light of the weakness and state repression of civil society (Robertson 2009), any current social contract (if it actually exists) is likely to be implicit and based on elite, initiatives in response to perceived popular preferences, or input by experts rather than any actual bargain or social dialogue. In a representative survey of state-society relations from 20-24 December 2013 (Levada Center 2013), 67% of Russian respondents answered that the interests of the political authorities in their country do not coincide with the interests of the citizens. Only 23% expressed the opposite view. Such a large discrepancy in the perceptions of goals of the government and goals of the citizens could indicate a legitimacy deficit or even lead to the contestation of the existing socio-political contract in Russia.

In summary, Russian scholars view the social contract - a set of informal rules and an exchange of expectations as part of an implicit bargain between society and the authorities - as an essential basis for legitimacy and effective modernisation of the country. The
importance of this is underscored by their prediction that crises and instability ensue, when the authorities are unable to renew the social contract under changing circumstances.

Assessing the Russian debate

The Russian debate about the social contract is very interesting, not least since it can provide some insight into how Russians themselves make sense of regime stability and legitimacy. Nevertheless, the concept of the social contract is somewhat vague - perhaps inevitably so, since it is taken to refer to informal norms and expectations. It is very difficult adequately to capture or measure informal factors using quantitative indicators. However, the general implication of these ideas - namely that a political system (even a non-democratic one) may be perceived as legitimate to the extent that political authorities and the general population feel that there is an informal understanding about rights and obligations of each party to the agreement and that these parties also act in accordance with this agreement has interesting implications.

This framework could potentially be assessed by comparing public preferences or expectations from the state, as demonstrated in survey evidence, to actual state policies and people’s judgments of policy outcomes and institutions, such as law and order, economic justice etc. This would be a way of assessing whether the state lives up to the popular expectations with respect to performance.

Another element of the Russian debate that could be worth exploring further is the significance of democratic procedures or social dialogue. As noted above, several Russian scholars view the strengthening of representative interest groups that are capable of participating in deliberation and social dialogue as a the most important long-term challenge of social dialogue. On the other hand, there have been a number of institutional reforms that have weakened the potential for such inputs, such as the abolition of gubernatorial elections, various restrictions on civil society etc. While some scholars suggest that the Russian environment of ‘debilitated dirigisme’ may in fact contribute to a strengthening of interest representation (Markus 2007), assessing the public views of the narrowing of popular input into policy-making is another important task. This can be a way of gauging the degree to which regime legitimacy in the Russian case may rely on a social contract that does not stress participative elements or whether demand for participation is contextually determined and weak as long as people are confident that the central authorities can deliver good outcomes.
This might also imply that the effects of institutional reforms on legitimacy are conditional on such contextual factors.

Finally, Auzan’s hypothesis that the contract exchanging ‘stability for popular freedoms’ may not be sustainable after the recent economic crisis and that a new social contract, based on new institutional arrangements, may need to found to promote modernisation and legitimacy is also worth examining further, as one could explore whether the Russian social contract is entrenched and based on deep-rooted preferences or whether it is less stable and not robust in the face of economic challenges and crises. This is partially confirmed by Chaisty and Whitefield (2012), who find that the financial crisis has affected assessments of democracy and regime performance in Russia. By contrast, studies by McAllister and White (2011) and Green (2012) reach different conclusions, showing that despite the economic crisis in 2008-2009, there was no noticeable drop in support for the regime and that the protests of 2011 and 2012 were disconnected from the economic issues. In line with the data from various Russian public opinion centres, the satisfaction with the direction in which the country is developing since 2010 is connected with the satisfaction with leadership and disjointed from the economic well-being (Greene 2012, pp.136–137).

This suggests that the analysis of the Russian social contract would need to test the relation between economic and other factors underpinning the social contract or legitimacy. Indeed both McAllister and White (2011) and Chaisty and Whitefield (2012) show that the effects of the economic crisis on public opinion may be influenced by other factors, such as class, profession or the availability of viable political alternatives. Factors influencing the social contract and legitimacy and the dependent variables can be operationalised and measured by considering responses to questions asked on representative surveys such as the European Social Survey and the World Values Survey at various points in time. By comparing responses from the 1990s to responses during the Putin-era (incl. the recent post-crisis period), it will be possible to assess whether there have been any important changes with respect to the social contract and legitimacy and whether this is related to economic factors or other issues (such as assessments of procedural justice or security factors).
Bibliography:


