What drives legitimacy in government?

A global discussion paper
What drives legitimacy in Government?

The Centre for Public Impact invites you to explore the concept of government legitimacy.

We live in unpredictable times. Shock waves have been sent through institutions we thought were immutable and understood. As changes ricochet in every direction, the Centre for Public Impact (CPI) invites you to explore with us the concept of government legitimacy with us. What are the sources of legitimacy, and how can legitimacy be strengthened?

By legitimacy we mean the reservoir of support that allows governments to deliver positive outcomes for people, what we at the CPI call public impact. We are interested in exploring how governments can build constructive relationships with their citizens for the benefit of each of us and society as a whole. This might be at a whole-of-government level or the level of an individual service or policy. We will explore how legitimacy flows between these levels, and how legitimacy can be built both from the top down and from the bottom up.

Occasionally legitimacy is discussed as a black or white concept – with governments labelled as either “legitimate” (meaning rightfully in power) or “illegitimate” (meaning not rightfully in power). We will try to avoid getting mired down in such discussions. The concept of legitimacy is also often used as shorthand for other concepts such as “a democratic mandate”, “fitness to serve” or “honesty”.

Our project aims to determine what legitimacy means in reality to people and governments in different parts of the world, providing some shades of grey as well greater rigour and clarity.

There will be no easy answers. Building legitimacy requires action in many parts of a complex system, involving multiple institutions and actors. And the sources of legitimacy in one country or in one policy area may not be easily translatable to other countries or other policy areas.
There is a great deal at stake. By improving their legitimacy, we expect governments to be able to provide better outcomes for citizens and to contribute to the creation of a more peaceful and just world. We remain focused on using insights generated from this work to develop practical advice to governments who wish to improve their legitimacy.

Our project aims to bring together diverse voices (including from community groups, front line services and the arts) together with experts (including from academia, government and media and society) to hear about what legitimacy means to people where they live and in their lives. We believe that a broad range of contributions from across the world will be necessary to help to understand what legitimacy is and how it can be improved at local level, at policy level and at whole of government level.

Legitimacy – what is it and why does it matter?

To kick-start the project, we invite you to read and respond to this stimulus paper, which sets out to explore what legitimacy is and how governments can strengthen their legitimacy in order to improve their public impact.

The aim of this paper is not to provide the answers, or even to push the discussion in one direction or another. We want the conversation we stimulate to be open and wide-ranging. Readers should feel free to choose which questions they want to engage with or suggest new questions. Please challenge us. By doing so you will move the conversation forward.

As legitimacy informs the basis of the relationship between the government and the people, it concerns every single one of us. If, like us, you want government to work in the best way possible then we hope you will contribute to this discussion.

Why does legitimacy matter?

Strong legitimacy is necessary for peace and for delivering good public policy outcomes

The importance of legitimacy is not in doubt. From the French Revolution through to apartheid South Africa and the Arab Spring, examples abound of weak legitimacy leading to armed conflict. Such conflicts are a matter of global concern. In 1968, the political theorist Hannah Arendt wrote that “for the first time in history, all peoples on earth have a common present”. This was never more
true than today, when globalisation and communication technology mean that political events in any one country can reverberate around the world, and the role of the US, the EU, and international bodies such as the UN and NATO are themselves being called into question.

Weakened legitimacy can also result in a vicious cycle leading to declining outcomes – a particular concern to those of us focused on improving public impact. States with weakened legitimacy are required to devote more resources to maintaining their rule and fewer to effective governance.1 Furthermore, as our research into the Public Impact Fundamentals demonstrates, policy initiatives that lack legitimacy are more likely to fail to achieve positive outcomes.2 The sum effect is lower public impact, which in turn reduces government legitimacy, reducing government effectiveness still further, and so on.

What is legitimacy?
The concept of legitimacy has been described as slippery and mushy.3 It means different things to different people. While an easy concept to grasp in general, it can be difficult to nail down to specifics.

To help get a grip on legitimacy, this paper explores four elements, variously thought to be constituent parts of a government’s legitimacy. These are trust, fairness, values and democracy. We will ask how important each of these elements is in building legitimacy, how governments can strengthen these elements, and whether these elements are best fostered at a whole of government level, policy level or at the front line level.

To help explore these elements we will work through four contradictions that are related to legitimacy. These are:

1. Government has never been more “open”, and yet trust in government is in decline
2. Government transparency is valued, despite the fact that it can actually decrease trust
3. A growing consensus around centrist politics (and its promise of wealth and freedom for all) has given way to renewed partisanship and fundamentalism
4. Democracy is often thought to be a necessary condition for government legitimacy, yet this assertion is being challenged both by successful non-democratic countries and by citizens themselves in some democracies

Contradiction 1: Government has never been more “open”, and yet trust in government is in decline

Since its launch in October 2011 by President Obama and seven other world leaders, the Open Government Partnership appears to have gone from strength to strength. With the goal of promoting transparency and citizen engagement, five years on the partnership had grown to include 70 countries. Together with hundreds of civil society organisations, they have made more than 3,000 commitments on topics including open data, anticorruption, and freedom of information.

However, many governments that have pursued open government policies have nevertheless seen a decline in trust. What is going on?

Understanding trust and its role in legitimacy helps explain why open government cannot be a silver bullet

The contradiction can be explained in part by thinking of trust as operating at different levels. Transparency probably does generate trust, but on a fairly superficial level. Transparency around politicians’ expenses, for example, might increase people’s trust that their elected representatives are not wasting public money. To some extent, this superficial level may be reflected in well-known trust surveys. When people tell a pollster that they don’t trust government, how concerned should governments be? Perhaps not very. Responses may be based on general low-level cynicism or any superficial whim.

Governments who are concerned about trust are concerned with trust at a deeper level – with the trust that provides the basis of legitimacy, the reservoir of support. Understanding this concept of trust will help governments to understand how they can improve legitimacy.

Levi, Sacks and Tyler describe the trust necessary for government legitimacy as being based on three things: leadership motivations, government performance, and administrative competence.4 These three bases of trust align well with other well-known trust frameworks, such as the three ‘Cs’ (Connectivity, Character, Competence).

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2 https://publicimpact.blob.core.windows.net/production/2016/10/CPI-FUNDAMENTALS-REPORT.pdf
3 Legitimacy is a “mushy concept that political analysts do well to avoid” from Huntington, S.L., The Third Wave: Democratization in the Late Twentieth Century, (1991), University of Oklahoma Press
What drives legitimacy in Government?

Perception

It’s an obvious point, but to trust government, people must perceive the government’s trustworthiness. Former UK prime minister Tony Blair complained of the gap between “reality” and people’s perceptions in 2004:

“The best ever school results, waiting lists falling, crime levels down, council performance improving. The facts ought to speak for themselves. But polling evidence on public perception of the services we offer reveals a paradox. While people’s own experiences are generally positive and improving, this is not reflected in their perceptions of services as a whole.”

Tony Blair, 2004

The gap may be explained in part by a misunderstanding of what outcomes are important to people. Even if it’s true that overall “crime levels are down”, if the public is particularly concerned about street robberies, say, which happen to be up, then the public might not have a positive view of crime reduction. But in any case, it is clear that government has a role to play in communicating the outcomes delivered. This is particularly true where outcomes are not immediately visible (e.g. improving utilities infrastructure) or are discredited by a hostile opposition.

We invite your thoughts

• Is there a mismatch between what governments are achieving and people’s perceptions?

Trustworthiness required for government legitimacy

Leadership motivations
- Leaders need to be personally trustworthy and therefore credible in their commitments

Government performance
- Government needs to provide public goods that citizens want, i.e. evidence that government is upholding its side of the social contract

Administrative competence
- Government must have the competence to produce the promised services, requiring both honesty and capacity to implement rules and regulations

Connectivity
- Being personally engaged and acting in the best interests

Character
- Delivering on promises

Competence
- Having the capability to deliver

Three ‘Cs’ trust framework

We invite your thoughts

• How important is trust in building legitimacy?

• Is it better to build trust top down at a whole-of-government level, or should governments aim to build trust bottom up, policy initiative by policy initiative?

These frameworks work well to describe what is required to be trustworthy. But trustworthiness does not always translate into trust. To bridge the gap between trustworthiness and trust, there are a number of external conditions that must also be in place, including perception, expectations, and ability to trust.

We invite your thoughts

• How can governments do a better job of communicating outcomes, at the whole-of-government level, frontline services level and policy level without it sounding like spin?

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Expectations
People are less likely to trust government if their expectations are unrealistically high, as they will view government as under-delivering. Government leaders often point to high expectations as a key reason for lack of trust, complaining that the public expects the government to solve all of their problems. Governments themselves can also exacerbate the problem by overpromising.

Increasingly, expectations are heightened by experience of the private sector, where people have come to expect AI-smart answers and on-demand services. Resetting expectations may require a radical conversation about the role of government and what it should and shouldn’t do. Government would do well to differentiate itself from the private sector. This starts with being clear about its purpose, and may also mean limiting its activities to those that it is uniquely placed to perform.

Increased collaboration between government and its citizens may also help to ground expectations. An initiative by the city of Rio that enabled citizens and the government to share traffic data not only met its intended aim of improving traffic but also led to a better appreciation of the role of government. Citizens could see that the government was actively addressing the traffic issue, and were less likely to blame the government for all traffic incidents.

Ability to trust
Perhaps most significantly, trusting a government requires a real personal readiness to trust, which can depend in a large part on our own experience. The political scientist Robert Putnam has shown that people in deprived communities tend to exhibit very low levels of trust. “You can’t trust anyone, not even your loved ones” is a representative (and deeply sad) comment made by a lady living in a poor community in the US, being interviewed as part of the research for Putnam’s latest book.6

It is difficult to trust government if you don’t even trust your neighbours or your family. Strengthening communities, and thereby creating the conditions for trust, may be a necessary part of improving the legitimacy of government. This idea is also discussed in a recent article by Matt Leighninger, published by the Berggruen Institute: “When people come together regularly to socialise, form relationships, and feel like they belong to something – and if the people in those settings feel like they can interact with government in some meaningful way – then the society as a whole seems to have a greater sense of confidence, well-being, and trust in public institutions.”

We invite your thoughts

- Where do people’s expectations of government come from?
- Should government be more explicit with people about what it can and can’t do?
- What is the best way to have this conversation? At the whole-of-government level, frontline services level, or policy level?
- Do disadvantaged communities impact the trust between government and the people, and if so how?
- How can we create citizen engagement in disadvantaged and marginal communities?
- What role does education have to play?

7 http://www.zocalopublicsquare.org/2017/03/01/why-authoritarianism-may-be-on-the-rise/ideas/news/
Contradiction 2: Government transparency is valued, despite the fact that it can actually decrease trust

Transparency is one of the key tools of open government. The first “commitment” of the Open Government Declaration is to “increase the availability of information about governmental activities.” Yet a number of studies have shown that transparency can perversely have a negative effect on trust. One recent study found that “transparency is merely a ‘hygiene factor’: it does not contribute to higher levels of trust and it can even lead to lower levels of trust if people are disappointed with the degree to which government is transparent”, while another found that “transparency has a subdued and sometimes negative effect on trust in government.”

While transparency can decrease trust, it can at the same time improve the perception of fairness, another important component of legitimacy

The value of increased transparency can be explained by its role in improving the perception of fairness, another important component of legitimacy. Fairness requires being consistent with the rule of law, which means acting in a way that is rule-based and predictable, and this is enabled by transparency. Robert Lamb, in his 2014 publication, Rethinking Legitimacy and Illegitimacy, elevates this aspect of fairness by describing “predictability” as the first of five key “features” of legitimacy. For Lamb, being predictable is “the most basic criterion that motivates people to voluntarily support something”. “People want to know what the rules are,” he says, “even if they don’t agree with the rules and even if they don’t benefit from the rules.” Transparency also improves accountability, which makes the system fairer.

As with open government and trust, transparency is not a silver bullet for delivering fairness. Governments concerned with building legitimacy must look beyond procedural fairness and aim for fairness of outcomes, so that certain individuals or groups are not favoured over others. As Yascha Mounk, a Harvard University researcher, points out: “legitimacy is rooted in the common good, and not in the narrow interests of one group or another.” This is not just about keeping enough people happy in order to obtain popular support. Legitimacy means worthy of support from a “public perspective”, and not just from the perspective of a number of individuals.

As Bruce Gilley argues in Measuring State Legitimacy, “A citizen who supports the regime ‘because it is doing well in creating jobs’ is expressing a view of legitimacy. A citizen who supports the regime ‘because I have a job’ is not.”

There will be healthy debate about how to ensure that one group is not favoured over another. Some will argue that this requires government to step aside and let the market work its magic. But this ignores the tendency of free markets to entrench inequality. Others would agree that to provide fair outcomes the state should intervene to correct for systemic discrimination. If historically laws have worked to the advantage of one group over another, and those advantages have become entrenched, then state intervention may be needed to reverse this discrimination and level the playing field.

In addition to focusing on transparency, governments interested in strengthening legitimacy through improving fairness would do well to do two things. First, ensure that they are truly representative of the people they serve. The composition of the government should mirror that of the population in terms of race, sex, social class, religion, and disability (physical and mental). Second, government should find a way to avoid being influenced by the powerful few (e.g. corporate, finance and media interests) at the expense of the many.

One factor that influences whether government procedures are perceived as fair is the extent to which citizens can influence policy. Spearheaded by the open government movement, in recent years governments have spent plenty of time grappling with the problem of how to improve citizen engagement. However, hopes that government would be brought into the digital democracy age have not materialised. As Matt Leighninger argues in his article, Liberal Democracy Is Too Limited in the Era of the On-Demand Economy:

“The official, conventional processes for public engagement consist mostly of boring meetings in which citizens are given only a few minutes at a microphone to complain to their public officials. These meetings are almost completely useless for overcoming the divide between citizens and government; in fact, they seem to be making matters worse. The mismatch between what citizens expect and how governments operate is wide. For the most part, our political systems are still republics, not functioning democracies.”

8 https://www.openpartnership.org/about/open-government-declaration
11 Lamb, R.D., Rethinking Legitimacy and Illegitimacy (2014) Center for Strategic & International Studies
12 http://www.zocalopublicsquare.org/2017/03/01/why-authoritarianism-may-be-on-the-rise/ideas/news/
15 http://www.zocalopublicsquare.org/2017/03/01/liberal-democracy-limited-era-demand-economy/ideas/news/
Contradiction 3: A growing consensus around the politics of “centrism” (and its promise of wealth and freedom for all) has given way to renewed partisanship and fundamentalism

In 1989, the year that the Berlin Wall came down, Francis Fukuyama famously announced the “end of history.” The battle of ideologies was over, and liberal democracy together with free-market capitalism was the winner and promised to deliver peace, freedom, and prosperity to all. In Britain, as in many other countries, traditionally left-wing (Labour) and right-wing (Conservative) parties moved to the middle ground, each taking a “pragmatic” or “centrist” approach to government. From now on, policy arguments would be mainly over the technical means, rather than the ideological ends.

Fast-forward to 2017, and this “consensus” looks to be on shaky ground. Countries across Europe have witnessed the rise of far-right parties. Voters in the UK and the US have demonstrated a desire to shake up the status quo by voting for Brexit and Donald Trump. And ISIS continues to attract disillusioned young people from all over the world, with a very different idea of what the system should look like.

Liberal democracy and free-market capitalism have delivered growth for some – but do we risk neglecting important human values?

We might concede that liberal democracy, together with free-market capitalism has delivered freedom, equality and growth more effectively than other political systems that we have observed. However, that is not to say that liberal democracy together with free-market capitalism is the perfect system. Empirically we have learnt that globalisation produces winners and losers and that in the continual quest for growth, valuable things such as community or time with family, can be sacrificed. We should not stop exploring how to improve the system to make it better and fairer for all, and this may include protecting important human values from the system itself.

The importance (and neglect) of human values is a key theme of Pankaj Mishra’s book, *Age of Anger*, which explores the causes of crises of legitimacy dating back to the French Revolution. Mishra argues that liberal democratic societies promote values such as consumerism and competition, which are at odds with core human values, such as faith, family and community. As such, the promise of modernity is hollow and will inevitably lead to decreased legitimacy and resultant societal unrest, revolution and war.

Mishra’s work suggests that it may be time to re-examine old ideological arguments of left versus right, big government versus small government, and start from first principles by asking: what conditions are necessary for humans to flourish, and what can governments do to protect and foster these conditions?

Talking about national values makes many people feel uneasy. Values are associated with imperialism (justifying exploitation by belief in “superior” values) and the oppression of out-groups (e.g. appealing to “family values” to discriminate against women and LGBT men and women).

A failed attempt in 2005 by the then chancellor of the exchequer, Gordon Brown, to revive “British Values” illustrates the problem. Brown argued compellingly that “you cannot, as a country, face up to the huge decisions that you’ve got to make in the modern world – unless you do have a sense of shared purpose.”

Rejecting accusations of imperialism, he claimed that “the days of Britain having to apologise for our history are over”, but others disagreed and Brown’s way of thinking didn’t resonate with the British public, so the idea was left dead in the water.

Setting aside the clumsy language, Brown may have been on to something. Arguably, government legitimacy does require shared values. In his influential work on legitimacy, David Easton describes how legitimacy is only possible because of a belief in a common interest, a shared interest that transcends individual and partial interests. This common interest, or “greater good”, presumably rests in some way on shared values.

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18 http://news.bbc.co.uk/1/hi/programmes/newsnight/434769.stm
19 For example, the Labour peer Bhiku Parekh: “For Gordon Brown to say we have nothing to apologise for, that’s too rosy, one-sided a view of empire which is false and rather insulting to people who are its victims because these people who felt pain and tragedy are brushed aside. In the case of Mau Mau, for example, we set up concentration camps, people were tortured.”
Leading thinkers on legitimacy, dating back to Hobbes, Locke and Rousseau, understood legitimacy as involving a social contract. Individuals are born free but willingly give up freedom to the state in return for the protection of the law. To be sure, as members of society we are often required to accept trade-offs, for example giving up part of our salary in taxes to fund the education of other people’s children.

Trade-offs are only palatable if you in some way agree with the values that underpin them (for example, believing in the value of universal education). Put differently, where it is legitimate the state enjoys support in light of considered views of what is best from a public perspective20. And this requires consideration of, and agreement with, a set of values.

Contradiction 4: Democracy is often thought to be a necessary condition for government legitimacy, yet this assertion is being challenged both by successful non-democratic countries and by citizens themselves in some democracies. It is a widely held view among Western liberal democratic countries that government legitimacy is based on universal suffrage and competitive elections. This is a normative account of legitimacy, under which democratically elected leaders have legitimacy, while other forms of government are essentially illegitimate.

Democracy is spreading. According to analysis by Our World in Data based on data from Polity IV, the number of democracies increased rapidly following the collapse of the Soviet Union in 1989, such that the number of democratic countries increased from 47 in 1988 to 87 in 2009.

The number of democracies has risen sharply between 1945-2010

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We invite your thoughts

- Would cultivating a set of shared values help governments increase legitimacy?
- How are values set? What is the role of government versus the citizen in determining the values that shape society?
- Can this be through a national conversation? Or is this best done through policy initiatives?
- What role should the media have in shaping our values?
- Are important human values neglected in liberal democratic societies?
- Are left versus right arguments obsolete? Is it possible to construct a new and better ideology which starts from the problem to be solved?

- Are important human values neglected in liberal democratic societies?

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Data source: Polity IV, published on Our World In Data
Furthermore, the percentage of people living under democracy has increased since 1945, so that today more than one in two people live under a democracy.

The number of world citizens living under democracy has risen sharply between 1945-2015

![Graph showing the number of world citizens living under democracy 1800-2015](image)

Data source: Own calculations by Max Roser based on Polity IV data, and data from Wimmer and Min (2006), Gapminder.org, UN Population Division (2015 Rev), and Our World In Data

At the same time, the value of democracy is being called into question, especially among younger generations. According to research by Yascha Mounk and Roberto Stefan Foa, a political scientist at the University of Melbourne: “[Young people] have become more cynical about the value of democracy as a political system, less hopeful that anything they do might influence public policy, and more willing to express support for authoritarian alternatives.”


The importance of democracy to legitimacy is also being called into question by the successes of non-democratic countries, such as China. Using trust as a proxy for legitimacy (albeit not a perfect one), we see that some of the countries that enjoy the strongest support are non-democratic, or at least diverge from western conceptions of democracy.

Younger generations in the US and Europe are losing faith in democracy and free elections

| Free elections are seen as less important to millennials |
| % of US citizens agreeing that choosing leaders through free elections is "unimportant" |
| % responding that "having a democratic political system" is a "bad" or "very bad" way to "run this country", by age group |

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Data source: Mounk & Foa 2016; World Values Surveys, Waves 3 to 6 (1995-2014); Data for Europe includes a constant sample in both waves: Germany, Sweden, Spain, the Netherlands, Romania, Poland, and the United Kingdom

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people’s needs. This mechanism should allow the people to trust that the leaders are (generally) acting in their interests.

Related to this point, democratic leaders are required to engage with their citizens to understand their needs, whereas non-democratic leaders can act on their own view of their citizens’ needs (the minxin rather than the minyi). Engagement and responsiveness to needs may foster a perception of fairness.

Finally, in a democracy, if a government fails to deliver on its promises to the people, or if the people change their mind about what they want from the government, then the democratic mechanism should provide for a peaceful transition of power. In a country where legitimacy is linked to economic performance rather than to democracy, then failure to deliver prosperity is more likely to lead to a legitimation crisis involving conflict and violence. In this case, the reservoir suddenly runs dry – which calls into question whether the reservoir was ever that full in the first place.

Democracy may be instrumental to legitimacy, that is, more likely to foster trust, fairness and sustained support

If democracy is not in fact necessary for legitimacy, then why does it often feel like it is? The answer may in part rest on the fact that democracy is instrumental in creating trust and fairness, two elements which play an important role in legitimacy.

Democracy helps align the incentives of the leaders with those of the people. The social contract between the people and a democratic leader is easier for the people to break, and therefore the democratic leader must continuously uphold her side of the contract by responding to the

We invite your thoughts

- What are the different sources of legitimacy in different countries?
- What are the strengths and weaknesses of different sources of legitimacy?

Data source: 2017 Edelman Trust Barometer

Using trust as a proxy for support, some of the countries that enjoy the strongest support are not- or not fully democratic

**Next steps**

Relationships are complicated, and the relationship between the government and the people is no exception. A good relationship is one that works well for both parties. It probably involves at least some degree of trust, fair treatment, shared values, and lack of coercion. These things are hard enough to achieve between two people. Achieving them becomes vastly more complicated when millions of people are involved and when the most fundamental aspects of life are at stake.

The questions set out in this paper are not easy to answer. Many people have tried and failed to improve the relationship between the government and the people before, won’t we just fail again? But the fact that these questions are daunting makes it all the more important to get started. We don’t yet have the answers, but we have some ideas about the way to proceed:

- We should have an inclusive conversation which engages as many people as possible
- We should invite diverse perspectives and stories, and open our minds to new ideas
- We should be comfortable with open-ended discussion and letting the discussion take its own course
- We should be constructive and collaborative, ready to play our part in the solution

**Finding legitimacy – how you can help**

Over the next six months the Centre for Public Impact aims to bring together diverse voices (including from community groups, front line services and the arts) together with experts (including from academia, government and media and civil society) to hear about what legitimacy means to people where they live and in their lives and how government is making legitimacy work or struggling with it. We believe that a broad range of contributions from across the world will be necessary to help to understand what legitimacy is and how it can be improved at local level, at policy level and at government level.

CPI invites you and your organisation to discuss this paper, the questions we pose and what legitimacy means to you.

We are seeking your reactions, questions and examples of legitimacy in action in your government. We will be inviting tweets, blogs, videos and articles that tell us more about what legitimacy is, how it looks to you and why it matters.

Here are a few ways you can help us to find legitimacy:

**Case studies**

We are looking for case studies that demonstrate legitimacy in action at all levels of government, from central government to local community and frontline public services. Please suggest a case study we can examine by emailing us: legitimacy@centreforpublicimpact.org
Holding a conversation about legitimacy

CPI would be delighted to advise you about holding a conversation or debate about legitimacy. If you would like us to come and hear your conversations want us to help facilitate a conversation for you or update you and your stakeholders on our work, just let us know.

In your conversations you can explore the contradictions and questions in this paper and help us to answer the following:

- Should government build legitimacy policy by policy, or is there something we need to do at the national level?
- To what extent does legitimacy flow between the levels of government? (i.e. whole-of-government level, frontline services level, policy level)
- Who needs to be involved in the conversation about building legitimacy?
- How can government prepare for the future challenges and opportunities relating to legitimacy?

We are looking forward to hearing and reading your comments and suggestions relating to our paper.

Please email us: legitimacy@centreforpublicimpact.org

Or tweet us: @CPI_foundation using the hashtag #findinglegitimacy