

Government

It is reasonable to believe that procedural regularity is an important facet of government legitimacy.

But legitimacy is not solely – not even primarily – a product of the procedures that agencies follow.

Legitimacy arises more generally from the perception that government is capable, informed, prompt, responsive, and fair.

Mandatory procedures may sometimes advance those values. They can focus agencies on priorities they may have ignored, orient bureaucracies to broader public goals, and improve the quality of agency deliberation.

But procedures can also burn agency resources on senseless paperwork, empower lawyers at the expense of experts, and frustrate agencies' ability to act. When procedures impair an agency's ability to do its job, they can drain [it] of legitimacy.

Nicholas Bagley, "The Procedure Fetish"