

Exploratory workshop

Post-conflict politics: building on political legitimacy

Concept Paper

This workshop chooses to focus on political legitimacy in a very specific context: the aftermath of violent conflict and deep political crisis. Beyond this conceptual choice lies a methodological approach.

The experience of international operations which have been mandated for “state building” and “peace building” has been of many pitfalls and failures because of the normative approach that they generally adopt. This normative approach consists mainly in transferring Western models of the state to non-Western countries. A recent expression of this approach is expressed in the category “failed states” which was later replaced by “fragile states”. Whatever the terminology, these categories refer to the Western state model.

We now know that there cannot be one state model, and that in order to study political legitimacy, we need to move away from positivism. An empirical approach enables us to study what is rather than what should be. The normative approach also favours a state-centric approach which prevents us from observing the capacities of societies to find their own particular solutions.

When analysing political legitimacy, we do not want to be limited only to the legitimacy of the state. Since the state is seen as a diffuse field of power relations¹, and since these power relations involve the citizens, the scope of political legitimacy has to be broadened in order to include the practices of society and its process of active meaning creation. A clear-cut distinction between the state and the society does not seem relevant as the state is the result of a negotiation: social actors negotiate power and meaning constantly. This means that the state is produced by a broad and continuously shifting field of power relationships, every day practices and formations of meaning².

Rather than a positivist approach, it seems more relevant to examine the real dynamics of power on the ground and the political forces involved, this means an empirical approach. It implies an analysis of the balance of power, the political practices and the collective imaginary. It allows us

¹ Abrams, P., 1988. ‘Notes on the difficulty of studying the state’, *Journal of Historical Sociology*, 1 (1): 58-89.

² *State formation. Anthropological perspectives*, Ed. Christian Krohn-Hansen and Knut G. Nustad, Pluto Press, London, Ann Arbor MI, 2005

to analyse the “functional dysfunctionality”³, where the processes that provide legitimacy through generating order at the sub-national level, create forms of political order.

We propose the following definition of political legitimacy :

Political legitimacy reveals **the compliance of a form of power with a set of social norms relevant in a given society**. It makes this domination acceptable and accepted by the population. Those social norms can be institutionalised and formalised such as laws (here state legitimacy is concerned); or not, as in the case of un-institutionalised political functions at a local level (i.e. the person in charge of organising community work at the neighbourhood level in Muslim societies). As the definition includes state and non-state forms of power, actors, institutions and norms, we won't study them as two distinct and clear-cut categories. Firstly for the reason that the state cannot be separated from the social world in which it operates, and also because we intend to focus on the field that lies in between: the state-society link. Our hypothesis is that the exercise of power should reflect the values relevant within the society.

How legitimate power is organised and who embodies it tells us about what politics is for the collective imagination. Power reflects and emanates from the society and its collective mythology (rules and beliefs). This conception of legitimacy concerns both state legitimacy and legitimacy of actors, institutions and practices within the society. If the authority of an actor, institution or practice complies with social norms, it will not be contested.

The **forms of power** under discussion can be individuals holding power at any level of society: within a clan (be it based on village, kinship, tribe or any other network), a craft guild, a religious brotherhood, local or national candidates to an election, a government, a parliament or a presidential administration or a president himself as representatives of the state.

The **social norms** can have diverse origins: besides tradition, religion, history, ideology, charisma, state laws and external influence; we would like to examine other sources of legitimacy drawn from new actors and new dynamics.

Political legitimacy seals the state-society relationship in the form of trust⁴, consent⁵, reciprocity⁶ and loyalty⁷. Consent has to be thought of as a dialectic that is both socially constitutive and reproductive of state power (in the case of democracy, among other examples). If this link is broken – in situations of lack of legitimacy – there is a risk of crisis or conflict. Political legitimacy therefore can be interpreted as a link, a relationship, what happens between those who have power and those who are under that authority. Therefore it tells us about how people relate to their ruling elite (*at all levels of a society and of the state; and between the society and the state*). As this is a link that operates as a form of dialogue, it is constantly undergoing change and movement.

³ Giustozzi, A. “At the source of state "dysfunctionality" in Afghanistan”, *conference paper*, ESF conference, May 2009, Linköping, Sweden

⁴ Giddens, A., *The constitution of society: Outline of the theory of structuration*, Berkeley, CA: University of California Press, 1984

⁵ Balandier, G. *Anthropologie politique*, Paris, Quadrige, PUF, 1995 (1967); Lapierre, J. W., *Vivre sans Etat ? Essai sur le pouvoir et l'innovation*, Paris, Le Seuil, 1979

⁶ Bratton M. and Hyden, G., *Governance and Politics in Africa*, Boulder, CO, Lynne Rienner, 1992; Hyden, G. and al. *Making sense of governance: Empirical evidence from sixteen developing countries*, Boulder, CO, Lynne Rienner, 2005

⁷ Boege, V., Brown, A., Clemens, K.P., Foley, W., Nolan, A. « State building reconsidered : the role of hybridity in the formation of political order”, *Political Science*, vol. 59, n°1, June 2007, 44-56.

The general analytical framework of the analysis:

We propose to discuss political legitimacy in the framework of post-violent conflict and post-political crisis. By this, we think of a large variety of contexts ranging over:

- Political transition from war to peace, with or without the involvement of the international community: Timor Leste, Iraq, Afghanistan, Bosnia, Cote d'Ivoire.
- Political crisis that a state can experience and the situation in the following countries will be discussed: Pakistan, post-Soviet republics of Central Asia, Arabic peninsula, Latin American Andean countries, Southern Africa, the Philippines and Mexico.

These countries and regions will be discussed during the workshop.

We choose post-conflict contexts because they catalyse and exacerbate the dynamics at issue here:

- A new power equilibrium has to be found at a more urgent pace as the conflict brings high levels of destruction, in many domains including the social fabric.
- Considering the transformations resulting from the conflict, it is not rare that identity affiliation, loyalty and authority shifts from some actors to others.
- New actors can appear.
- In the process of de-legitimation of the state, as it is common during a conflict, political competition is more open and it gives more importance to new political actors.

Our work hypothesis is that both situations of post-violent conflict and post-political crisis are comparable and can be analysed together.

The objective is to carry out a form of assessment of the political forces involved in the crisis and imagine the possibility of a better articulation between them. It will lead us to rethink the form and functions of the state as well as its relation to society.

Introduction Session 1

Resources of political legitimacy

Legitimacy can't be created, nor can it come from exogenous processes alone. The obstacles and pitfalls encountered by international programmes in post-conflict political transitions regularly prove this point. Attempts to reorganise institutions are often hindered by resistance from the population due to a lack of recognition and trust. Derived from the liberal and Western understandings of politics, legitimacy is often confused with democracy; which can explain why in the beginning of the 1990's the exit strategy for international operations was the organisation of democratic elections. However the facts show that, beyond being a potential source of new destabilisation, elections do not enable a legitimate leadership.

Sources of legitimacy, such as the expression of local political culture, are diverse. This session aims to investigate the social processes that provide legitimacy. Our hypothesis is that the day-to-day relationship to authority, at all levels of society (kin, clan, village, neighbourhood, craft guild, religious brotherhood etc.) gives an indication of what elements (practices and norms) are relevant to provide legitimacy. Further, those principles and mechanisms reveal the basis upon which trust and legitimate state institutions could be built.

We try to avoid dichotomies such as tradition/modernity and formal/informal to distinguish between sources of legitimacy inherent to a Western conception of the state, and other types

inherited from different political cultures. Tradition as such does not exist since it changes under diverse influences and is constantly adapted to contemporary contexts. Moreover, the renewed context of the post-conflict situations sets up a series of dynamics that induce new sources of legitimacy: new actors appear (economic, political, military, religious, and social leaders). Besides, in the current international system, legitimacy is determined as much by outside actors (international organisations, aid donors, and NGOs) as by internal ones. The latter receive a growing influence from their relations with the former. Distinguishing between formal and informal actors and practices does not seem relevant to us. Informal practices and actors are commonly associated to power in opaque political systems, particularly authoritarian ones. They have to be taken into account in order to get an whole and accurate picture of power relations.

Material and Symbolic resources of power

Power is the exercise of domination based on the availability of material goods and means. Another specificity of the post-conflict context is the scarcity of resources, which result from the disrupted national economy and the competition it sets up between actors. The function of economic management and redistribution can enable actors – both state and non-state ones – to gain legitimacy.

But power is also the consequence of a social position that derives from a series of representations: social and spiritual. In these conditions, symbols have a great influence on the consent, or not, to a form of power. The frequency of the political use of ‘spin’ (mise en scène) as a recourse to make policies accepted by the population is a witness to that fact.

There is no consensus on the balance between material and symbolic resources of power, and on the question of whether symbolic resources are autonomous from material ones⁸. These two categories need to both be analysed to understand the mechanisms providing political legitimacy.

Non elective forms and non democratic mechanisms of legitimacy

As already mentioned, political systems and cultures other than the democratic ones provide political legitimacy. This point of departure opens up to the large and diverse set of existing social norms: social organisation, religion, history, ideology, charisma, external influence... Beyond the basic distinction between democratic and non-democratic processes, we can question the unique forms and adaptations that a democratic system can take when such political culture is not deeply-rooted in society; for example when the collective choice is pre-determined and predominant. Does the introduction of democracy bring a change over of the ruling elite? Elections of village chiefs in 1982 in Timor Leste showed that lineages were still dominating political leadership: a majority of the population made the democratic choice that the village chiefs must be from the royal family. This was the criteria which established the distinction between “right persons” and “wrong persons”⁹.

New actors, spoilers and actors considered inappropriate

⁸ According to Jean-Noël Ferrière (IEP, Grenoble) symbolic resources of power are not autonomous, they need to be associated to material ones to be effective. He takes the example of Mohamed VI, king of Morocco: the fact that the prophet Mohamed is his ancestor does not influence his power; what is important is that when he takes a decision, publicly, to fire a governor because he did not work correctly, the decision is effective immediately and the population can witness it. This direct power is more efficient to provide him legitimacy than his genealogy. Symbolic resources need to be validated by material resources of power. Interview, October 2009.

⁹ Tanya Hohe, « The clash of paradigms : International administration and local political legitimacy in East Timor », *Contemporary South East Asia*, volume 24, n°3, December 2002.

Because of the disruptions mentioned above, post-conflict context opens up new space for dialogue. The renewed political arena reflects some of the dynamics inherent to the conflict, such as a war economy with economic actors, military logic and the prevalence of military actors that overshadow previous local leaders.

Actors competing in the post-conflict context are numerous and their legitimacy is based upon various sources. International experience in such contexts shows that some of these actors are sometimes marginalized and denied access to the political arena. The reasons for such decisions are not always well founded, and sometimes can result in a renewal of violent conflict.

An analysis of their political legitimacy should enable to identify the actors legitimate in the eyes of society. But society, particularly in a post-conflict context is far from being homogenous; legitimacy of these actors may not match international standards.

Sources of “negative legitimacy”

Legitimacy is a complex process that can answer to a wide range of logics. Political rationality, “collusive transactions”¹⁰ are some of the forms of “negative legitimacy” which are types of non-virtuous legitimacy. We would like to take them into consideration.

... and the practices that an empirical approach of political legitimacy reveals

Neo-patrimonialism is often analysed as an invariant characteristic commonly observed in political practices¹¹ such as nepotism, clanism, patronage and clientelism, factionalism, predation....

Those practices, and their blurring of the formal/informal categories, should also be taken into consideration.

Introduction Session 2

Interaction between levels of governance: local, national and international

In May 2009, Modus Operandi organised an ESF research conference in Linköping, Sweden on “Post-crisis state transformation: Rethinking the foundations of the state”. The debates provided insight into non-state actors that operate in geographically limited areas and provide diverse goods and services, such as security and solidarity networks as well as a sense of meaning and belonging, which, according to the Western conception, are functions usually held by the state. This session would like to further build on these findings, looking specifically into the connection between local non-state, State and international actors.

In the post-conflict search for political order there are inherent tensions between different political projects. This means between the interests of the different actors involved in this process, who are international, national and local players. The issue of political legitimacy is central in understanding the obstacles of above mentioned project.

Attempts to reorganise institutions, even through the means of democratic elections, are often hindered by resistance from the population due to a lack of recognition and trust. One

¹⁰ Michel Dobry, *Sociologie des crises politiques*, Paris, Les Presses de Sciences Po, 2009 (3rd edition)

¹¹ For the African context, see Médard, Jean-François. 1991. “ L’État néo-patrimonial en Afrique noire ”, in Jean-François Médard, dir, *Etats d’Afrique noire : formation, mécanismes et crise*, Paris, Karthala-CEAN, 1991 ; Darbon, Dominique. 1990. “ L’Etat prédateur ”, *Politique Africaine* n° 39, 1990

explanation for such distrust can be found in the fact that post-conflict states are reorganised on the basis of Western blueprints that disrupt local dynamics, for example, dynamics of identification. People on the ground may not perceive themselves as belonging to the state (at least not as their primary identity). Instead, they identify themselves primarily as members of some sub- or transnational, non-state societal entity (kin group, tribe, village). For them it is this entity that provides the nexus of order, security and social safety; not the state. This has extraordinary consequences for their (dis)loyalty to the state. People are loyal to 'their' group (whatever that may be); legitimacy and authority rests with the leaders of that group, and not with the state authorities. 'The state is perceived as an alien external force, 'far away' not only physically (in the capital city), but also mentally. This of course significantly reduces the capacity of state institutions to fulfil core state functions effectively¹².

In reaction to this lack of legitimacy, increasing attention is being given to local political actors as the locus of legitimacy. Customary leadership in this regard can be seen as a valuable resource in creating legitimate national politics¹³. A closer look is needed at what "local" represents. There is a tendency to view local as traditional, but we have to dissociate these categories. Traditional mechanisms can have been fragmented and/or formed hybrid systems with modern forms of legitimacy. These systems will not be fully modern because they have some remnants¹⁴. Local actors also exist of trade organizations that evolve from wartime armed groups, new ethnic "self-protection" associations and other organizations that do not occupy formal positions in the administration of the state¹⁵. They nevertheless take over functions that the Western concept usually associates with the State and can therefore be seen as political actors.

The first issue that needs to be understood is in which ways these local actors are connected to national and international actors in the combined governance of a given territory. Their interaction opens up space for new forms of governance based on hybrid models and on pluralism of social norms. The second issue concerns the relationship between shared governance and identity. What circumstances can we identify that allow for an articulation between the different levels of identity? Do they show a positive correlation to inclusion in decision-making?

What is the interaction between the legitimacy of local, national and international actors? We borrow van Binsbergen's definition of legitimacy as essentially the quality of: being found to be in accordance with a set of rules and meanings held collectively by a particular set of people. Which set? One such set consists of (the civil servants in) international bodies, another is of senior state personnel at the level of the modern national state. The third set according to van Binsbergen is the perspective of traditional logic, which sees the state as illegitimate since it is devoid of meaning in a cosmological sense¹⁶. A counter example indicating that traditional leadership is not necessarily opposed to State logic comes from South Africa. Here, chiefs seek to legitimize themselves by integrating in the State and associating themselves with State symbols (picture of the president, South African flag), which is an indication of the penetration of the State in the imagery of the citizens in areas where customary rule is relevant. This example demonstrates that the relationship between State and chiefs' legitimacy depends on the degree of internalisation of the State among its citizens. We would therefore like to propose to term the third logic "local". "Traditional", being one source of legitimation. We understand

¹²Kevin P. Clements, Volker Boege, Anne Brown, Wendy Foley, and Anne Nolan, "State Building Reconsidered: The role of hybridity in the formation of political order", *Political Science*, Vol. 59, No. 1, June 2007, pp. 45-56

¹³Anne Brown, conference paper, Linköping 1 May 2009

¹⁴Contribution Jochen Hippler in the debate, Linköping 1 May 2009

¹⁵William Reno, abstract paper Linköping 1 May 2009

¹⁶Wim van Binsbergen (ed.), *The dynamics of power and the rule of law: Essays on Africa and beyond: in honour of Emile Adriaan van Rouveroy van Nieuwaal*, Africa Studies Centre, Leiden, 2003

“local” as that which is relevant for the people and carries meaning in their every day life in geographically limited areas. What this is, needs to be empirically defined. Moreover, beyond common references we should also be sensitive to contradictory values at local level and compatible and complementary values that exceed geographically limitations of groups (networks, religious brotherhoods, councils of traditional leaders)

Discussions during the conference “Post-crisis state transformation: Rethinking the foundations of the state” have dealt extensively with the risks of excluding local actors from the dialogue about creating the post-conflict political order and its supposed outcome. This, in short leads to the creation of a state devoid of meaning at the local level.

What we would like to focus discussion on during the ESF workshop is:

How to **practice the principle of ‘active subsidiarity’**, by which we mean that each territory and each level of governance attempts to bring specific responses to issues that must be collectively dealt with. How to create a system that allows political participation through dialogue?

What are some of the **risks associated with simply integrating local actors into the State**, rather than creating plural political orders? For example, how does their integration in the State transform their role, affect their legitimacy and dynamics of accountability? What opportunities does this represent for instrumentation and manipulation by state actors and the other way round?

How to deal with some of the **contradictions that are associated with the transposing of norms and practices that are shared and legitimate in geographically limited areas to a national level?** Local values and political projects might reinforce ethnic differences, gender inequality and present other forms of exclusion. They thus contradict constitutions and international regimes like the *universal* declaration of human rights. Even though these might make little sense in local areas, they do in the international arena. The national level becomes the locus of this contradiction. How does the State choose its interlocutors, how does it assess their legitimacy if they are not chosen? Allowing local voices to be heard at the national level creates tension in the relation between the national and the international level. It forces international actors to acknowledge contradictions that have existed for long but have been denied as long as, at least formally, national actors complied with them. The question in post-conflict situations is, how to make some of these categories (clan, Hutu/Tutsi) matter and not matter at the same time (like race or gender)¹⁷?

Introduction Session 3

Concepts to be associated with political legitimacy?

The last session of the workshop will be devoted to the concepts that should be associated with the larger concept of political legitimacy. Some of them are human security, legal pluralism, hybrid political orders, resilience, reconciliation.... Others will emerge from the debate.

We would like this session to be a kind of synthesis of the debate aiming to broaden the research field of political legitimacy, to underline the convergences and divergences of our approaches, and possibly to translate our analysis into practical recommendations for policy makers.

¹⁷ Lidwien Kaptijns, discussion prior to conference Linköping, May 2009