What is legitimacy and why does it matter for peace?

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Legitimacy lies at the heart of all political discourse and determines much political competition in both developed and less developed societies. Legitimacy is about social, economic and political rights, and it is what transforms coercive capacity and personal influence into durable political authority. It is the stated or unstated acceptance of unequal political relationships where some are given, assume, or inherit power over others. It is critical to political order, stable peace and development.

Legitimacy enables rulers to govern with a minimal application of force and it entitles those who are ruled to expect that political power will be exercised to advance the common good, as opposed to narrow personal or partisan interests. It refers to the formal and informal social and political contracts that govern relationships between the state and citizens, and between traditional or charismatic leaders and their followers. It is also about the management and resolution of conflict within families, kin groups, communities and society.

Legitimacy is determined by whether the contractual relationship between the state and citizens is working effectively or not. Individual citizens or tribal members recognise political actors, institutions and relationships in return for services, which guarantee their individual and collective welfare. When such welfare is not forthcoming, legitimacy diminishes and rulers often find themselves forced to move from persuasive to coercive governance.

What is legitimacy and where does it come from?

There is no such thing as universal legitimacy. It is dependent on particular contexts, circumstances and communities. Legitimacy has multiple formal and informal sources. But there is general agreement that it will be greater where there are high levels of political inclusion, participation, representation and achievement. Many of the conflicts of the 20th and 21st centuries have been about the legitimacy of state institutions or particular political regimes.

Donors have focused on building effective, legitimate and resilient state institutions. The enhancement of state legitimacy has become a central dimension of multilateral development assistance and a prerequisite for stable peace. But what are legitimate state and society institutions?

The Organisation for Economic Co-operation and Development views legitimacy as follows: "[i] the acceptance of political authority by a population; or, [ii] political authority that is acquired and exercised..."
according to certain socially accepted normative standards and criteria”.

Max Weber in the early 20th century distinguished three types of legitimate authority, based on:

1. **Rational** grounds – resting on a belief in the legality of patterns of normative rules and the right of those elevated to authority under such rules to issue commands (legal authority)

2. **Traditional** grounds – resting on an established belief in the sanctity of immemorial traditions and the legitimacy of the status of those exercising authority under them (traditional authority)

3. **Charismatic** grounds – resting on devotion to the specific and exceptional sanctity, heroism or exemplary character of an individual person, and of the normative patterns or order revealed or ordained by him (charismatic authority).

One of the big recent peacebuilding debates has been about the adequacy of the “liberal peace” based on free markets, democratisation and militarily assured security. Critics question its Western bias and whether there are alternative ways of guaranteeing political participation and inclusion. Many exponents tend to see “process and performance” legitimacy as the evolution and smooth functioning of rational-legal political systems.

The fact is that all legitimacy has a very distinctive genealogy. It is intimately linked to specific cultures, modes of production, particular types of decision-making and law-making processes and wider theories of continuity and change.

Many “fragile” or vulnerable states were built on the destruction of pre-colonial states or other political entities and the diverse traditional social systems that existed alongside them. There is now considerable evidence to suggest that post-colonial states that have emerged from pre-colonial states and have maintained strong and resilient social relationships based on custom and tradition have a much better prospect of being effective and legitimate than those which have not. States without a pre-colonial history of statehood are much more prone to fragility, because their legitimacy rests on actors and institutions that have their roots in the stateless pre-colonial past rather than with the institutions of newly independent states.

**Linking formal and informal legitimacy**

The question facing peacebuilders in many post-conflict environments is how to establish “organic” connections to some of the local pre- and post-colonial sources of legitimacy so that new institutions emerge which are based on bottom-up, community-level norms, values and traditions that make sense to those who live and work in that particular location.

In order to strengthen the legitimacy and effectiveness of state institutions it is vital to address non-state, informal, “traditional” kin and community sources of authority, as well as state-based, formal, “modern” sources. These two dimensions of legitimacy can be blended and “hybridised” to establish organic bridges between the past, present and future.

Instead of assuming that traditional and charismatic authority will disappear in modernity, it makes sense to embrace progressive and functional forms of authority in order to capitalise on the social and political benefits of persistent customs and traditions.

Most customary sources of legitimacy are based on norms of trust and reciprocity. The core constitutive values that lie at the heart of traditional legitimacy enable families, kin groups, tribes and communities to exist, satisfy basic human needs and survive through time. These have in many instances been disrupted by rational-legal forms of governance and the contentious liberal peace assumption that modern statebuilding is peacebuilding.

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If traditional processes can deliver effective education, welfare, health and food security they should be encouraged since this will enhance overall performance legitimacy and add momentum to deeper process legitimacy – that is, the development of an acceptable rule of law and appropriate accountability mechanisms for politicians and public servants.

Stakeholders in a peace process can enhance legitimacy by taking the time to identify customary values, beliefs and practices that play strong integrative, productive, community building and peacebuilding roles. This means
giving much more attention to what can be called “hybrid” political orders, where the customary sphere of social, economic, cultural and political life is still strong.

In these contexts it is often the community that provides the nexus of order, security and basic public goods. People have confidence in their community and its leaders, but low levels of trust in the government and state performance. The state is perceived as an alien external force, far away not only physically (in the capital city), but also psychologically. Individuals are loyal to their group (whatever that may be), not the state.

Members of traditional communities are tied into a network of social relations and mutual obligations, and these obligations are understood as being far more meaningful and powerful than those of a citizen. People do not obey the rules of the state, but the rules of their group. Legitimacy rests with the leaders of that group, not with the state authorities.

**Grounded legitimacy**
External donors and actors need to work with the grain of local endogenous cultures, traditions and sources of legitimacy rather than against them. In this way they will help uncover “grounded legitimacy”, which is a *sine qua non* for the emergence of effective, capable and legitimate states in vulnerable environments.

Legitimacy is grounded when the system of governance and authority flows from and is connected to local realities. A range of different forms or sources of legitimacy may be considered grounded. Thus traditional leadership and rational-legal legitimacy may both be forms of grounded legitimacy, depending on their context. Either can be consistent with people’s sense of their needs, values and experience of the world. The term grounded legitimacy emphasises the normative aspect of leadership and governance enabling a connection with and response to people’s values and beliefs on the ground.

Legitimacy that depends almost solely on instrumental performance (such as around service delivery or economic growth) is not grounded legitimacy. For example, an international transitional administration in a post-conflict state may meet a range of performance targets. But because it is disconnected from local peace and development processes legitimacy will not be grounded.

Similarly, some national governments may be fulfilling a range of state functions without having grounded legitimacy. Consequently they will not take root in vulnerable environments and will tend to govern either in a predatory or coercive fashion, or in a disconnected and disempowering way, thereby undermining the resilience and problem-solving capacities of local communities.

Grounded legitimacy is thus both a normative concept (a form of legitimacy that external agencies should nurture as conducive to statebuilding and peacebuilding), as well as an emerging form of legitimacy in its own right. This can be observed in a wide range of different places, such as Bougainville or Somaliland.

The legitimacy enjoyed by traditional authorities and charismatic leaders can be seen as a resource underpinning important contributions to governance and law and order at the local level and as a potential resource to be drawn upon by the state system through greater interaction and engagement with local communities and their leaders.

The important point is that organic grounded legitimacy flows from the bottom up rather than the top down. It cannot be imposed. If elites lack grounded legitimacy their rule will always be precarious. Internal and external political actors, therefore, should engage with hybrid institutions in order to bridge the traditional and modern and to open ways to utilise community level legitimacy for the purposes of state formation.

**Implications for international peacebuilders**
The well-intentioned actions of international peacebuilders will not generate sustainable legitimacy unless they are embodied and grounded in local values, beliefs, traditions and customs. These may grate with international universal values, rights and frameworks, but unless there is a willingness to go with locality the probability of developing sustainable peace is very low. Only by paying radical attention to locality and having local people write the development agenda will external agents be able to add any value to local legitimation processes.

External peacebuilders need to rethink intervention design processes, in particular to incorporate local leadership and ownership at every possible level. Every effort should be made to incorporate familial, kin, community and sub-national actors – as well as national elites. Local leaders should be incorporated into the analysis and implementation phases and should be tasked with reviewing their efficacy at all phases of the conflict cycle.

All parties need to have trust and confidence in the legitimacy of a peace process. The slightest sense that the peace process is illegitimate, imposed or going against the grain of locality will mean it is unlikely to have a positive impact.
All of the precautionary principles apply in this kind of context and there are basic ways of working that external or international peacebuilders can usefully employ: “do no harm” by not (unwittingly or intentionally) imposing inappropriate political processes on local populations; spend more time listening to (and not just talking to) local populations; prioritise supporting local efforts to open up space for communities to resolve their own problems in their own way; and focus on the delivery of small-scale benefits for local populations while at the same time ensuring the achievement of broader strategic goals.

Good, responsible, accountable, legitimate and effective governance rests on the quality of leadership of both informal and formal leaders. More attention should be paid to culturally sensitive dialogues and leadership training to generate leaders who understand and enjoy grounded legitimacy and who can operate in customary or local community spheres, as well as in state and civil society spheres. This would focus primarily on the collective responsibilities of leaders and the question of what legitimate leadership is.

Traditional and charismatic leaders rely more on face-to-face relations and less on bureaucratic forms of organisation. Building trust requires time and continuing personal engagement. Donors will have to think afresh about their perceptions of time and their timeframes. Developing knowledge and understanding of local everyday life requires a long-term presence. Trust built on personal relationships might be more important than bureaucratic accountability procedures. Long-term positions in rural and remote areas may be essential for developing avenues of constructively utilising traditional legitimacy for state formation and development.

In order to increase levels of political responsibility and accountability, external and internal formal political actors should explore ways of finding common ground with customary law and traditional principles and leaders in order to ensure higher levels of integrity and accountability.

Traditional forms of accountability that reach beyond conventional donor understandings have to be taken into account. Notions of moral obligation and interpersonal accountability in the context of kin and other customary relations can be drawn upon; they are not merely sources of clientelism and corruption – they can also be sources of social welfare and security.

Looking ahead, questions remain regarding how traditional and charismatic legitimacy interact with young people, urbanisation, shadow economies and organised crime. Can customary governance function legitimately in an urban environment? Can traditional legitimacy be reconciled with the needs and aspirations of young people? Can traditional leaders and customary governance institutions deal legitimately with organised crime and coercive threats, or is this where the state must have sole responsibility? And how can social and political networks that mobilise around charismatic leaders be channelled to support peaceful rather than violent purposes?

Prioritising local legitimacy can help post-conflict state systems and regimes integrate with communities who draw on long-standing cultural and political practices, and it can be used to insist on higher levels of political accountability, responsiveness and effectiveness. This will lay the foundations for the emergence of new, vibrant and peaceful forms of governance and political legitimacy.

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