

Legitimacy in Internal Conflict: Insurgency and Counterinsurgency

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Abstract

Max Weber's (the Weberian) concept of legitimacy is the most applied form of legitimacy but lacks the concept to address the contemporary complex issues that are prevalent in today's unconventional conflicts. Legitimacy is neither state-centric nor top-down alone. It is dynamic and may shift from one group to the other in the contested security environment and, take the bottom-up approach. The 'Western' Counterinsurgency undermines the power of the insurgents who would build their legitimacy to advance their cause. This is mainly because the 'Western' view of state formation dominates discussions on legitimacy. Insurgents and counterinsurgents both compete for legitimacy at the local level, to win over the belief and trust of the people that primarily give the legitimacy the shape of bottom-up.

Key Words

Bottom-up approach, Counterinsurgency, Legitimacy, Insurgency, Internal armed conflict and Mobilization.

Introduction

Internal armed conflict is seen as a struggle for legitimacy. The US Field Manual (FM) 3-24 on counterinsurgency, which formed the basis of its operations in Iraq and Afghanistan, states that the "legitimacy is the main objective," of the counterinsurgency campaign (2006, pp. 1-21). Such campaigns have been more frequent, particularly in the post-Cold War era. The earlier concept of counterinsurgency in which the main effort used to be primarily towards hunting down the insurgents has now conceptually moved into giving priority to protecting the population (Kilcullen, 2010, pp. 92-93), to win in the struggle for legitimacy. Internal armed conflict has different types and forms such as

terrorism, insurgency, civil war, and rebellion; having conceptual and theoretical contestation.

Legitimacy comes into play in all types of internal armed conflict such as terrorism, insurgency, rebellion, and revolution. The term legitimacy, which comes from the neo-Latin word *legitimus* (lawful, legal, legitimate), has been defined differently over time and is used in a variety of settings (Delbrück 2003, 31). The notion of legitimacy is up for debate. For this paper, legitimacy during the internal armed conflict as defined by Weber is belief in the rightfulness of a given 'Herrschaft' (authority)" (Weber 1972, p.122).

Though, the issue of legitimacy is still under discussion. In addition, the counterinsurgency doctrines continue to explore local legitimacy, which plays a crucial role in shaping the minds of the population. The 'Western' discourse on counterinsurgency has rarely examined the concept of local legitimacy in the eyes of the populace (Gawthorpe, 2017, p. 840). Recently, only a few pieces of literature (Duyvesteyn, 2017; Gawthorpe 2017) have emerged after the Western country's experience in Iraq and Afghanistan focusing on the bottom-up approach, but not developing the required framework for empirical discussion.

A more comprehensive understanding of counterinsurgency will be gained, one that moves beyond a prominent thread of Western strategic thinking that is rooted in expeditionary missions such as in Iraq and Afghanistan, focusing instead upon the fundamental human and political struggle for legitimacy in the indigenous context. This is crucial, because issues of legitimacy at the local level remain under-theorized, overgeneralized, and misunderstood.

For this reason, this paper aims to focus on the rationality of theoretical debates to develop a framework of bottom-up legitimacy involved in the dynamic environment. Here, the bottom-up legitimacy is that which is built at the local level based on the

culture, norms, and beliefs of the local people, rather than the top-down approach practiced by the state. The first section introduces the topic. The second section analyzes various theories and concepts involved in the aspect of legitimacy in insurgency and counterinsurgency. The third section describes the legitimacy in internal armed conflict taking the cases of Afghanistan and Nepal, and finally, the fourth section proposes on the suggested framework of legitimacy applicable in the internal armed conflict and the final part concludes the paper.

Theories and Concept of Legitimacy

Understanding theories and concepts of legitimacy in the counterinsurgency environment is important. Building legitimacy is an uphill task for the insurgents that must be understood by the state to develop its response.

Theories of Legitimacy

Theories of legitimacy are largely drawn from Max Weber which primarily contends that power is legitimate if people think it is (Weber, 1978). This acceptance of legitimacy is rooted in people's beliefs. Weber makes a distinction between three ideal-type bases of legitimate authority: the traditional foundation, where authority is justified by the public's belief in the sanctity of long-standing norms; the legal-rational foundation, where authority is justified by the public's belief in the 'legality' of norms; and the charismatic foundation, where authority is justified by the public's belief in a person's extraordinary qualities. (Matheson, 1987, p. 207).

David Beetham, on the other hand, suggests a conceptualization of legitimacy that goes beyond simply believing and includes the three components of legality, justification, and consent. On legality, power must adhere to established laws both in terms of how it is obtained and how it is used. According to the concept of justifiability, these regulations must be compatible with the views of the governed. The consent is

given by the people to the authority (Beetham, 1991, p. 17). Still, the Weberian notion of legitimacy remains the core of the discourse on legitimacy.

The instrumentalist view of legitimacy is the 'Western' COIN concept which implies that citizens will grant legitimacy to the actor who provides them with "the best 'package' of governance" (Gawthorpe, 2017, 848). While conventional social literature, including Max Weber's concept, concentrates on substantive legitimacy, the policy literature frequently emphasizes instrumental legitimacy. Drawing from Bourdieu, symbolic capital, or capital that is recognized by people, can also explain substantive legitimacy as reflecting "a belief... by which persons wielding authority are endowed with prestige" (Bourdieu 2013, p. 299). Substantive legitimacy focuses on fundamental human values. Instrumental legitimacy is particularly significant in areas of conflict if basic demands are not being provided.

Armed organizations also seize the opportunity to build legitimacy. The armed organizations transform themselves from evasive power into long-lasting political positions by relying on legitimate claims (Klaus, and Ulrich Schneckener, 2015, p. 411). Their effort is towards exercising effective governance to "build local legitimacy," making its threat to the ruling state more potent. (FM 3-24, pp. 1–31, 5–8.) Building legitimacy is an uphill task for the insurgents as well. In addition, the need will be to convert military rule into a centralized form of authority (Klaus, and Ulrich Schneckener, 2015, pp. 409-424).

Concepts of Legitimacy

The concept of legitimacy is ever-evolving about the emergence of the nature of the state. Max Weber describes "legitimacy" as 'belief' in the rightfulness of a given 'Herrschaft' (authority)" (Weber 1972, p.122); and, he usually uses inverted commas to denote that this is the belief of the relevant agents and not the investigator's normative judgment. But even without a "belief in legitimacy," an activity can

nonetheless be considered legitimate (Beetham, 1991, p. 42). There have been several definitions by other authors. Probably one of the most widely accepted definitions in the current context is by Florian Weigand, who defines legitimacy as "voluntary obedience" (Weigand, 2022, p.32). As per him, people want to be treated with respect and seek dignified behavior as fellow citizens. Still, Weigand's view remains a concept embedded in Weber's concept but developed to address the contemporary context.

The perspective on "Western" counterinsurgency discourse emphasizes that legitimacy is achieved by a process in which civilians grant their consent to the actor they believe offers them the finest governance (Metz, 2012, p. 35). The 'Western' concept gives priority to traditional powers but only the government rules. Moreover, it undermines the power of the insurgents who would build their legitimacy over the period through mass mobilization to advance their cause.

The majority of utilitarian explanations of legitimacy, according to scholars, are derived from a state-centric, European context; mounting the question of how much these lessons apply to contemporary civil wars, non-European settings, and non-state actors (Duyvesteyn, 2017, p. 679; Lake, 2010, p. 270–273). The non-European settings were the theatres of Afghanistan and Iraq where the function of state-building largely failed as the understanding of the concept in those countries challenged the democratic and liberal notion of the West.

In this way, the concept of legitimacy that suits the local environment should be drawn from how people believe in the authority. The notion of security and governance are important but they are not sufficient by any means, as the people seek more interaction with the authority. In addition, the legitimacy could also emerge and develop at the local level even without being noticed by the state. The credibility of the insurgent groups nurtured in an environment where the state is unable to challenge the emerging threat can help in defining such groups' political success—defined as

their capacity to acquire political power and hold it for an extended length of time—as legitimacy.

Legitimacy in Internal Armed Conflict

Nepal's internal armed conflict (1996-2006) makes an interesting case study on legitimacy. This demonstrates how insurgents can combine some 'reforms' with coercion and narrative to build their legitimacy from the local level, while the state fails to recognize it.

Nepal's Internal armed Conflict

Nepal's internal armed conflict between the government of Nepal and the Communist Party of Nepal (Maoist), CPN (M), ended up in a political agreement between the two. The CPN (M) political gain in the struggle was primarily based on the local legitimacy built over the period starting from the rural areas, while the state remained clueless about it throughout. The CPN (M) idea of bottom-up legitimacy resonated more than that of the Nepali state. Besides socio-economic grievances, they used local customs, traditions, morals, and values as a vehicle for legitimacy.

The CPN (M) planned to declare a "New Democratic state" through a protracted Peoples' War. They aimed to establish a People's Republic. The CPN (M) of Nepal designed its five lines of effort (5xLEs) in support of its strategic goal to seize state power (Marks, 2007, p.7). The lines of effort are mass line, united front, violence, political warfare, and international action (Marks, 2007, pp. 303-305). The mass line is focused on mass mobilization; the united front gets the support of like-minded interest groups who may not agree on the ideology; violence is used to shape the operational environment to facilitate the political efforts; and international support is looked after in the moral or material form. Through the tactful application of these lines of operations, the CPN (M) modus operandi was to win over the population and secure legitimacy. The

CPN (M) proved themselves adaptable and flexible in their strategy and its execution, particularly at the local level.

This was largely assisted by the establishment of the base areas, in the rural parts, such as in Rolpa, Rukum, Jajarkot, and Kalikot, where the CPN (M) was relatively strong and the government reach was restricted, to systematically replace the old-order with their new-order. They launched activities from here and fell back to regroup and reorganize if required. The strong and sustained challenge from the base areas against the state helped to build their legitimacy. In addition, the conduct of various "reform" programs which they envisaged to have in their "New Nepal" was crucial in mobilizing the masses. The "reforms" included the mobilization of villagers for the construction of roads, bridges, and other infrastructure improvements (Onesto 2005).

Probably the most important means to win over the belief of the people of the CPN (M) was the cultural programs. They were the CPN-M's primary means of propaganda (Lecomte-Tilouine 2006). Their cultural squads performed singing, dancing, and skits, catching the local cultural sentiments and disseminating stories of revolutionary heroism. The program also included themes of courage, sacrifice, and victory—inside the speeches, skits, songs, and dances (Onesto 2005), besides atrocities and exploitation by the state. People were made to believe that the time had come for change and the CPN (M) party was the only flag-bearer. This helped in building the legitimacy of the party among the masses.

Indoctrination also remained a key component in the CPN-Ms approach. The district committee member of Jajarkot stated to this author that propaganda was spread through large gatherings, cultural programs, distribution of leaflets, wall-posting, and publication of news and articles. The framing and narrative led many to believe in many that the CPN (M) was there to deliver social justice whereas the government was on the path of violence. "The crux of the CPN (M) ideological work was to construct a narrative

that subsumed ethnic counter-narratives as well as other oppositional narratives-including those of women, Dalits, the poor, the landless, and small farmers-and to present revolutionary war as the only true remedy for all forms of oppression" (Fujikura 2003;27). This also helped to establish the legitimacy of the CPN (M) at the local level.

The CPN (M) FM radios were more liked by the locals in rural places than state-owned SW/MW radio transmissions, for their diversity of the content. They broadcasted news and opinions through these FM radios to spread their ideology, undermine the legitimacy of the government, and demoralize the security services. These kinds of disinformation campaign activities strongly discredited the government, and the government largely failed to wage counter-propaganda.

The People's Court was a successful governance tool against the official dispute resolution mechanism such as the district court that was far away, slow, expensive, and sometimes corrupt. It resolved disputes in villages and penalized CPN (M) opponents. Hence, it was not impartial and fair. However, when little disputes were swiftly resolved in villages at a far lesser expense, many people felt relieved. In this way, this mechanism also had a greater impact on the belief of the people that the CPN (M) could be a force of justice for many.

The CPN (M) violence was not only selective but with purpose compared to that of the security forces. Besides some localized acts, mostly were directed towards mobilizing the masses. The characteristic of the CPN (M) challenge was not only terrorism as considered by the state but it was an insurgency, an armed political campaign. The CPN (M) blended terrorism with insurgency from the beginning. The state only saw the violence of the CPN (M) in the form of terrorism and ignored its political component that was being supported and complemented by violence.

In this way, the CPN (M) built their legitimacy from the local level, exploiting the sentiments of the masses through propaganda and indoctrination, using various

means such as cultural programs, their people's court, and mass gatherings, all under cover of coercion. This all was conducted in a closed environment, remote and underdeveloped areas, where the state had no presence, and the CPN (M) could manipulate and change the belief of the people towards them.

The Suggested Framework of Legitimacy

Various theories on legitimacy have been considered to develop the suggested framework of legitimacy that can be applied in the context of internal armed conflict, in the insurgency and counterinsurgency environment, as aimed by this paper. Authors in the post-9/11 era, heavily relied on Max Weber, and even borrowed a concept from Beetham, however stated that there still exists a gap primarily due to the static nature of the understandings proposed (FM 3-24, Gawthorpe, Nachbar, and even Friedman). The critiques advocate that the Weberian concept of legitimacy is a straight line, and does not address the complexity of the issue, particularly in the dynamic environment, where it can shift from one to another. Also, it has been noted that most of the literature rather focuses on the legitimacy of the state as outlined in the traditional concept and quite ignores that of the adversary in the politically contested environment.

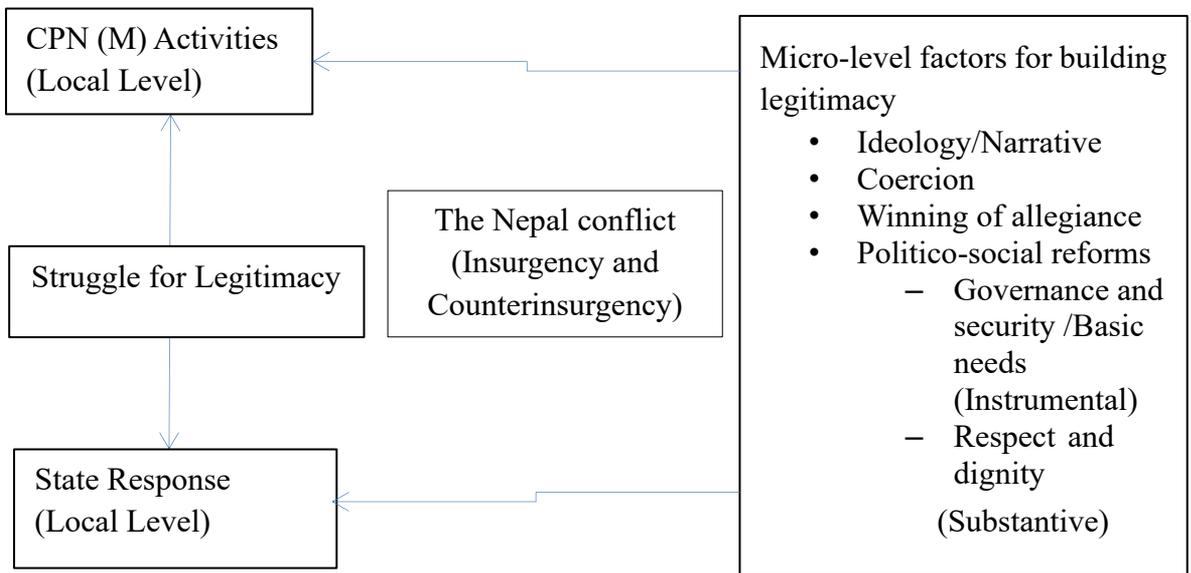
Legitimacy is a relational construct and is influenced by the presence of alternatives to the thing being evaluated (Kurzman, 2004,136; Linz, 1989,18). They fail to take into consideration the gradual accumulation of expenses and shifts in deeply held beliefs that, over time, will affect a population's loyalty to a particular actor and, as a result, the tenacity of the support they provide. (FM 3-24, 2014, 1-15; Gawthorpe, 2017, 841; Friedman, 2014, 83-85; Nachbar, 2012, 31). This has been amply demonstrated as discussed above in the case of internal armed conflict in Nepal, that the insurgent group's build-up of legitimacy from the lower level relied on the people's increasing belief in them, primarily due to their indoctrination and 'reform measures' though backed by coercion.

The suggested legitimacy framework considering Nepal's armed conflict considers non-state actors' legitimacy about states' legitimacy. This is heavily borrowed from the Weberian form of legitimacy but does not see the issue only in a straight line and considers multiple aspects such as tradition, culture, and values that exist in the politically contested local dynamic environment. The framing and narrative also largely come into play in shaping the legitimacy- while it shifts in between insurgents and counterinsurgents. Legitimacy is largely not state-centric, and gradually moves up, influencing what occurs at the state level.

Legitimacy is based on politico-social reforms that take two approaches. The instrumentalist approach focuses on fulfilling basic needs including governance and security. The substantive approach emphasizes respect and dignity. This is what the government and the CPN (M) contested for at the local level. It was possibly more of a substantive approach, based on people's beliefs, that determined building legitimacy. The conceptual framework is demonstrated in the diagram below.

Figure 1

Conceptual framework of legitimacy at the local level developed by the author



Conclusion

Without the required level of legitimacy, any groups that claim to be political actors will not succeed, as they would lack the moral and material support of people, both inside and beyond society. Hence, legitimacy is central to internal armed conflict. Legitimacy is always being transformed, constructed, and then deconstructed. Assessments of legitimacy are dependent on norms, attitudes, and beliefs that vary greatly depending on the situation (Bakker, Raab & Milward, 2012; Johnson, Dowd & Ridgeway, 2006). This is where substantive legitimacy has a greater role to play.

Hence, there is a need for a framework relying on the Weberian concept of legitimacy, in the substantive form, but to be applied in insurgency and counterinsurgency environments. Though the theory and concept are not state-based, rather the approach taken is that of insurgent's legitimacy which takes up a bottom-up process and shapes the dynamics of insurgency and counterinsurgency. Future research will have to further explore the bottom-up legitimacy in other insurgencies and counterinsurgencies for further validation of the framework. Legitimacy, in a complex and changing security environment, is open for a tussle between the state and the rebel group. The smarter side wins.

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