Towards a granular framework for operationalisation of empirical legitimacy of public authority

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Abstract

In the context of contemporary political science, the concept of legitimacy, particularly of public authority, remains a pivotal yet complex variable. This paper critiques existing frameworks for conceptualizing and operationalizing legitimacy, which are predominantly state-centric and in particular democratic states and thus are insufficient for the use in the context of fragmented conflict settings and authoritarian regimes. Drawing from empirical research experience conducted during the Syrian conflict, the paper identifies the shortcomings of traditional models that fail to capture the nuances of legitimacy in such complex contexts. To address these issues, a new granular framework is proposed, incorporating fragmented objects of legitimacy and multiple sources of legitimacy, including legal frameworks, traditional norms, social accountability, and international cooperation. This framework aims to provide a more detailed understanding of legitimacy by evaluating various actors and institutions, both state and non-state. The paper outlines the methodology for applying this framework in empirical research, emphasizing its broader applicability beyond the Syrian case to other fragmented and authoritarian settings. This new approach seeks to offer a higher resolution image of the sources of legitimacy, facilitating better-informed policy and scholarly discourse on how to rebuild legitimate governance and authority in complex political landscapes. The framework developed in this paper is used in a inform the design of a survey and the data collection methodology that I co-developed with other colleagues at LSE. The methodology and the results of the survey will be published in a subsequent paper.

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Introduction

In his seminal book 'The right to rule: how states win and lose legitimacy', Gilley describes legitimacy as a 'great social good' and "one of the greatest 'omitted variables' in contemporary political science" (Gilley, 2009). After a period of strong focus in political science on the importance of institutions, Gilley and many other scholars have brought the attention to the importance of legitimate institutions. Legitimate institutions are seen as key for renewing the momentum for democracy (Diamond, 2024) and for building sustainable peace after civil war (Lake, 2007) and (Accord, 2014). Beyond the study of institutions, legitimacy is seen as central in several research areas such as law, crime and stratifications (Schoon, 2022).

This shift in focus opened up the debate on what makes institutions legitimate (e.g. (Beetham, 1991), (Simmons, 1999) and (McLoughlin, 2015)). Examining legitimacy of institutions and its sources helps us to understand the dynamics of the use of coercive power to secure compliance as opposed to consent. It is generally accepted that the more an institute is seen as legitimate by a certain audience the less this institution rely on coercive means to secure the compliance of this audience (e.g. (Tyler, 2006) and (Horton, 2012)).

Two perspectives on legitimacy are dominant in the literature. The normative and the empirical legitimacy. The normative concept used in political theory to 'express evaluative judgements about the actual normative status of such institutions. The empirical concept, on the other hand, is concerned with the 'beliefs and attitudes of the governed regarding the normative status of political institutions.' (Schmelzle & Stollenwerk, 2018).

The concept of legitimacy is, however, notoriously difficult to investigate. It is an latent concept that is very difficult to measure (Dellmuth & Tallberg, 2020). There is no consensus in the literature on the exact definition of legitimacy beyond its most abstract definition as the right to rule. This lack of theoretical coherence is leading to multiple issues in the operationalisation of legitimacy. In his review of how legitimacy is operationalised in literature, Schoon describes a state of theoretical fragmentation regarding the multiple definitions of the concept leading to key differences in the units of analysis (Schoon, 2022).

At a country or area level, the study of legitimacy is typically predominantly occupied with the legitimacy of the authority in charge, typically the state (Weigand, 2015) and (Gilley, 2006a). As such, existing frameworks for analysing and operationalizing legitimacy at such level are very state-centric and focus on the relationship between the nation-state and its citizens (von Billerbeck et al., 2017) and (Weigand, 2022). In a contemporary context that is increasingly characterised by fragmentation, conflicts and increasing role of non-state actors, the focus on the state alone as the primary object of legitimacy falls short of capturing the nuances complex contexts.

I arrived at the issue of studying legitimacy through my observation of how the concept was heavily used by both internal and external actors in the context of the Syrian conflict that started in 2011. Terms such as 'the regime has lost its legitimacy' were frequently used by the external opposition and heads of states in the West and by political analysts. Such analysis expected that this loss of legitimacy is destined to lead to the end of the regime (Turkmani, 2018). In its statement, the EU justified the request of a foreign head of state to step down by the loss of his national legitimacy, noting that 'The EU notes the complete loss of Bashar al-Assad's legitimacy in the eyes of the Syrian people and the necessity for him to step aside'[3]. Western powers went even further by naming an unelected exile opposition coalition (The National Coalition for Syrian Revolutionary and Opposition Forces) as the legitimate representatives of the Syrian people. As the conflict escalated into an armed

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[3] Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on EU action following the escalation of violent repression in Syria. 13488/1/11 REV 1, 18 August, Brussels, available at: http://europa.eu/rapid/press-release_PESC-11-282_en.htm (Accessed 1 Feb 2024).

multi-layered conflict, the state lost control over considerable parts of the Syrian geography, which fragmented into areas falling under the control of different authorities. New and copious contesting non-state authorities emerged, all competing to gain legitimacy, both in the eyes of the local population and in the eyes of international actors. The increasing role of international humanitarian and relief agencies in providing basic services in the country has further complicated the question of legitimacy as it introduced new expectations by the local citizens and local actors competed for corporation with these international agencies in order to improve their legitimacy.

The Syrian context raised many questions regarding the conceptualisation of state legitimacy. First, in the context of an authoritarian regime such as the Syrian one, could the whole state be described as one illegitimate block? Are there particular elements, institutions and figures within this state who are far more illegitimate than others? Second, what is the role of external actors in assigning legitimacy and in deciding who is legitimate and who is not? And how does the increasing role of international agencies in providing services influence the legitimacy of local actors? Also, would the loss of legitimacy necessarily lead to the fall of a regime? Scholars such as Skocpol warned that even when states suffer significant loss of legitimacy, they could still survive (Skocpol, 1979). Answering these questions is key for a successful rebuilding of legitimate institutions in such contexts.

In my attempt to conduct empirical research that explores the question of legitimacy in this complex context, I came into the shortcomings of the existing frameworks for theorising and operationalizing legitimacy. This is what prompted me to develop a new framework that can capture the empirical legitimacy in a granular way. To that end, I started from existing models and developed a new one that is able to account for the complex of context. As such, the new framework is not limited to the application of fragmented conflict settings and authoritarian regimes but could be used in any context to reveal a higher resolution image of legitimacy.

In this paper, I critique the existing approaches for capturing the sources of empirical legitimacy and develop a new and more granular framework which I use in later research to design surveys to map the sources of legitimacy in conflict settings. In a subsequent paper I elaborate on the design of the survey and the data collection methodology that I co-developed with other colleagues at LSE and on the results of our first survey using this framework to capture the sources of legitimacy in different parts of Syria.

I use mixed methodology in arriving to the new framework. This includes a review of existing academic and grey literature, conducting a series of consultation meetings with local experts and my own experience in researching the drivers of the Syrian conflict and developing empirical methods and platforms for understanding the conflict and collecting the data needed to underpin this understanding (See for example (Turkmani, 2022b), (Turkmani, 2022a) and (Bojicic-Dzelilovic & Turkmani, 2018).

In the rest of this paper, I summarise the challenges that arise from using the most common frameworks for measuring legitimacy when they are used for assessing the sources of legitimacy in fragmented and conflict settings and in authoritarian regimes in the next section. In the section that follows that I propose how these issues could be addressed in a new framework. In the final section, I summarise the new framework in a table 3.

Challenges of existing models

Most of the issues with the existing models for conceptualising legitimacy is not only that they are very state-centred, but also that they were developed mainly to fit stable and democratic states (von Billerbeck et al., 2017) and (Weigand, 2022). Even cross-national data sets on the study of legitimacy are heavily concentrated on Western democracies (Gilley, 2006b). As Gilly notes, limiting the enquiry

of state legitimacy to liberal democracies limits not only our ability to understand the process of legitimation in more depth, but it also we will lack any basis for stating the legitimacy levels of these democracies in a global sense (Gilley, 2006b).

In such a democratic setting, the state plays a clear role that is limited by the constitution, the role of the externals is orderly and is typically regulated by national and international regulations, and there is clarity about the rules and the legal process of gaining procedural legitimacy. Those who assume power in a democratic setting arrive at it through a legitimate democratic process. And while their performance is important, but it is not as central to gaining legitimacy as the fact that they assumed power through legitimate means.

In the rest of this section, I unpack how that more complex contexts, such as authoritarian states, areas of limited statehood and fragmented conflict zones, require asking further questions to understand who people see as legitimate and why.

Whose legitimacy?

In his review of the numerous methods for operationalising legitimacy, Schoon summarises the similarities between all models by suggesting a dyad analogy (Schoon, 2022). In this analogy, there is the object of legitimacy, the audience of legitimacy, and a relationship between the two. He notes that, depending on the discipline, the object of legitimacy extends beyond institutions. This could be individual, action, and different organizational forms. But what is clear is that there is typically one object, the legitimacy of which is investigated as perceived by the audience. This leads us to the shortfalls of the state-centric legitimacy models.

The shortfalls of the existing state-centric models for measuring legitimacy fall under three folds. First, it assumes that the state is one entity and that all its components are seen with the same degree of legitimacy. This prevents the granule understanding of the legitimacy of the different elements of the state. Even when the literature goes 'beyond the state', it goes up and not down by looking at the legitimacy of supranational institutions (Sadurski et al., 2019). Understanding the varying levels of legitimacy of different state-related institutions is particularly relevant in non-democratic settings and especially in the context of state-capture. In such a setting, the public perception of different the legitimacy of various institutions of the state varies considerably (McLoughlin, 2015). For example, coercive institutions, which authoritarian regimes use to enforce their rule, could be perceived as far less legitimate than non-coercive ones. Even in democratic settings, it has been noted in the literature that citizens make distinctions in their perception of legitimacy between the state itself, the governments, political figures and political parties (E.g. (Anderson & Just, 2013) and (Ignazi et al., 2014).

Second, in delineating what is a state institution and what is not, the literature assumes a clear separation line. This is because the literature on legitimacy is largely concerned with democratic settings, where such distinction is clear. In authoritarian settings there are hybrid institutions that are officially defined as non-state institutions, but in practice they either have a strong role to play in the state (such as the Baath party in Syria) or are controlled to various degrees by the state (such as work unions).

Third, in fragmented conflict context, authority itself is fragmented, and legitimacy is heavily contested. To start with, the state is not necessarily the most important player, particularly in the context of conflict where authority itself is contested. The arena of conflict zones is crowded with local and international actors that are competing for legitimacy using various coercive and noncoercive legitimisation tactics. The state is often one of these competing actors, and in some areas, it is almost absent in areas where there is limited or no statehood.

Role of external actors

The role of external actors in influencing legitimacy is another factor that brings more complexity to the study of legitimacy in authoritarian settings and in conflict zones. Legitimacy, even within conflict setting, is often seen as merely an internal question and that the audience of legitimacy is the citizens. In democratic states, international recognition and legitimacy is taken for granted and is defined within the international UN frame of state recognition where other states collectively recognize the legitimacy of another state, and as such, external legitimacy does not feature in existing frameworks. In conflict settings, this relation the role of external actors in influencing the legitimacy of conflict actors, including the state, becomes more complex.

There are two dimensions to the roles of external actors in influencing legitimacy in conflict settings. First, their role in assigning and denying legitimacy to national and local actors and the way this could affect the perceived legitimacy of these actors by local audience. And second, the role of aid provision by external actors in influencing legitimacy of these actors.

The international response to the Syrian and Libyan conflicts led to the birth of a new approach towards the legitimacy of governments, which used to be considered as an internal/national issue and the development of the nascent concept of international/external legitimacy (Odendahl, 2015). In both countries, external powers declared the governing regimes as illegitimate and used this as a justification for their policies and actions. These policies, including externally assigning internal legitimacy of another country to an entity of their choice, and in both cases the entities they chose to assign as the legitimate representative of the people were exile opposition councils of appointed members. This created a situation in which international recognition itself became contested as conflict actors were completing to be the 'legitimate' actor recognised by external actors and where the relationship between a certain authority and external actors is an important source of legitimacy.

The delivery of effective services plays a role in enhancing the views of the legitimacy of the service provider in the eyes of the recipient of this service, although this relation between effective service delivery and improved legitimacy only seems to work under certain conditions (Schmelzle & Stollenwerk, 2018). In some settings, such as in underdeveloped countries, areas with limited statehood and in conflict zones, international donors and INGOs have to step in to aid in service delivery. This external role is found to have an impact on the legitimatisation of the national or local actor who is delivering the service (e.g. (Nixon & Mallett, 2017) and (McLoughlin, 2015)). Most existing frameworks for assessing the relation between service delivery and legitimacy do not ask whether external role in supporting the service delivery has an impact of legitimacy (Cooley & Papoulidis, 2017).

The questions of legality and conformity

Since most classic legitimacy literature is concerned with the legitimacy of the state, the usually assumes a clear formal legal frameworks and procedures, including the system that gives legitimacy to the authority in power such as democratic election or the rules regulating the succession to a throne. In fragmented conflict zones, there is often a legal chaos. There is no clarity as to what the legal rules are. New multiple rules are constructed and deconstructed. As the formal legal system collapses, traditional norms such as customary or conventional rules raise to prominence. As international actors step in, they bring with them new rules and norms that influence people's expectations. When international medical organisations, for example, deliver the services in a transparent and equitable way, they create expectations by the local population for local health providers to follow suits.

Legitimacy also requires conformity to the expectations of the legitimacy audience, the shared principles, ideas, and values. (Schoon, 2022). In conflict zones, these expectations are mixed baggage of traditional customs and traditions, the expectation to understand local needs and some international and normative norms such as transparency and neutrality.

Performance based legitimacy

Literature on institutional legitimacy recognises that legitimacy is not just a matter of subjective belief but that it is also linked to meeting the substantive needs and requirements of a legitimacy audience (Hinsch, 2010). Instrumental sources of legitimacy are those connected to the provision of the needs, such as health and security.

But the relationship between service delivery and legitimacy is not always direct (McLoughlin, 2015) and (Nixon & Mallett, 2017). This is why many of the well-recognised frameworks for capturing the sources of institutional legitimacy break the legitimacy to subtypes that do not include the instrumental legitimacy. For example, in his framing of state legitimacy, Gilley breaks legitimacy subtypes to the view of legality, view of justification and act of consent (Gilley, 2006a).

Recent literature on the interplay between effective and legitimate governance in areas in areas of Limited Statehood reveals that although it is important to account for performance-based legitimacy beliefs for the audience, but the delivery of effective services does not always feed into the legitimacy of the institution delivering the service, and vice versa (Schmelzle & Stollenwerk, 2018). For this relation between effective service delivery and legitimacy, referred to in the literature as the virtue cycle, to flow, four conditions need to be met (Schmelzle & Stollenwerk, 2018) including shared goals and values between the service provider and the audience.

In fragmented conflict settings where multiple actors are competing for legitimacy in the eyes of the audience, performance-based legitimacy becomes even more important as other orderly sources of gaining legitimacy break down.

Towards a new framework

In this section, I develop a new framework for capturing the sources of legitimacy by addressing the issues outlined in the previous section. These issues and the proposed method of addressing them are summarised in table 2. The new framework is summarised in table 3.

I start from Gilley's definition of state's legitimacy and the indicators he proposes to measure this legitimacy (Gilley, 2006a) and develop these indicators and add new ones to come up with a new framework that is capable of capturing the legitimacy of any authority or a cluster of authorities. Gilley defines legitimacy as *'a state is more legitimate the more that it is treated by its citizens as rightfully holding and exercising political power.'* (Gilley, 2006a). Gilly introduces the following subtypes of legitimacy: views of legality, views of justification, and act of consent. In addition to breaking these subtypes to secondary ones, I introduce a fourth subtype, the view of performance (Instrumental legitimacy) in order to assess the issues raised in this paper regarding the salience of performance-based legitimacy in conflict zones.

There are different approaches in the literature to measure legitimacy. As an innate and elusive concept, it is not possible to assess legitimacy directly (McLoughlin, 2015). Instead, it is

measured by capturing the perception and action of the legitimacy audience through different questions and indicators. The framework developed in this paper aims to measure legitimacy as perceived by the local audience and not as claimed by the authorities in power. In table 3 I list suggestions for capturing the indicators of perceived legitimacy under each subtype so that they cover the issues raised in this paper. Other questions could arise in different contexts and the weight given to indices and indicators could vary depending on the context.

The framework also looks at legitimacy as a as a continuous variable, and therefore it measures the degree of legitimacy. It does this by formulating the survey questions as 'To what degree to you think…etc' and by asking respondents to give their answers on a scale from 1 to 10.

In the rest of this section, I elaborate on how the new framework responds to the rest of the issues raised in the previous section.

Addressing the issue of 'Whose legitimacy?' and the role of external actors

To address the issues raised in the Whose legitimacy section, I breakdown the object of legitimacy to multiple ones. To do this, I breakdown the public authority to multiple subtypes authorities that could account for the different institutions of the state, the non-state actors, hybrid institutions and international actors who have an influential presence in the area of study. The subtypes of public authorities could vary depending on the country or area under investigation. I elaborate in this paper on how I came to the breakdown of the public authorities' subtype in Syria.

Table 1. Types and subtypes of public authority

Main type	Sub-type	Examples
State	1. Local Governance Structures	Municipalities, local administrative councils
	2. Central governmental institutions	Ministries, health directorate, education directorate.
	3. Official Syrian Army	The formal national state army
	4. Official Intelligence Agencies	
Non-state	5. Other formal political Parties	Any formal political party that is not the ruling party
	6. Other informal political parties and movements	Political movements, political parties that avoid formalisation
	7. Non-State Local Armed Groups	Paramilitaries from all sides
	8. Local civil society groups	National and local civil society, both formal and informal
	9. Non-state religious institutions	Powerful religious institutes that are not controlled by the state
	10. local religious clerks and figures	Powerful religious figures
	11. Powerful Families and Tribes	
	12. Powerful Economic Networks	Smuggling networks, Hawala networks
Hybrid	13. Unions and Syndicates	Unions and syndicates that are under strong state control or control by the ruling party
	14. The ruling party	Such as the Baath party in Syria.
External	15. INGOs	International organisations such as ICRC, UN agencies, Oxfam.
	16. Foreign Armed Forces	Russian army and military policy, American forces, Turkish forces.

Given the breakdown of the country to areas falling under the control of various actors, I aimed at devising sub-types of authorities that could account for the various main actors in the different areas without having to name them. For example, Russian armed forces are present in government-controlled areas, while American ones are present in the northeast of the country and Turkish forces are present in parts of the northwest.

I created the International armed forces subtype to accommodate for this. When analysing the results of the surveys in different areas, we would automatically know whom the respondent to the survey meant by International Armed Forces.

The list of the public authority subtypes in Syria was reached by using a mixed methodology. This is by a) using the mapping results of a previous Syria conflict events database that I was involved in co-developing and the actors list it generated, b) conducting desktop research and c) conducting a series of consultation meetings with local experts. The result was a list of four main types and 16 sub-types of actors that are listed in table 1.

Within the 16 types, the state itself is not seen as a unitary actor. It is split into four main types of state institutions based on the clear distinction people make of the function and role of these institutions. For example, the perception of the intelligence agencies is dramatically different from that of any other state institution. I also identified a main actor type, which is a hybrid between state and non-state actors. For example, the Baath party in Syria, which is although a non-state actor, but it still exercises very strong control over state institutions. The unions and syndicates also fall under this category, as they are controlled by the state and the Baath party itself. The non-state actors' main type includes other political, armed and traditional actors in addition to powerful economic networks. And finally, the international actors list includes the INGs and the international armed forces, which include any non-Syrian armed forces.

Addressing the issues of legality and conformity

To address the issues outlined in this paper in relation to legality, the new framework breaks down the question of legality to enquire about the different sources of legality including existing legal frameworks, traditional norms, social accountability and involving the local community in decision making and the legitimacy emerging from either working with international actors or being integrated in the international system. For example, local and national health institutions that are treated as partners by international health organisations, such as WHO, could be seen as more legitimate than those working in isolation.

To address the issues in relation to conformity, the framework breaks down the view of justification so that it enquires conformity with traditional customs and traditions and with the relevant international and normative norms such as transparency and neutrality in addition to other community expectations such as the expectation to understand the specific local needs.

Table 2. Summary of the issues with the dominant approach for measuring legitimacy and suggested solutions for addressing them

Issue with current approach		In conflict, fragmented and authoritarian settings	Solutions
Whose legitimacy?	State-centric	The state in either weak or does not exist. The arena is full of actors exercising public authority.	Enquirer the legitimacy of all major actors who assume public authority including state and non-state actors
	Assuming the state is one entity	When there is a state, it is fragmented, and the perceived legitimacy of different state institutions could vary dramatically.	Enquirer the legitimacy of the major divisions of the state, e.g. local governance structures, central political authority, the army, security forces.
	Assuming a clear distinction between state and non-state.	In authoritarian settings, especially in state-capture, there are hybrid institutions	Include the hybrid institutions. E.g. syndicates that are controlled by the state and one-party system.
External role	There is an assumption that in conflict zones, the audience of legitimacy is the internal	International recognition is contested. Recognition by external actors is an important source of legitimacy.	Dividing the view of legality to internal and external ones. Enquire whether the corporation with international donors and aid agencies is affecting the level of trust.
Legality	Assuming a clear system, including the system that gives legitimacy to the authority in power. E.g. elections, traditional tribal leadership.	No clarity as to what the rules are. New rules are constructed, some of the old ones apply, traditional norms could become more prominent, the international system could also interfere.	Enquire about the different sources of legality, including: - Legal - Traditional norms - Social accountability Engagement of community in decision making. Examine the role of external legality.
Views of justification	Focused on the authorities' confirmation with the expectations of the audience, such as shared principles, beliefs, values and ideas.	In conflict zones, these expectations are mixed baggage of traditional customs and traditions, the expectation to understand local needs and some international and normative norms such as transparency and neutrality.	Enquire conformity to both local customs, traditions and expectations and also the new ones invoked by external interventions.
Subtypes of legitimacy	Performance legitimacy is often excluded	Instrumental legitimacy becomes v important	Expanding the existing subtypes by adding instrumental legitimacy

Summary of the granular framework for operationalisation of empirical legitimacy of public authority

Table 3. Summary of the new granular framework

Object of legitimacy	Object of legitimacy could be one authority is the aim is to enquire the legitimacy of a particular institution or it could be broken to a different object and sub-types of public authority depending on the context. The state itself could be broken into different subtypes, such as local institutions, central institutions and institutions that have coercive power. Hybrid state/non-state intuitions could be included if relevant to the context. Non-state actors who have public authority power could be included. External actors, including state and non-state, could also be included if relevant.	
Degrees of legitimacy	Formulating the survey questions to measure the degrees of legitimacy, such as 'To what degree to you think…etc' and by asking respondents to give their answers on a scale from 1 to 10.	
Legitimacy as perceived, not as claimed	Formulating the survey questions so that they assess the legitimacy as perceived by local audience and not as claimed by the authority. For example, 'To what degree to you think that the authority…etc'	
Legitimacy sub types		
Main legitimacy sub types	**Secondary sub type**	**Example survey questions**
Views of legality	Internal legality	- *To what degree do you think that the authority's claim to power stems out of following formal legality?* - *To what degree do you think that the authority's claim to power stems from following traditional norms?* - *To what degree do you think that the authority is subject to social accountability?* - *To what degree do you think that the authority is engaging the local community in decision making?*
	External legality	- *To what degree do you think that did the authority's claim to power is based on external recognition, such as UN recognition?*
Views of justification	Conformity to shared local principles, ideas and values.	- *To what degree do you think that the authority conforms to local customs and traditions?* - *To what degree do you think that the authority reason with the local population based on understanding of local needs?*
	Conformity to values invoked by external interventions	- *To what degree do you think that the authority conforms to expectations by the audience to match norms invoked by external players, such as the expectation of transparency and neutrality practiced by INGOs?*
Acts of consent		- *To what degree do you think that the authority relies on the following as a mode of securing compliance: a) law and regulations, c) coercive measures and c) persuasion?*
View of performance (Instrumental legitimacy)		- *To what degree do you think that the authority is performing well and meeting the local needs in areas such as security, justice, health, education and any other relevant services according to the priority of the area?*

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