Thesis Title: A Claim-Making Model of the Legitimation of Post-War Governance
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Abstract

Theories interested in the trajectories of governance after internal conflict must explain processes of legitimation, how a population can come to normatively accept their governance. Some of these theories (Illiberal Peacebuilding and Political Settlements) overlook the question; the dominant Liberal and Emancipatory schools generally address it prescriptively. I find that the explanatory theories the literature offers either argue that pre-existing ideas dictate how new governance will be perceived or, contrarily, that new governance changes ideas to legitimate itself.

In this dissertation, I submit a *relational* claim-making model of legitimation. Relational means a reconceptualisation of legitimation as the continuous product of the dynamic interaction between governance and ideas about governance. Governance will not produce its own legitimacy where ideas are against it, but equally ideas are not essential properties. Claim-making is based on Saward's (2010) mechanism but constrained by the ideational and material-institutional conditions of success—'Resonance' and 'Credibility' respectively. This respects context while embracing agency because successful claims change those conditions, innovating on widely-held ideas, so those innovations become part of them, and alter perceptions of material-institutional external world. Legitimating Claim theory thus enables the analyst to theorise the interaction between ideas and governance through agency.

I apply my model to the case studies of the Albanian and Serb communities of post-war Kosovo, which serves to illustrate the interaction between developing ideas and institutions**.** I show how the emergence of patronage-based authoritarian systems in Pristina and among the Kosovo Serbs are the result of monopolies of credibility that could only be built thanks to the resonant claims of the monopolists. However, contradictions between the Legitimating Claims and lived realities do not automatically produce resistance. I explain how the opposition LVV have managed to de-legitimate the dominant Kosovar Albanian parties and why no such credible counter-claim can emerge among the Kosovo Serbs.

For Wilfred. Wish you were here.

Contents

List of Figures

Gratiarum Actio

Diarmaid McCullough, historian of the Church, once described division of labour between the Royal Society and the British academy that the first makes the world better while the latter keeps us sane. I would like to divide my acknowledgements, and thereby also squeak in a contribution from Prof. McCullough in this thesis, by that model: first, those who directly helped this PhD to be better, and, second, those who helped it exist at all by keeping its author from despair and anguish.

First thanks must go to my supervisors, Jacob Eriksson, Mónica Brito-Vieira, and Nina Caspersen for a level of help that only others who have done PhDs will understand. You were all very good to me at a difficult time, please only remember me at my best! Other members of staff, administrators and academics both, were also vital, particularly Liz O'Brien for patient answers, Nick Ritchie for awkward questions, Claire Q. Smith for the info-dump, and João Nunes for inspiration. As a result of the pandemic that bisected my PhD, I did miss out a lot on being part of a PhD cohort, which I will always regret. I am very grateful nonetheless to all of them for their participation in my project. Special thanks must go to Ran Hu. I like to think I helped him as much as he helped me. The pandemic also prevented my fieldwork in Kosovo from going ahead as planned. That did not stop many people in Kosovo with much better things to do from taking the time to talk to me over the internet and also assist me with my research outside of our 'formal' conversation. I'd like to thank each and every one of them in writing, in expectation of the day when I can thank you in person and you can explain to me all the ways I'm wrong!

My family brings the two categories together because they both helped me stay alive and gave me emotional support. A heartfelt and perpetual thanks to all of them, be they blood relations or those who have taken me in and treated me as one of them.

Now to those who kept me sane: my friends. I am enormously grateful to everyone who put aside their time to do things like help me move house during a pandemic and for all the excellent fun we managed to have despite the circumstances. There are too many to name so I hope no one will be offended if I single out Kai, Mathieu, Victor and Oisin for their particular good turns. You know what you did. Apologies go to my wonderful fellow refs, to whom this thesis would have been dedicated if lockdown had not ignominiously killed off our glorious project. I am still very glad we tried and, somehow, I will miss our remarkable work schedule.

That only leaves Elly. This thesis will soon be in my past. You are my future.

Declaration:

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

Chapter 1:
Introduction

'"If there must be trouble, let it be in my day, that my child may have peace;"
and this single reflection, well applied, is sufficient to awaken every man to duty.'
Thomas Paine (2000 [1776], pp.52-3)

In 2019, Kosovo's dominant parties lost the election. Those parties are the institutional and successors of the Kosovar Albanian nationalist wartime movements and many of their leaders rose to prominence in that time. Two decades prior they were leading Kosovar Albanians in the streets and into battle when the Serbs—as they saw it—retreated. Ten years later they won a *de facto* independent Kosovo state. What happened? For all the power of the long-standing international intervention in Kosovo, and all the compliance that they could command, it was not internationals and their agenda of multi-ethnicity (see Ingimundarson 2007, pp.97-8) that successfully challenged the ideational supremacy of this old guard. Internationals were left to watch as another nationalist party, Lëvizja Vetëvendosje (Movement for Self-Determination, LVV), offered Albanian voters a compelling vision. Indeed, their success was no mere flash in the pan. Not only had the power of LVV grown for years, but in 2021, after they had been ousted from government by intrigues in the Assembly, they won again, this time even bigger. A party born from a student movement led *normative change* where the might of the UN, EU, OSCE and all the alphabet soup could not. Yet their victory was hardly a cause for celebration among at least one significant proportion of Kosovo's population. While the international community, the rebel victors, and their new challenger fought out the leadership and character of the state, Kosovo's Serbs have rejected it entirely. Even as they become more and more practically implicated in the institutions of Kosovo, institutions that claim to be independent, the vast majority of Serbs cleave to the Republic of Serbia, which insists that it is the only legitimate ruler of the territory. This has necessitated a peculiar mentality of 'practical acceptance' alongside normative rejection (Participant 3 Interview 2020) and symbolic behaviour to display it (Lončar 2019, p.123). Clearly, the legitimation of post-war governance is complicated. It is also vital.

It is easy to find those who agree with me in statebuilding literature. In fact, the very definition of statebuilding often includes it, like the 'Construction or strengthening of legitimate governmental institutions in countries emerging from civil conflict' (Paris and Sisk 2009, p.1). This conveys an essential message: post-(civil) war contexts, their consolidation into peace or otherwise, and the character of the peace, cannot be understood without understanding legitimation. The problem is that we have generally left it there. Where scholars have tried to theorise it more concretely, the result can only pertain to specific forms of legitimation and cannot address legitimacy's interrelation with other factors. Thus, the specific research problem of this thesis is *how to model the processes whereby subjective opinion of governance changes after war.*

The focus is on statebuilding because that is the category the Liberal Peacebuilding paradigm classically uses to talk about these issues. It is consequently a useful starting point for diving into why and how peacebuilding is done. Peacebuilding in general is meant to prevent the resurgence of violent conflict. The question is how to make those who have laid down their arms never pick them up again and hence the task of the peacebuilder, as General-Secretary Boutros Boutros-Ghali put it in the ur-statement of Liberal Peacebuilding, is to 'identify and support structures which tend to consolidate peace' (UN General Assembly 1992). Liberal Statebuilding's specific remit are the state structures that are to consolidate peace through good governance. This may all seem passé to those of a Critical theory bent, but this question remains relevant both to peacebuilding practice and to the innovations of scholars on this theme and the debates between them. As I shall argue, these notions of peace and good governance are not exclusive to Liberal Statebuilding. They mean very different things to different actors, but the essential question remains. How does governance become legitimate after war and hence prevent further violent conflict?

My answer to this question is that claim-making provides a useful starting point. A claim is an assertion, usually verbal or written, that something is the case, that something is true, that something is due. Claim-making, understood within its context, is able to embrace many forms of legitimation of many forms of governance and to understand its interactive relationship with ideas, institutions and other conditions.

The introduction begins with an explanation of the topic, the meaning of the post-war legitimation of governance, then moves on to outline the need for a generalisable theory of legitimation to serve the statebuilding literature. Third, I lay out my approach to manufacturing such a theory and specify what it must entail. This leads me to the summary of my contribution: my claim-making theory and what it reveals by its application. Finally, I outline the structure of the thesis.

The Topic: Defining the Terms

In this section, I define what I mean by the terms legitimation, governance and post-war.

I use legitimacy in the sense of 'a generalized [sic] perception or assumption that the actions of an entity are desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman 1995. p.574). It is a subjective perception of appropriate authority. The question is how such a perception can come about. How are 'norms, values, beliefs and definitions' 'socially constructed' in the first place? What are the conditions under which *subjective ideas* about governance change? In short, how do people change their minds? That is what I mean by legitimation: how an entity comes to be subjectively perceived as an appropriate authority where it was not

previously, or more so where it was less. There are two notes to make here. First, perception needs perceivers, and these I call the audience. I assume that audience to be the people of the context whom the entity is governing, i.e. the domestic audience. External, international opinions of legitimacy are important, but a different question, with quite different processes (see e.g. Clements 2008, pp.10-1). Second, note that this is a question of *how* rather than *why*. Christopher Clark (2013, p.xviii) makes the distinction in his discussion of the historiography of the beginning of the First World War. The essential point is illuminating. Why and how questions often overlap but they offer alternative foci. 'Why' leads one to consider grand conditions, essences and intentions—credit and blame soon follow from intentions. 'How' tilts the line of evaluation away from structures and plans toward individual events and interactions. That helps dive into the *functions* of a process rather than its meaning. John Heathershaw (2009, p.179), whose work will come up repeatedly in this thesis, puts it another way: 'Searching for the causes of peace is fanciful. Discovering its constituent properties is a potentially more fruitful and long-standing line of academic inquiry.' The question I pursue here is not 'what is legitimacy?' but rather 'how does legitimation work?'

Governance is the entity that is to be legitimated. This is a deliberately broad term and it can encompass all aspects of post-conflict governance. Different approaches have different emphases on the kind of governance they care about, but legitimacy is a cross-cutting concern. All governance should be concerned with how it is normatively perceived. One important implication of this is that it also brings together the different reasons behind why each approach cares about governance. Whether the interest is in peace, strong states, stability (or 'negative peace'), it still makes sense to talk about the ways in which governance can become legitimate. To describe the range of governance, I use Mushtaq Khan's (2010, p.20) term political settlement. It can mean the competitive, often violent political culture of competing group elites within a developing country, as he uses it, but it is not exclusive to that. Other authors have found it useful to apply it to post-war contexts (e.g. Anderson and Salmon 2013, pp.48-9) and to the range of formal and informal structures of power found there, whatever they might be (cf. Ingram 2012). The institutions of international intervention can be included in this array. That said, many authors have considered the domestic perception of legitimacy of international intervention specifically (e.g. Gippert 2017), whereas my analysis is not exclusive to them, only interested where they are significant elements among all the governance. I will also mention for the sake of clarity that I do not mean the legitimacy of the act of international intervention; the question of whether it can be justified morally for internationals to interfere in domestic affairs (e.g. Chomsky 1999) is beyond the scope of this thesis.

The 'post-war' element is also important. Civil wars and their aftermath invariably represent 'critical junctures' (Collier and Collier 2002, pp.27-8) where authority can be remoulded. Institutions and their ability to function may be destroyed. So can the assumptions they rested upon. Legitimation thus takes on

a particularly dynamic form in these situations. It is also particularly urgent. Preventing the re-emergence of violent conflict is the whole raison d'etre of peacebuilding (e.g. Call 2012). The theories of peacebuilding serve to highlight the significance of the question of legitimation in the first place, as well to bound the analysis.

The State of the Literature: Outlining the Problem

In what way does the current literature on the legitimation of post-war governance fail to adequately model it? My contention is that most theories take a methodologically normative approach to describing legitimacy and in doing so exclude other possible forms of legitimacy while not attending closely to the processes of legitimation in practice. Those that do attend, however, are unable to make sense of the inter-relationship of ideas and their surrounding political-economic conditions. A model is needed that (a) approaches legitimation as a variable to be explained and (b) as a process of interaction between ideational and external factors.

There is plenty of recognition of the significance of legitimacy, embedded into assumptions and definitions (Jeffery, McConnell and Wilson 2015, p.179). The literature concedes a crucial role to ideas about governance, the generalised perception of appropriateness or otherwise. My first contribution is a more extensive exposition of views about legitimacy in the state- and peacebuilding literature. It widely embraces legitimacy. The trouble is that it tends to be understood in a methodologically normative rather than explanatory form. Liberal Statebuilding and Emancipatory Peacebuilding, the primary schools, evaluate a context to see how it lives up to the theory's own preferred form of legitimacy—that is not necessarily the same form as many in the population. An explanatory approach still attends to normative opinions of governance, but it tries to evaluate the views of the population rather than impose its own standards.

My analysis compares and contrasts major 'schools'. There has, rightly, been a substantial move away from meta-theoretical approaches over the past decade or so in favour of narrower conceptual analysis (see e.g. McLeod and O'Reilly 2019, p.137). To lump together often quite different scholars into these broad categories may seem excessive schematising or dragging the field back into the past. However, when it comes to the concept of legitimacy specifically, there is no need to drag: scholarship is still stuck in old debates. There are still three essential traditions of thinking about legitimacy in the field—liberal, critical and explanatory—and my terminology of 'schools' reflects that. One intended outcome of directly theorising legitimacy is precisely to transcend moribund debates. Liberal Statebuilding represents the dominant philosophy of practice, the doctrines of international institutions that undertake statebuilding, while Critical approaches have come ever more to the fore in academia (Lemay-Hébert 2013, p.250). For all their disagreement, however, they equally seek to promote their own versions of legitimacy within post-war contexts. Liberalism assumes

the universality of representative democracy that efficaciously delivers services as a legitimate framework for governance (Heathershaw 2008, pp.601-2). It can be rendered as a technical exercise to promote democracy as they understand it (e.g. Jeong 2005 p.84, Ghani, Carnahan and Lockhart 2005 p.5, Barnett and Zürcher 2009, p.23) or to increase state capacity (e.g. Brinkerhoff 2007 p.5, Paris and Sisk 2009 p.15, UNDP 2011 pp.46-7). Emancipatory Peacebuilding strongly disagrees. They assert the significance of local ideas (Richmond and Poggoda 2016, pp.2-4). However, it is not an explanatory approach because their definitions of legitimacy reflect their own preoccupation with inclusion and emancipation (Richmond 2019, p.87).

This normativity occludes other relevant forms of legitimation, such as authoritarian legitimation (cf. Smith 2020), and offers little in the way of explanation as to how legitimacy happens. It is a good example of prioritising 'why' over 'how'. The theories argue for understanding what legitimacy ought to be and neglect to consider in detail the processes of legitimation.

My second contribution is to foreground those particular theories of statebuilding that do grapple directly with the workings of legitimation. Ken Clements' (2008 and 2014) Grounded Legitimacy theory, as far as I can tell, has received very little attention, yet it offers a convincing mechanism whereby ideas change perceptions of institutions. For Clements (2008, pp.4-7), there is no universal definition of legitimacy and hence governance must be in accordance with local ideas to be legitimate. This argument follows a large body of work criticising the liberal assumption that governance on the liberal democratic model will automatically be legitimate (e.g. Chandler 2000, De Guevara 2010, Dagher 2018). Additionally, it offers the concrete recommendation that the role of statebuilders is to find 'positive mutual accommodation' between liberal norms and domestic ones (Clements 2008, p.20). A population can come to accept new and alien governance if aspects of it accord with their ideas. Thus does Clements map a route from illegitimacy to legitimacy, a mechanism whereby ideas can change. The next part of my argument is that Liberal Statebuilding does contain its own explanation of legitimation in the form of institutionalism; by this theory, institutions can produce the conditions for their own legitimation (e.g. especially Grafstein 1981). This is implicit but I argue it does exist within the theory. Evidence for its validity lies in instances of changes in governance changing minds about that governance (Mcloughlin 2015, pp.347-8). The two, Grounded Legitimacy theory and Liberal Institutionalism, are fiercely opposed: in the former, institutions are reliant on ideas, in the latter, ideas on institutions.

That disagreement is the real value of bringing out these theories because it asks a new question. It would seem that preconceptions about governance influence its perception, and hence their legitimacy, but governance in turn influences those preconceptions. This is a particularly awkward question for performance legitimacy, legitimacy garnered from the provision of services (Schmelze and Stollenwerk 2018) and also known as output legitimacy (Piattoni 2010), because it relies on effective governance in practice. The new question,

therefore, is how it is possible to make sense of institutions and ideas both shaping each other simultaneously.

I would like to stress here that this is not (only) an obscure, theoretical question. The same puzzle of how to integrate ideas and ideas about governance is reflected in the literature on Kosovo. On the one hand, some literature heavily emphasises the importance of ideas (e.g. Judah 1997, Duijzings 2000, Ingimundarson 2007) while others stress political economy and institutions (e.g. Dziedzic, Mercean and Skendaj 2016, Balkans Group 2015, Skendaj 2015). Some authors I draw upon can describe their interrelationship, the ways in which political ideas and the governance that executes them interact (e.g. Lončar 2019, Visoka 2017), but the connection remains to be theorised, particularly in explaining how these mutually reinforcing dynamics can be disrupted. For example, in the case of LVV, mentioned at the beginning of this introduction, it is necessary to explain how their formerly unorthodox interpretation of Albanian nationalism ended up more powerful than their competitors. Kosovo is my case study and I cannot speak to others, but I would not be surprised if I saw the same difficulties elsewhere.

'Relationality' is a good start. Andersen (2012) explains that this concept means defining things in terms of their relations with other things, rather than trying to pin them down as isolated entities and then see how they interact. Applied to legitimacy, it is necessary to stop thinking of governance and views about governance as fundamentally separate and instead consider how they interact to produce each other. Beetham (1991) provides an extensive exposition of how the various elements of legitimation—rules, beliefs, and consent—mutually interact to constitute each other within a dynamic context, which I take to be a thoroughly relational account. This interpretation stands against the criticism that Beetham actually does the opposite and separates the elements (Weigand 2015, p.1). However, Beetham is much better at explaining existing legitimacy rather than its development.

A new model of legitimation is still required. It must be explanatory, it must be relational, and it must be applicable. This is the task and the criteria the solution must fulfil.

Means and Methods: My Approach to the Task

The theory must explain legitimation. I argue that it must take into account the major theories interested in the consolidation (or failure to consolidate) of post-war governance. These are Liberal Statebuilding and Emancipatory Peacebuilding, as above, but also Illiberal Peacebuilding and Political Settlements. These groupings, or schools as I often call them, are not to be taken as rigid factions but only as strands of the literature that share a common conception of legitimacy, as I shall discuss in more detail later. There are two crucial reasons for taking a general approach, as opposed to choosing one and trying to explain that form of legitimation alone. First, all of them require a

theory of post-war legitimation and thus it could be useful to them. This is obvious enough in the case of the Liberal and Emancipatory schools; I shall argue that it is more true for Illiberal and Political Settlements theories than they themselves have recognised. Illiberal Peacebuilding, or Authoritarian Conflict Management (cf. Smith 2020, Lewis, Heathershaw and Megoran 2018), represents the study of coercive and repressive means—by whatever kind of regime—to suppress conflict. Legitimacy in these contexts is predicated on principles other than universal rights and inclusion, such as order (Blair 2018) or patrimonial norms (Wenner 2015). Meanwhile, Political Settlements has long been concerned with rationalist models of behaviour (see Lavers 2018) but it has increasingly recognised the role of ideas (e.g. Goodhand and Meehan 2018). I develop this further to demonstrate that legitimacy is essential to understanding group dynamics within, parameters of and indeed the existence of a settlement. The same process, generally speaking, is applicable to each of these four approaches, so any model must be able to cover each form of legitimation. The second reason for a general approach is that the different theories of post-war legitimation identify different, salient types of legitimation: liberal legitimacy, emancipatory legitimacy, and authoritarian legitimacy. They thus offer guidance for what the theory must be able to explain. Political Settlements literature does not submit a distinct form of legitimation, but does provide a useful terminology (see above) and is an expanding school to discuss these issues (see Barakat and Waldman 2017). I therefore also aim to develop a theory that can be mobilised for the study of Political Settlements.

Furthermore, the theory must model legitimacy relationally. The elements of legitimation, relationally understood, are never static but constantly developing. As such, processes of legitimation are the object of my analysis. They are responding to and acting upon—again, constantly—to ideational and material, political-economic, and institutional factors that are themselves shaping each other. All of these elements must be in some kind of interactive relationship. I therefore take a constructivist discourse approach. Constructivism is appropriate because it concerns itself with the dynamic constitutiveness of the material world and the subjective perception of it (Adler 1997). It offers discourse as the means of making sense of the relationship between structures, agency and actions (Finnemore and Sikkink 1998, p.888), an approach somewhat vindicated by Heathershaw's (2009) discursive interpretation of Beetham's model and his compelling application of it to post-war Tajikistan. Michael Saward's (2010) methodologically constructivist claims theory of representation is therefore a useful starting point.

The proof of any pudding is in the tasting. It requires a case study to demonstrate that the model can be applied to a real world situation and that it is worth applying. In other words, the case study must demonstrate that the model is valid and that the model can reach conclusions that would not otherwise come to light. I take the case of Kosovo after the end of 1999, with a particular focus on events in the latter half of the 2010s, on the rationale that it can achieve both.

Utility will be explored further in the section on contribution, but I chose Kosovo because I identified an important legitimacy question that had yet to be answered satisfactorily. There are two case study chapters, one for the experience of Kosovar Albanians and another for the Kosovo Serbs. In the case of the Albanian-focused chapter, as mentioned at the beginning of the introduction, I want to explain how a relative outsider party was able to challenge the dominance of the two rebel victor parties; how they garnered support to change the political culture of Kosovo where others, notably the international intervention, failed to do so. Conversely, a particular storyline of resistance to, even denial of, the self-proclaimed Kosovo state has remained stable among the Kosovo Serb population. The question of the second empirical chapter is thus why minds have not changed, why the changing conditions and increasing integration into governance of *de facto* independent Kosovo have not meant a reorientation of 'norms, values, beliefs, and definitions'. I do not mean to say that Kosovo's Serbs or Albanians are homogeneous or that there are no alternative, even countervailing, attitudes, only that these dynamics—generally defined—are very significant and merit explanation.

This leads to the question of applicability. Here, Kosovo offers the possibility of comparison of (de-)legitimation. The two chapters serve as comparison *within* a single context to demonstrate the broad applicability of my theory to multiple legitimacy relationships without all the difficulties of comparison *between* contexts. That said, single studies like this have additional comparative value as 'plausibility probes' to show that more comparative work using this approach could be fruitful (Landman and Carvalho 2003, p.34). Tracing the very different trajectories of legitimacy for Kosovo's Albanians and Serbs, broadly defined, enables examination of democratic and authoritarian modes of legitimation both between the groups and within them. In the case of the Albanian population the two have long existed side by side, with democratic elections and patrimonial politics side by side (see Skendaj 2015), while for the Serbs the parallel, Republic of Serbia-run system has become increasingly authoritarian (e.g. Visoka 2017, especially pp.92-3). Furthermore, the inclusion of Albanian and Serb perspectives means including different perspectives on the same political settlement. This is the reason the chapters bear their names: For and Against the State. Under discussion is its rejection by Serbs (Beljinac 2015) and its embrace by Albanians (Visoka 2017, especially pp.80-2)—and contestation within that embrace.

Relationality, especially in the sense of the interaction between material and ideational factors, is a highly salient feature of the preceding theoretical analysis. Kosovo also enables investigation of this. It is possible to trace the consolidation of political-economic systems *alongside* their justifying ideologies. As we shall see, nationalist causes were central to the creation of a post-war patrimonial regime by Kosovo's Albanian resistance groups and the particular relationship between the Serbian government, the *Srpska Lista* party, the

institutions of Kosovo, and the disbursement of rents. Those systems then sustained a legitimating intersubjectivity, lionising an interpretation of nationalism and preventing the existence of an alternative despite the grievances of many Serbs with Srpska Lista (see Balkans Group 2015) and Albanians with the old guard parties (see Visoka 2017, especially p.113). However, the grievances did not disappear, and contestation over what constitutes legitimate governance remains. Agents at the state, organisational and policy levels have been active in deliberately perpetuating and challenging legitimacy narratives. Powerful ideas are interpreted very differently to legitimate quite distinctive forms of governance. In the case of LVV, this new narrative has evidently challenged the whole political-economy, but it is also worth noting that glimmers of alternative expressions are visible among Kosovo Serbs (e.g. Lončar 2015). Again, we return to tracing their very different developments.

Kosovo is therefore fertile ground for the study of legitimacy. The explanation above has mainly concentrated on that point: a theory of legitimation will be *relevant* to the context and, in turn, the case will highlight theoretical points in practice. However, as mentioned at the beginning of this section, to truly show the value of those points it must produce useful conclusions. My treatment of Kosovo here is consequently as a *theory testing* case study. This does not mean that it is a test against which the theory can be falsified, as is often erroneously assumed (Løkke and Sørensen 2014, p.68). Rather, the test is whether the approach can illuminate coherent results that explain more than other approaches have.

To study Kosovo, I use the wealth of secondary literature that has sprung up around it after the war. These works especially regard its relationship with the international intervention but many include, and some concentrate upon, local perspectives and the historical context. There are many international and civil society reports alongside academic sources. Interest from the West also means a substantial amount of news coverage is available in English, including articles that record speeches and statements in translation. I was able to use these as primary sources in analysing certain storylines, especially those of LVV, on whom one of my chapters centres.

That said, I also draw substantial elements from interviews I undertook with academics, journalists, politicians and activists. These were semi-structured, meaning that I prepared a bespoke list of questions before each interview to concentrate on the interviewee's specialist perspective on the topic of legitimation but deviated from these in response to their answers. Regrettably, my planned extensive fieldwork in Kosovo was rendered impossible by the UK and Kosovo's own first pandemic lockdowns in 2020. I approached interviewees by email and conducted the interviews via Zoom from November 2020 to February 2021. Anonymity was offered to all participants; those cited by name have given their explicit permission to be so. This limited my data collection to a

level far below my initial hopes and expectations but, nonetheless, I was able to collect much valuable data for use in my analysis.

My sample focuses on the stories of elite politicians—LVV and their Albanian competitors, as well as Serbian President Vučić and his allies in Kosovo—so I primarily interviewed politicians and officials with firsthand knowledge and, for critical perspectives, well-informed civil society and media figures. I gathered my sample of interviewees based on previous field research in Kosovo as part of my MA degree, enabling me to identify particularly relevant and knowledgeable participants. Some interviews were directly with high-ranking members of organisations in question (e.g. a member of the presidency of LVV, LVV's then head of foreign policy). Others were direct and long-standing observers of them (particularly true of the journalists, but also of prominent community figures like the Hegemon of Visoki Dečani). Still others were academic experts who could give a longer-term or otherwise specialist picture of the context in which dynamics of legitimation developed.

This concentration on context also accounts for my preference for interviews over surveys: legitimation as I understand it is a question of intersubjective perspective-building. That is much better understood through in-depth discussion with those well-attuned to their societies than broad-range but inevitably more superficial opinion collection, though of course I do reference surveys where relevant, as did my interviewees.

The sample consists predominantly of members of the Kosovo Albanian and Kosovo Serb communities. This is crucial to understanding and presenting the conflicting narratives of legitimation in a balanced manner. For instance, it allowed a 'right of response' for one community regarding events mainly pushed by another, as in the case of the Kosovo Serbs and LVV. It also balanced the predominantly Albanian-focused literature and media coverage. I do not mean that the Kosovo Serbs are not often discussed, rather that they are discussed as a political problem. All my interviews enabled me to reach directly to people with strong personal links to the context—none were with international officials—but it was particularly valuable to hear the views of Kosovo Serbs. This was a necessary supplement to the limited literature on their perspectives, without which my central discussion of Kosovo Serb-Serbian government relations would have been impossible.

Interview responses also balanced local concerns with those of the international. Most secondary literature refers to locals in their relationship with the international intervention. The two most momentous works on post-war Kosovo (Visoka 2017 and Skendaj 2015) use this as their organising principle. Mine is local legitimating narratives. While the international intervention influences their formation, that is only part of the story. Interviewees stressed a great number of other factors in practical, everyday politics, especially economic ones. International actors do impact these (everything is related) but not always

decisively. The interview data enabled me to prioritise those different factors and thereby keep my focus.

This also speaks to a final contribution. Using interview data, I have been able to link up current storylines with the literature on the ideology and its historical development and current political-economic circumstances. This allows me to introduce far more elements than any one source could, painting a much fuller and textured picture.

Contributions: The Legitimating Claim Model and its Application

The Model

Claims are a heuristic, a way for the analyst to orient themselves within the multiple dynamic elements, the moving parts, that can only be understood in relation to each other. I define claims as a performance to assert that something is the case or something is due. These performances are normally discursive but can be more subtle 'impression management' (see Elsbach and Sutton 1992, pp.709-1). Given legitimation is a diachronic process rather than a one-time event, I focus on storylines, by which I mean various claims that work together rather than isolated ones (see Hajer 1995). I take their broad functioning from Saward's (2010) Representative Claim, as mentioned above, though I focus on iterative and mutually reinforcing claims, claims that form storylines (Hajer 1995). Essentially, a claimant makes a claim that the subject is the legitimate authority—originally, representative—of an object to an audience (ibid., p.36). Subjects, in this case, are the political settlement or elements of it: policies, leaders or institutions. Again, I do not propose that claims somehow explain the true nature of legitimacy, a why question, only that they are useful for analysing its functionings, a how question.

I submit two conditions of persuasiveness: resonance and credibility. The interaction between claims and them is what makes the theory relational. Resonance, a term I take from Saward (ibid., pp.46-7), refers to how a claim must resonate with pre-existing ideas held by the audience. A claim that only invokes notions of appropriate authority that the audience does not accept will not be successful. It must resonate with *widely* held views of rightful governance within a group, which I call social ideas. Credibility, meanwhile, is a case of whether the claim seems feasible—whether it is considered a realistic depiction of how the social world could be organised—and if the subject of the legitimation is or could plausibly become in a position to enact it. Crucially, both are *also* dynamic. Social ideas do not automatically produce their own prescriptions for legitimate governance, so resonant claims do not simply reflect social ideas. Rather, claimants interpret elements of social ideas and apply them to the situation for their own purposes. Should a claim be accepted, then that particular interpretation can influence social ideas, morphing them over time. As for credibility, recall that the question is whether the claim appears to be an

achievable possibility. These external conditions may change quickly—particularly in a post-war context—and indeed do so as the result of actions of governance. Acts may reinforce or undermine the credibility of the claim's subject. An accepted legitimacy claim may alter perceptions of what is feasible as a social order, including as a result of an actor's increased legitimacy, which may increase their power. Claim-making therefore acts as a bridge between these disparate elements of legitimacy, integrating them into the same process.
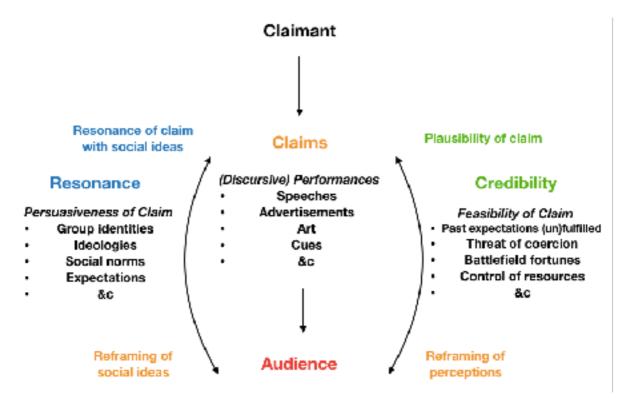

Figure 1: Illustration of the Legitimating Claim Model

Conceiving of legitimation in terms of claim-making allows us to avoid the problems and follow-through 'best practice' identified in current theories of legitimacy:

1. There is scope to include liberal, emancipatory and authoritarian modes of legitimation;
2. There is no assumption of the primacy of the state or the nature of any political actors and the remit of their authority, which are specific to the context and also open for negotiation through claim-making;
3. Societies can be broken down rather than homogenised. It forces concentration on different relations of legitimation through receptions to claims;
4. Institutions are still present and important but they are not considered the determinant of behaviour. The important part is how they are perceived, in which the character of institutions themselves is important but not definitive;

5. It makes sense of performance legitimacy as something that will accrue where it is commensurate with an accepted claim and can improve the credibility of claims, but will not produce legitimacy by itself;
6. Frames of reference are not fixed and ideas interact with the changing world and the agency of political actors without losing the significance of entrenched shared beliefs;
7. This dynamism takes the interrelation of ideas and conditions into account. Each is considered important. It is neither a materialist-instrumentalist nor a purely ideational account, because neither of these pre-exists the other; they constantly influence one another.

Now that I have established what the Legitimating Claim is, there are two things I must stress it is not: Saward's (2010) Representative Claim, and Schmidt's (2010) Discursive Institutionalism.

The Legitimating Claim departs from the Representative Claim in two ways, one less important than the other. First, the claim-maker is not necessarily trying to persuade the audience that the subject—the thing being legitimated—is the representative of the object, they are trying to persuade them that the subject is the *appropriate authority* of the object. In our liberal democratic world the two are often conflated: a legitimate authority just is a (freely and fairly) elected representative. Liberal Statebuilding does indeed assume that, as discussed above. However, it does not have to be the case. A ruler may not somehow represent the people over whom they have authority, and yet still be considered legitimate, as for example with some non-national monarchies (Anderson 1991, p.65) and international interventions (Steffek 2003). Second, the Representative Claim conceives of representation as a relationship between agents, distinguishing it from the correspondence view of representation as a good match between the acts or character of the representative and the interests of the represented (Fossen 2019, p.832). Legitimating Claim theory instead embeds the claim into the process of idelational change, embedded into the socio-political context. It is a diachronic model, so the focus is on iterative claims and separate but mutually reinforcing ones, which (following Hajer 1995) I call storylines, and their interaction with resonance and credibility.

Schmidt's (2010) Discursive Institutionalism, meanwhile, is trying to model change to an institution that comes about endogenously, enabled by and within the constraints of the institution. In that sense it is similar to my project of modelling change to ideas about governance that take place within the context of existing governance. The 'foreground discursive abilities' of agents are like claims while the 'background ideational abilities' can act like resonance (ibid., p.16). Discursive Institutionalists make 'material reality' a 'setting' in which 'material interests' are formed (ibid., p.8), not unlike the notion of credibility. Finally, the theory is arguably even relational if foreground discursive abilities can change material reality (the institutional set-up) and background ideational abilities (assumptions about the institution). Nonetheless, there is a very

significant distinction of aim: I am trying to explain changing ideas about governance. This is a step back. It is more general—targeting all kinds of governance—and seeks to explain ideational change itself, rather than simply including the implications of ideational change for the reform of an analytical object (an institution). Legitimating Claim theory therefore concerns itself more with broader identities, societal narratives, and political-economies. Specific institutional rules and cultures may be relevant (see above on credibility) but only as part of a greater whole. That distinction is not to deny overlap. I believe my model could be useful to Discursive Institutionalism as it clarifies the relationship between discourse and material conditions, which they could apply to their particular sphere.

Kosovo

Having established the model, the question remains: is it actually useful? I use the case of Kosovo to argue that it can help make sense of the post-war dynamics of legitimation. In particular, the Legitimating Claim can unite the literature on ideas and the literature on institutions and political economy, illuminating their inter-relationship.

As regards the immediate post-war political settlement in Kosovo, the two literatures provide quite different views of the nature of political actors, depending on the focus of the work. Ingimundarson's (2007) analysis of the PDK's—main successor party to the Kosovo Liberation Army—gives the impression of a population genuinely committed to the memory and glorification of their work, naturally encouraged by the PDK themselves. Dziedzic, Mearcan and Skendaj (2016), on the other hand, convey the image of an organised criminal cartel who used their illegally-obtained riches to take control of the economy and thereby suppress opposition. Similarly, authors like Gusic (2020) stress the significance of patronage in keeping the Serbs attached to the institutions of the Republic of Serbia, while more historical or ethnographic works stress the ideological commitment to Serbia (e.g. Wilmer 2002). Legitimating Claim theory helps to tell the story of how these economic factors interacted with the ideational ones to support each other and, eventually, created coherent world views encompassing them both. The PDK's enriching activities, and especially extension in patronage, relied on its identity as a pro-independence force, and the resonance of this with Kosovar Albanian social ideas, without which it could not have mobilised support. Equally, the ability to disburse rents made their post-war claims to leadership of the state project credible. Much the same can be said for what Visoka (2017, pp.74-5) calls the 'parapolitics' of Belgrade in Kosovo—though Gusic (2020, p.155) is right to point out to the Serbs it is just 'politics'. The attachment to Serbia and the preference of the government in Belgrade over Pristina is both credible and resonant.

The Legitimating Claim model enables a more dynamic evaluation of social ideas than the simple reflection submitted by Grounded Legitimacy theory,

emphasising agency, while still respecting the strength of pre-existing norms and values.

It forces a concern with active perpetuation in the case where legitimacy views appear to have remained stable. Among the Kosovo Serbs, it is not enough to say that ideas about governance were formulated in the 1980s and 1990s (Duijzings 2000, pp.8-9) and now remain as they were. The analyst must also attend to active claim-making to see how it has been perpetuated. Belgrade governments and their clients in Kosovo have undertaken many means to suppress alternative claims, up to and including murder (Zivanovic and Rudic 2019). Even the Brussels Dialogue for diplomatic 'normalisation' between Kosovo and Serbia has been manipulated to consolidate Belgrade's control over, among other things, discourse (Lončar 2019, p.119). I also fit that literature to the same, coherent picture. This focus explains how social ideas have not been re-interpreted despite the changing situation—and it certainly is changing, with ever more formal integration into the institutions of the de facto Kosovo state (NGO Aktiv 2020). I do not mean to say that Kosovo Serbs would enthusiastically embrace an independent Kosovo if only they were allowed, for I do not think that at all, but we could expect novel re-interpretations of social ideas more in line with Kosovo Serb interests, rather than Belgrade's, for many Kosovo Serbs feel manipulated and used for purposes that benefit the government, not them (Participant 2 Interview 2020).

Furthermore, it offers an account of how social ideas can change. The Kosovar Albanian 'old guard', the dominant post-war parties whose organisational identities came out of their wartime resistance to Serbia, and LVV both make claims appealing to nationalist social ideas (see Schwander-Sievers 2013). Grounded Legitimacy theory offers no way to distinguish which would be more effective. To explain the eventual victory of LVV's interpretation, it is necessary to look to agency, the claim-making element of the model. LVV deliberately innovated on social ideas, resurrecting democratic elements that had been de-emphasised by the old guard. It was not that the old guard automatically de-legitimated themselves thanks to grievances, rather they were actively de-legitimated by LVV's campaign, who used those grievances. Visoka's (2019) analysis of the rise of LVV explains it more or less as a result of grievances with the old guard, perhaps as a result of his Emancipatory approach. My argument is that how LVV fought is just as important as why. Grievances alone do not explain their rise, only the success of public re-interpretation—i.e. new claim-making, does so. That explains the major shift that has come about here when it has not in other cases of rebel victories, where the victors have so often used their ideational and political-economic power to consolidate perpetual rule, despite resentments against them (Lyons 2016, pp.1028-103).

So much for LVV's ability to innovate on social ideas and hence become resonant. Let me also underline the significance of credibility here. Economic conditions and dashed expectations did help make LVV's claims more credible than those of their rivals. Old promises of economic success have become less

and less believed in a long-term situation of high unemployment (Skendaj 2015, especially pp.161-2) and LVV have worked hard to offer an alternative (Visoka 2017, p.115). Legitimating Claim theory pushes for an explanation as to how an outsider party like LVV could become credible where their opponents were so economically dominant. My overview to that end is a new angle on explaining the rise of LVV, another contribution Legitimating Claim theory enables. Bear in mind that credibility is not the whole story. LVV still had to offer a resonant ideational alternative, just as that alternative had to appear more credible than their opponents.

Finally, both the Kosovo Serb and Albanian cases illuminate the means of authoritarian legitimation, alongside democratic ones. It is hard to overstate the significance of combining resonant ideological claims—in these instances, ethno-nationalist claims—with the means of economic disbursement. Together they can establish the perception that the prevailing set of political conditions are the only plausibly legitimate ones, which in turn perpetuates their ability to sustain themselves.

Structure

I begin with a discussion of the salience of the legitimation of post-war governance in statebuilding literatures. Chapter 2 highlights the significance of legitimation to the Liberal Statebuilding and Emancipatory Peacebuilding schools, both of which recognise it. The Illiberal Peacebuilding and Political Settlements theories, on the other hand, do not adequately acknowledge the role of legitimation. I demonstrate why legitimation matters to them, too. This discussion also serves the purpose of introducing and defining the term political settlements, which I will use as a shorthand for the object of legitimation. These are four different concepts of statebuilding, with very different aims, and commensurately different approaches to legitimation. However, the legitimation of post-war governance matters to them all, so it is worth explaining in all of their terms. A general, explanatory theory can address them all and should take all their requirements into account.

Chapter 3 investigates what theories have been offered by the Critical and Liberal schools—those with substantial engagement—to address the processes of legitimacy. Liberal Statebuilding essentially conflates the process of legitimation with the processes of democratisation and capacity-building, on which there are large bodies of literature. Critics (justly) argue that this is deeply insufficient, that it cannot simply be assumed that the liberal-democratic model of governance will be popular everywhere at all times (e.g. Clapham 1998, Jahn 2007, Eriksen 2016). In turn, I draw out an implicit institutionalism in liberal theory, the view that institutions can create the conditions in which they will become legitimate, and contrast it with the Peace Formation/Grounded Legitimacy response that ideas will shape perceptions of governance, not the other way around. This opens up the question of how ideational change and its

interaction with governance can be modelled, the answer to which is through relationality.

Having defined the task, to model post-war legitimation as a relational process, in Chapter 4 I develop the resolution. The chapter more or less exists to submit my model, which I have outlined above, but it initiates with a more in-depth discussion of relationality. The idea that legitimacy must be defined as the relationship between governance and governed ('state' and 'society' in Andersen's [2012] terms) rather than a product of them is worth exploring. While relational legitimacy has been invoked to emphasise the multiplicity of legitimacy relationships in a context by statebuilding scholars Krampe and Eckman (2020) and Visoka (2020), I propose that the more profound element of the mutual constitution of these factors is better expressed by Beetham (1991), who compellingly lays out the inter-relationships of rules (we might say accepted practice) of governance, its justification in terms of the beliefs of the governed, and demonstrations of consent. As mentioned, my model is in part meant to insert more dynamic agency, enhancing Beetham's depiction of an existing, already legitimate system with more discussion of legitimation. Furthermore, I expand on the appropriateness of Constructivism and its discursive approach in this chapter.

Chapters 5 and 6 are the empirical, case study chapters, in which I apply Legitimating Claim theory. The analysis combines existing literature with the interviews I conducted to present the patterns of legitimacy in post-war Kosovo. Specifically, Chapter 5 explains the growth of LVV's popularity among the Kosovar Albanians while Chapter 6 addresses the maintenance of legitimacy beliefs among Kosovo Serbs, in spite of the changing conditions. Chapter 5 is structured around three claims of LVV: to their place in the nationalist political culture of the settlement, to their democratic interpretation of nationalism, and to their promise of economic justice. These are shown to gain their potency to influence ideas, which in turn influence interests and behaviour, from their interaction with institutional, organisational, economic and ideational factors. As for Chapter 6, I discuss the system of Serbian nationalist social ideas and then explain its longevity. A double life of political integration but ideational rejection is exhibited in symbolic behaviours, which are incentivised (even required) by the political-economic system dominated by Belgrade and also serve to sustain that system. This effectively prevents new claims from being developed and publicised, despite the integration that followed the diplomatically successful, and notionally bridge-building, Brussels Dialogue.

The thesis then concludes with a brief discussion of the most salient points of the Legitimating Claim model and what it can offer future research.

As a last word, a note on style. I see no relative merit in either the term 'legitimisation' or 'legitimation'. I use the latter only to follow Beetham, who I believe deserves more following, albeit for reasons other than his choice of words.

Chapter 2:
Mapping the Field: the Importance of Explaining Legitimation

'Theory cannot banish the moral forces beyond its frontier… Even the most matter of fact theories have, without knowing it, strayed over into this moral kingdom.'
Carl von Clausewitz (1968 [1832], p.252)

Introduction

Theories of peacebuilding need theories of the legitimation of post-war governance, how governance comes to be legitimate in the subjective views of those they are meant to be governing. Here I will map out various approaches to studying societies after war and demonstrate that legitimation is highly salient to every one of them.

This chapter will show that the study of post-conflict governance, however it is approached, must address the question of *normative change*; they must explain how a system of governance comes to be legitimate after war. Every theory must accept that the subjective views of a population about their governance is vital to explain post-conflict trajectories. In short, normative ideas must be addressed as something which accounts for peacebuilding outcomes. The rest of this thesis shall address the *process of legitimation* as an essential explanatory variable relevant to all peacebuilders, regardless of their definitions of each.

There are, certainly, very different ideas about what peacebuilding means. Every school has its own definition of the meaning of peace and the character of governance. My analysis typologises the literature into four broad approaches, which I call schools: liberal, critical, illiberal and political settlements. This concentration on meta-theories is perpendicular to the thrust of the field. Most peacebuilding authors now attend to the 'personal experiences of war and peace' through mid-range concepts like 'hybridity, the local, friction, agency, and resistance' (McLeod and O'Reilly 2019, p.137), in contrast to the application of grand theories. Indeed, critical peacebuilding explicitly claims not to be a 'competing metanarrative' to their liberal counterparts (Cooper, Pugh and Turner 2011, p.2006). Nonetheless, I choose a schools-based analysis. The reason is simply that they remain useful labels for distinctive traditions of thinking about legitimacy after war. There are certainly productive implications from the study of the mid-range concepts for legitimacy. However, these are rarely drawn out. The concept of legitimacy itself is 'often invoked but rarely interrogated' (Jeffery, McConnell and Wilson 2015, p.179); in other words, it is mentioned then left as self-explanatory. Each theory provides a particular way of thinking about legitimacy, as we shall see, and work can therefore be categorised by which one they take. There are uniting elements that elevate even critical peacebuilding to an 'alternative paradigm' (Lemay-Hébert 2013, p.250) and its conception of legitimacy is one of them. In short, the field remains relatively undeveloped on

the question of legitimacy and hence it is possible to categorise it into schools based on theories of legitimacy. It is also desirable to do so precisely in order to highlight the prevailing currents of thinking about legitimacy. In later chapters, we will discuss their inadequacies. This is how my use of the term school should be understood. My purpose is not to reignite exhausted debates, but to re-focus the field on a question those debates did not adequately answer.

Liberal peacebuilders assert that the liberal peace can be achieved by building effective stateness, embodied by former UN General Secretary General Boutros-Ghali's (1992) famous statement that the role of the international peacebuilder is to 'identify and support structures which tend to consolidate peace'. Critical peacebuilders reject liberalism as an adequate framework for their emancipatory version of peace (Cooper, Pugh and Turner 2011). That requires a broader, more contextualised view of governance. Meanwhile, authoritarian peacebuilding scholars concern themselves with how, in practice, deeply illiberal regimes have consolidated their stability (Smith 2020). Stabilisation theory directly advocates the definition of peace as stability and the role of internationals to support, not to jeopardise, the often coercive means whereby this is achieved (Balthasar 2017). Political settlements theory, finally, is primarily interested in explaining the (in)stability of agreements between actors with power in a context (Khan 2010). With their multiplicity of purposes, it is perhaps not surprising that they have not emphasised how their approaches are all different angles on the same problem, and all must answer the same question. How *does* governance, of whatever variety, become legitimate, of whatever type, after war?

My contribution is two-fold. First, and more importantly, I highlight that legitimation is a cross-cutting issue. Simply, everyone is seeking to explain the same thing. Liberal and emancipatory peace, never mind authoritarian stability, are conceptually distinct—or, at least, their relationship is arguable—but each ought to be interested in the legitimation of post-war governance. It is not to conflate differing forms of peace, then, to speak of post-war governance generally. Explaining it will have to take into account all the angles that the theories discussed here offer. Whether existing peacebuilding theories can is the question of the next chapter. Because they do recognise the significance of legitimation, we will tackle Liberal and Critical theories in more depth there. Authoritarian peacebuilding and political settlements theory have not, in the main, made that recognition. This leads to the second contribution of this chapter, which is to demonstrate the vital role of legitimation of governance in these theories that have habitually done without it. Authoritarian peacebuilding scholars (e.g. Lewis, Heathershaw and Megoran 2018) have rightly pointed out that the stabilisation of authoritarian regimes after war cannot be reduced to coercion. Others have noted the role of subjective perceptions in sustaining certain authoritarian regimes (e.g. Balthasar 2015). There is, therefore, a role for legitimation in explaining how illiberal systems can consolidate after war. Furthermore, political settlements literature stands to gain a great deal from

understanding how normative views can bolster, even constitute, particular groups and whole settlements. Legitimation is part of the pursuit and construction of interests. I also analyse Bell and Pospisil's (2017) use of legitimacy to distinguish between settlement and unsettlement; that is to say, where a political settlement does and does not exist. My argument is that they fail to account for how violence can be a legitimate element of a political settlement—its mere existence does not prove there is no settlement—so a theory of legitimation is required to distinguish between violence that does and does not threaten the particular settlement within its particular ideational landscape. This is not to say that legitimacy is the only explanatory variable that illiberal peacebuilding and political settlements must apprehend. Still, it is an important one and has not yet received the attention it deserves.

The bulk of this chapter is therefore a potpourri literature review to outline the concerns of each school, from which I draw out their purpose, their conception of governance, and their particular concern with legitimation, which is to say the role of normative views of governance as an explanatory factor salient to the school's purposes. This is particularly true of Liberalism of and Critical theory. Again, these are addressed more fully in the next chapter and are each limited to a summary here, with the exception that the Critical theory section also features a more substantial critique of the state-centrism of liberal statebuilding. I include that here, rather than the next chapter, to precede the substantial discussion of political settlements theory, in order to explain why political settlements theory matters and why I am choosing to use that terminology to describe the referent of legitimacy through the rest of the thesis. The discussion of liberalism comes first, of authoritarianism second, and of Critical theory third. The development of what legitimation can add to the study of political settlements rounds off the chapter.

Liberalism and Statebuilding

Jeffery, McConnell and Wilson's (2015, p.183) prediction of a 'coming of age for legitimacy studies' is coming true, at least insofar as the importance of legitimacy is recognised by liberal statebuilding's practitioners and academics. As for academics, Paris and Sisk (2009, p.1) define the purpose of statebuilding as the 'construction or strengthening of legitimate government institutions', where legitimacy itself is defined as 'belief among a state's people that public institutions possess a rightful authority to govern' (ibid., pp.14-5). The legitimacy of the state to an international audience is of significance to liberal statebuildiers (Walter-Drop and Remmert 2018, p.458) but the beliefs of the state's population are under discussion here. Brinkerhoff (2007, pp.4-5), de Guevera (2010, p.119), Fukuyama (2005, pp.31-40), and Newman and Schnebel (2002, p.5) likewise all include legitimacy as one of the key elements of a successful state. International organisations have increasingly called for a focus on legitimacy too (Mcloughlin 2015, p.341) and thereby have made questions of legitimacy more visible (Ramsbotham and Wennman 2014, p.6).

This has included enumerating legitimacy among the overall aims of statebuilding projects (e.g. IDPS 2011 p.2, DFID 2010 p.16). The reason why: post-conflict states are often weak, weak states need strengthening, strengthening means better governance, and governance requires legitimacy to become better. This section will look at each stage of the logic in turn.

Weak and failed states need to be strengthened or reconstructed to provide for peace. Generally, weak states are charged with generating problems and exporting them across the world (Fukuyama 2005, pp.xvii-xvix). To 'resuscitate' such states is, then, a necessary task for the international community (Rotberg 2003, p.24) and international institutions have prioritised considerations of 'governance' (World Bank 1998, pp.2-3). The purpose of statebuilding undertaken by international bodies is to improve governance. Weak states are a very general category and statebuilding in theory seeks to address all of them, but the reports cited above are specifically about the original preoccupation of the term: post-war recovery (Heathershaw 2008, pp.610-1). This is statebuilding as a response to the imperatives of peacebuilding. We have mentioned former Secretary General Boutros-Ghali's (UN General Assembly 1992) formulation, but let us add that statebuilders are required to provide 'support for the transformation of deficient national structures and capabilities, and for the strengthening of new democratic institutions'. Weak institutions are looked upon as likely to lead to a conflict recurring (World Bank 2011, p.88) and hence the consolidation of peace requires the consolidation of an effective state apparatus (Lekha Sriram and Wermester 2003 pp.27-9, Durch 2006 p.17, Dobbins et al 2007 p.xxiii). Enter statebuilding.

Simply put, statebuilding seeks to prevent violent conflict from reigniting within a territory by building better institutions of governance. Statebuilding may focus on recognised states or places whose status is more contested. In the 1990s, the first generation of statebuilding scholars emphasised how their work was built on the recognition of the significance of '...well-defined and functioning institutions of governance for the stability and legitimacy of new modes of participation and conflict resolution' (Grindle 1997, p.4). More recent authors have made very similar claims. Toft (2010, p.40) asserts that '[s]trong institutions make for positive post-war outcomes', especially stability, while DFID (2010, p.12) declare that '[t]he effectiveness of the state and the quality of its linkages to society largely determine a country's prospects for peace and development.' It may seem here that peace is being conflated with stability and in a sense that is true, but any implication that statebuilders do not care about wider conceptualisations of peace is misconstruing the point. Statebuilders want to prevent the future emergence of widespread violent conflict by providing the institutions necessary. Stability can mean both the short-term goal of suppressing political violence and the longer-term goal of providing methods by which political conflict can be resolved non-violently (see Chetail 2009). It almost goes without saying that 'better institutions' means, among other things, legitimate institutions.

The OECD (2008) asserts that legitimacy is necessary as both a 'means and an end for statebuilding'. It is a means because it makes peace possible. Toft (2010, p.3) argues that legitimacy helps resolve ongoing violent conflict in the first place. The influential 'virtuous circle' concept considers legitimacy to be a factor that enables the development of stronger governance, which in turn will engender more legitimacy (see e.g. Schmelzle and Stollenwerk 2018, p.450). Legitimacy is also an end for statebuilding in that it is necessary to consolidate peace. Barnett and Zürcher (2009. pp.27-8) put it most decisively: given that 'domestic conflict largely erupts in illegitimate states', statebuilding must 'create centralised, legitimate bureaucratic states in a post-colonial context'. Illegitimacy engenders opposition (Dobbins et al 2007, pp.194-6) so the 'formation of a legitimate government is a necessary condition for order and stability' (Jeong 2005, p.84). De Guevara (2010, p.119) breaks this down. He reasons that the state has three functions it must fulfil if it wants to provide stability: 'the mobilisation of financial resources', 'the regulation of violence', and the 'generation of legitimacy'. The first function allows the state to act, the second allows the state to remain in control and the third generates obedience, settled expectations and, hence, results in predictability. Without this predictability the mobilisation of resources and the regulation of violence will be seriously undermined. Statebuilding must therefore concern itself with the creation of legitimate states in order to ensure the durability of peace (Samuels 2009, pp.174-5). Whether as a means or as an end, or both, statebuilders agree that legitimacy is significant to peace. Therefore, the question is one of the state's *legitimation*.

How to move from point a, illegitimacy, to point b, legitimacy, is a crucial issue for liberal statebuilding. It cannot succeed if it does not address the legitimation of post-war governance in the eyes of its people. Consequently, liberal statebuilding requires a theory of legitimacy which explains why and how a state can become legitimate in the subjective views of its population. Liberalism may be a normative theory in the sense that it seeks to create a particular kind of legitimacy (see discussion in Chapter 2), but it must also theorise normative ideas in the sense of how they *function* to (de-)legitimate a post-war order.

Authoritarianism and Stabilisation

Scholars of statebuilding by illiberal means, whether they describe them or support them, also need to theorise legitimacy and address normative change. The argument below is that authoritarianism does not mean the absence or irrelevance of legitimacy; it is not that rule by force replaces rule by authority or vice-versa. There is little enough that specifically tackles legitimacy in these literatures and so I include what there is here in order to demonstrate that legitimation must also be a key concern for *authoritarian* governance after war.

Claire Smith (2020, p.3), as one of its leading lights, defends the rather contentious name of 'illiberal peacebuilding' on the basis of its utility, but I would argue that the best thing about its particular formulation is precisely how provocative it is. It is a call for a research agenda to study the practice of consolidating peace by coercive methods. Such practices have dominated the reality of post-war consolidation across the world while academia has been primarily interested in the rather anomalous cases of liberal peacebuilding interventions (Smith 2014, pp.1509-10). Forms of peacebuilding established and debated by academia have not been readily transferable into practice (Lewis, Heathershaw and Megoran 2018, p.488). Authoritarian regimes, on the other hand, have in many cases successfully suppressed conflict and developed enduring stability (ibid., pp.490-1). The methods they use surely deserve much more study than they have been given (ibid., p.487). Hence, illiberal peacebuilding can encompass both Oliveira's (2011, p.228) definition of the theory as the study of 'contemporary reconstruction processes taking place outside the ambit of the liberal peace and the multiple foreign interveners and aid agencies' and Höglund and Orjuela's (2012, p.91) emphasis on the often illiberal policies and motivations of international actors themselves. As Smith (2020, p.4) says, 'what characterises the core of illiberal peace-building is the prioritisation of regime security and stability over accountability, human rights and social inclusion.' This section will consider the salience of legitimacy to the study of authoritarian regimes and to internationally-backed 'stabilisation'.

Authoritarian Regimes

Legitimacy must be part of the illiberal explanation for peace. Lewis, Heathershaw and Megoran (2018, pp.492-3), rightly, assert that 'military victory' is not a sufficient explanation for the post-war stability of authoritarian regimes. If nothing else, authoritarian conflict management 'often entails the deployment of morally unacceptable practices that are unlikely to be successful in containing conflict over the long-term if structural violence and enduring grievances remain unaddressed' (ibid., p.500). Where and when will authoritarian methods work? Scholars, in and out of the illiberal research agenda, have long noted that authoritarian regimes can be *legitimated* by patrimonial social norms. Smith (2014, pp.1510-2) identifies how the stability of a system that has both authoritarian and democratic elements can rest on the illiberal elements, including its patrimonial networks. Wenner (2015, pp.236-7) explicitly argues that patronage systems can be legitimating when the patrons are seen as virtuous. It seems blindingly obvious that a good patron is more legitimate than a bad one, but such 'common sense' observations can be lost in haggling over definitions and she is very right to point it out. Finally, Roberts (2009, pp.162-3) argues extensively that the formal legal system of Cambodia, put in place by international statebuilders, is both slow and unaffordable to much of the population—something that has been actively detrimental to the legitimacy of the state. The traditionally dominant patrimonial networks are much more popular (ibid., pp.152-3). Succinctly, he states that 'people are unlikely to adopt

a system that is less appropriate and meaningful to them than one they are already using' (ibid., p.165). Scholars must therefore ask where these norms exist and, more importantly, why. Understanding how they are engendered and challenged are crucial to understanding the governance-governed relationship in authoritarian regimes. Students of illiberal peacebuilding must therefore address how authoritarian legitimation works in practice.

There is more than pure instrumentality to it and, consequently, normative change must be taken into account. Weigand (2017, p.360) does argue that coercive actors—like the Afghan Taliban before their second takeover in 2021, his case study—can obtain 'instrumental legitimacy', a highly contingent and short-term form of legitimacy characterised by obedience in exchange for immediate benefits and the perception that any realistic alternative would be worse. He contrasts that to 'substantive legitimacy' which is 'underpinned by shared values' (ibid., pp.361-2). Authoritarian legitimacy could certainly be purely instrumental, resting only on its ability to provide order and suppress alternatives. They may have a particular opportunity to do so in contexts that have recently moved out of a state of mass conflict and will accept a 'Hobbesian Leviathan' to secure the peace (Blair 2018, p.13), as in Liberia (ibid., pp.36-8). However, it seems premature to assume that regimes like the Liberian Leviathan are purely instrumental. Could not a commitment to a muscular peace be the kind of 'shared value' that might more substantively legitimate authoritarian governance? (I should point out here that Weigand does not explicitly deny this.) The point is not that Liberia is one or the other but that authoritarian regimes may be based on different kinds of legitimacy.

Balthasar's and Heathershaw's theories do centre on the change of subjective beliefs in their accounts. These are scholars inspired by the same questions of authoritarian legitimation I raised above without explicitly being within that research agenda. Balthasar's 'state formation' (2017, p.480) means the 'standardisation and hierarchisation' of rule-sets and the creation of a single political process that has authority over all others (Balthasar 2015, p.27). This is a normative prescription as well as an explanation of a process. His basic argument is that historical state formation has involved unification of identities and visions among a territorially-bounded population, a unification that has often taken place coercively, while international peacebuilding has stressed the protection of plurality and the renunciation of violence (Balthasar 2017, pp.476-7). If statebuilding is to efficaciously assist in the process of creating stable states, it should support the standardisation of identity and institutions, while peacebuilding seeks to allow for multiplicity (ibid., pp.482-3), so the two may be in stark opposition rather than complementary. Institutional and identity standardisation create shared spaces and mental models of the world that conduce to coherent social identities commensurate with existing political units. In such a way does the idea of a nation arise and take hold (ibid., pp.31-2). Balthasar presents his theory as a universal model, but it is certainly in the authoritarian mode. He is arguing that conceptions of self and political authority

shift via a top-down process of enforced standardisation. In other words, legitimation occurs via imposed normative change.

Heathershaw's (2009) view is rather more nuanced, and based on a case study, but similarly indicates the place of normative change in authoritarian legitimacy. His argument is that the people of Tajikistan have come to accept the political order as legitimate even though many are deeply unhappy with it. It is hard to concisely summarise his analysis without omitting the details that make his work so compelling, but he concludes that a complex 'intersubjectivity' has emerged wherein public proclamations of unity remain unchallenged even where there are private practices of disunity (ibid., p.173), so the (authoritarian) regime can maintain a dominant discourse (ibid., p.155). The discourse is then reinforced by the political-economic dominance of those claiming to represent the state (ibid., p.113) and the symbolic mobilisation of the population, as in the heavily stage-managed elections (ibid., pp.101-3). Heathershaw's work is called *Post-Conflict Tajikistan and the Emergence of a Legitimate Order.* I hardly need to say, then, that he points to the crucial importance of authoritarian legitimation for understanding the situation in Tajikistan. These lessons have wider theoretical implications too, in that Heathershaw submits a model based on the intersubjectivity of actors, discourse and political economy to explain normative change.

Regardless of how it is configured, the subjective views of the population are crucial to illiberal peacebuilding. What post-war governance looks like is very different to liberal statebuilders. Nonetheless, they are united by a need to theorise its legitimation.

Stabilisation

In this sub-section I argue that 'stabilisation' still needs to theorise legitimation. If it is understood as essentially liberal statebuilding, then the exposition at the beginning of this chapter pertains; if it is understood as a retreat to a less ambitious attempt to keep the peace via bolstering current elites, then legitimacy is still relevant to understanding stability and creating 'early warning systems'.

What unites the various conceptions of stabilisation is a concern with 'shoring up' a political system after war. The term stabilisation has been popular in US policy-making circles since the mid-1990s (Mac Ginty 2012, p.23) and, although it is used much more rarely, it is found in UN reports too (HPG 2010, p.6). Two influential reports produced by the US and UK governments in 2009 and 2011 brought it to greater prominence. The US version essentially views stabilisation as the objective of some kind of external force in a post-war context that 'acts as a custodian of the peace process' (USIP 2009, p.17). Such a force has an enormous number of tasks to fulfil (ibid., p.8) but these essentially fall into two categories. 'Conflict sensitive development' is the ideal aim over the longer term

while stabilisation is the achievement of stability in the short term (ibid., p.2). Legitimacy is a 'cross-cutting' principle across all the many ambitions that must be achieved and, in fact, is defined as the result of the successful fulfilment of the 'critical functions' of the state (ibid., p.9). The US version of stabilisation is reasonably clear: the defence of peace by expeditious statebuilding. Concerns for development and democratisation come later. British stabilisation is rather less conceptually concrete. In this report it is defined as the pursuit of 'Structural stability' in a state, something ensured by a combination of 'Legitimate and representative government', 'Respect for human rights', and availability of 'Economic opportunities' (HMG 2011, p.5). What that legitimacy means is left ambiguous. So far, the UK idea of stabilisation is very similar to statebuilding (even peacebuilding) in general. One way in which it arguably differs with statebuilding in a general sense is in its preoccupation with 'shocks', events that can severely destabilise seemingly stable political orders (ibid., p.9). Hence, it stresses the need for 'early warning' systems to identify weaknesses in the political structure and repair them before that weakness causes state collapse in the wake of some event (ibid., pp.20-1). The UK version implicitly rejects the division its US counterpart makes between short-term stabilisation and long-term development, rather focusing on providing for long-term stability. Whether it is a concern with short-term statebuilding or reinforcement against shocks, though, stabilisation does centre the resilience of the political system against immediate threats. That must involve its legitimacy.

You can read these reports cynically or take them at face value. My purpose is not to suggest one reading or the other but to argue that, either way, stabilisers must grapple with the questions of legitimation. The latter is easiest: stabilisation appears to be very similar to orthodox liberal statebuilding. We have seen that 'respect for human rights' and 'conflict sensitive development' are key pillars. The main difference in this instance would be one of sequencing: institutionalisation before liberalisation, creating functional institutions that have the power to enforce their policies before subjecting them to elections (Paris 2004, pp.187-8). This argument is common enough in the statebuilding literature (e.g. Fortna 2008 pp.39-40, Gromes 2009 pp.93-4). If that is the case, then it is a slight re-prioritisation, and precisely the same conclusions can be drawn about legitimation as have been for liberal statebuilding in general. The more cynical reading is encapsulated by Smith (2020, p.9), who states that when stabilisation is divorced from rhetoric about human rights and democracy:

> '...the [UK] Stabilisation Unit clearly rank[s] elite bargains above democratisation, rent-sharing arrangements over anti-corruption efforts, and stabilisation ahead of peace in the short- to medium-term. Both offer little guidance on how to nudge initial elite bargains towards greater inclusion or early rent-sharing arrangements towards more equitable or developmental outcomes.'

Mac Ginty (2012, p.26), in the same vein, criticises stabilisation because it 'lowers the horizons of peace', conflating it with a narrow and superficial version of security (ibid., p.24). He denounces it as the commensuration of a trend

among peacebuilders away from the building of inclusive institutions toward simply 'acquiring quiescent allies' on the geopolitical stage (ibid., pp.22-3). The only explicit defence of stabilisation of which I know is Dennys' (2013, p.4) rather surreal attempt to define it as statebuilding at the 'sub-national level' specifically, something directly contradicted by the unambiguously state-level activities enumerated in the reports (USIP 2009 p.101, HMG 2011 pp.28-9). We have to take the critical reading seriously, then, and this begs the question of why such an instrumental view needs to concern itself with legitimation.

Both stabilisation reports recognise legitimacy in their success criteria and they are right to do so, even if this is just a liberal mask on an elite-bargain focused approach. Stabilisation is intended to create, or at least sustain, stability. The UK report's conception of 'structural stability' is that it will provide resilience against shocks and that a legitimate government is part of that shock-proofing (HMG 2011, p.5). Meanwhile, the American version seeks immediate service provision to reinforce peace and indeed goes so far as to equate legitimacy with it (USIP 2009, p.9). Legitimacy is part of how a regime, even an unaccountable elite-bargain kind of regime, can be stable. The components of stability include subjective opinions of legitimacy. Internationals must apprehend what ideas underpin the bargain in order to calibrate their interventions to reinforce them. They must focus on those services that will be legitimating for the regime. To develop the efficacy of any early warning system, its creators must attend to the factors on which a regime's stability rests. Any threat to stability posed by events and movements can only be understood in reference to the ideational landscape of the context. Consequently, it behoves even the most instrumentalist stabiliser to consider how a particular system is (de-)legitimated.

Critical Theory and Emancipation

Unlike their authoritarian counterparts, Critical peacebuilding scholars are quite conscious of legitimacy's significance. They move away from the simplistic understanding of the liberal state as the quintessence of post-war governance but in no way does this detract from the need to understand that governance's legitimation. Given Critical counter-proposals emerge from their attacks on liberal approaches, I chart the critique and simultaneously demonstrate the continued significance of legitimacy in Critical views.

Critical peacebuilding begins with criticism of the traditionally dominant liberal paradigm and has developed 'emancipatory peacebuilding' in response. I use the term peacebuilding rather than statebuilding because critics have moved much beyond the customary scope of the latter. Early versions of the emancipatory peace were associated with a brand of liberal peacebuilding that viewed empowering civil society and democratisation from the 'bottom up' as the best way to ensure lasting peace (Richmond 2005, pp.214-5). It has come to be associated with a wholesale normative attack on liberal assumptions, especially related to the liberal teleology of progress and development (Call 2008,

pp.1499-5000). They argue that liberal peacebuilding has framed peacebuilding as a managerial process to make post-conflict states look like Western ones (Heathershaw 2008, pp.602-3) or a technical exercise in designing and implementing reforms when it is, in practice, a deeply political negotiation over what a state's politics will look like after a war (Wesley 2008. pp.376-9). The result has not been liberal democracy but concessions to autocracy (Cooper, Pugh and Turner 2011 p.1997, Chandler 2010 pp.14-5). Emancipatory peacebuilding exists to redress this. Peacebuilding in practice should be more than just (re-)establishing effective systems of dominance but rather 'potentially emancipatory' (Mitchell and Richmond 2012, p.4) by focusing on enabling the population to work toward their own liberation and flourishing (ibid., p.18). Emancipatory peacebuilding does not move away from a preoccupation with legitimacy, only changes what legitimacy means.

One major critique is of the preoccupation with the state, the referent object of the liberal theory of legitimacy. For Critical peacebuilders, there is more to life than the state. In the attempt to understand the 'actual properties' (Eriksen 2016, pp.213-14) of political life in a context, the place and meaning of 'the state' are interrogated rather than assumed. Weber's ideal type of the state as the ultimate embodiment of the legal order is seen as irrelevant to many contexts (Olsen 2004, pp.96-7). Caspersen (2015, p.184) admonishes liberal scholarship for dismissing unrecognised states as illiberal and hence illegitimate, as opposed to any effort being made to study the dynamics of legitimacy within them. The 'everyday' has become a popular concept for doing so. While notoriously hard to define, the 'everyday' can broadly be described as the 'non-alienated' aspect of human life, where agents feel the consequences of their actions in a very immediate way (Mitchell and Richmond 2012, p.21). In other words, the everyday describes people's ordinary experience of life. Not only is it necessary to go beyond the jargon of 'participation' to see how supposedly non-political or 'private' spaces are influenced by peacebuilding (Henrizi 2015, p.78), but the features of the everyday political economy must be understood in terms of how people interact with them in the everyday (Heathershaw 2013, p.278). Thus, 'corruption' should not simply be dismissed as deviant or problematic before how it is experienced is understood (ibid.). It may be that a particular manifestation of 'corruption' is considered a legitimate feature of the political order. The concept of hybridity drives at a similar point. Hybridisation is the result of the 'compliance' and 'incentivizing' powers of international peacebuilding agents vs the strength of the 'resistance' and 'alternatives provided' by domestic agents (Mac Ginty 2011, pp.77-8). The result is non-liberal in various political zones that interact with their liberal counterparts to create hybrid systems (Visoka 2012, pp.27-8). There is no single, linear relationship between the state and society, and hence also not one kind of legitimacy.

While hybridity has been taken by some liberal authors as a problem to overcome (Heathershaw 2012, p.163), the aim of hybridity theory from a Critical

standpoint is the deconstruction of systems of domination (Mac Ginty and Richmond 2016, p.227). Whether or not the analyst shares this normative preoccupation, Critical scholars demand better tools for understanding the contextual dynamics of legitimation. Concentration on hybridity, as on the everyday, represents how critical peacebuilding scholars have sought to analyse the empirical realisation of political power rather than concerning themselves with identifying the extent to which political practice is liberal or otherwise. Interest is focused on how legitimacy has been created in practice, not in whether or not the governance structure fulfils the conditions of external analysts (Bryne and Klem 2015, p.226). Contesting the nature of legitimacy does not mean disinterest in legitimation.

Not only is the *meaning* of the state as the referee contested, but sub-state actors also take their place as referants of legitimacy. While the state is always juridically sovereign, its institutions can be so incapable of enforcing their policy that it lacks 'empirical sovereignty' (Jackson 1990, pp.24-9). Behind the 'formal facade' of central institutions, a multiplicity of sub-state actors with practical autonomy can exist (De Guevara 2010, p.116). State-centric theories can take into account the idea that sub-state groups might challenge the state in order to change it, control it, or separate from it, but they struggle to include sub-state actors that can act more or less independently from the state but who are not pursuing objectives germane to the state or its legal boundaries (Berzins and Cullen 2004, p.13). One example might be the local coordination committees who provided services and a degree of security to particular populations in the middle stages of the Syrian Civil War without reference to the state (Khoury 2014, p.79). Moreover, the legitimacy of sub-state actors is significant in its own right. Dudouet (2014, p.92) is concerned with transforming the authority of sub-state actors from 'coercion to consensual'. She advances that the legitimacy relationship between them, their constituents and other actors—including but not limited to the state—is key to understanding why sub-state actors do (or do not) believe they can fulfil their objectives without maintaining means of violent coercion (ibid., p.93). Mitchell (2008, pp.16-17) worries that the concentration of peacebuilders on the state effectively damages the legitimacy of other former warring parties, resulting in a 'political and social marginalisation' that complicates and disincentivises integration. For reasons of their strength and position in certain contexts, then, the legitimacy of sub-state actors is significant. Importantly, the existence of these actors need not necessarily undermine the state (McCullough 2015, p.19). The state may be a non-hegemonic aspect of a complex constellation of power relationships without its existence, boundaries or leadership being challenged. Critical peacebuilding scholars must talk about multifarious power relations, and thus multifarious legitimacy relationships.

Consequently, Wennmann (2010, pp.26-7) speaks of 'mainstreaming the non-state' in pursuing the establishment of political settlements while political process theory does much the same in taking 'power-holders' and 'challengers',

as opposed to the classical division of 'state' and 'society', as its key analytical categories (Botelho 2014, p.879). We are still dealing with the legitimation of post-war governance, it is just that both legitimacy and governance need contextualised rather than universal definitions. Emancipatory peacebuilders must look for local conceptions of legitimacy (Leonardsson and Rudd 2015, p.832). Pamina Firchow and Roger Mac Ginty's 'Everyday Peace Indicators' project does precisely that. The aim is to develop indicators of peacebuilding success in partnership with the people impacted by it, then publish them to an international audience in order to inform and evaluate peacebuilding projects (EPI 2021).

Legitimacy is consciously recognised as crucial to Emancipatory Peacebuilding and this is equally true in its latest incarnation, Peace Formation. The next chapter will explore how Peace Formation—a name with an appropriate but presumably unintended symmetry with Balthasar's State Formation theory— addresses the legitimation of post-war governance. It is worth noting now that it posits the people of a context can construct governance appropriate to their own ideas about legitimacy (Richmond 2016, p.29). Situations where 'institutions, authority and the state are grounded in local legitimacy and satisfy local expectations' is the overall goal (Richmond and Pogodda 2016, pp.2-4). For all their disagreements, the liberal peace and its discontents agree on that.

Political Settlements and Defining Interests

This chapter has established that liberal, Critical and authoritarian peacebuilding scholars are or ought to be concerned with theorising the legitimation of post-war governance. However, given the state is not the only referent for legitimation, we require a conception for post-war governance that includes but is not limited to the state. I argue in this section that political settlements theory provides an appropriate replacement terminology. Further, the academic approach to political settlements has been dominated by instrumentalist rationalism, the idea that strategic bargaining between actors fundamentally explains their behaviour and the institutions they produce. My second purpose is to demonstrate that political settlements are ideational constructions as well as instrumental ones and, consequently, analysis of their characteristics must include a legitimacy angle.

That political settlement is an appropriate term for the referent of legitimation

If not the state, what is being legitimated? 'Political settlement' captures the range of governance actors in a context and can be used to refer to them holistically or as a tool to identify and analyse an individual or group of actors within it. Political settlements theory is a 'discreet political economy analytical framework that provides a novel way of understanding the drivers and outcomes of contemporary socioeconomic change' (Behuria, Buur and Grey 2017, p.508). The theory's progenitor, Mushtaq Khan (2010, p.20) states that a political

settlement 'describes how a society solves the problem of violence and achieves a minimum level of political stability and economic performance for it to operate', which comes about as a result of a '[v]iable combination of institutions and a distribution of power' (ibid.). In other words, it is an attempt to explain the (in)stability of governance by looking at *who holds power and how they use institutions*. This is the definition of political settlement as an object of legitimation. Evaluation of a settlement can mean a historical study to judge why it failed or succeeded, the identification of its current components, or the determination of its likely trajectories. Khan's conceptions of power and institutions are the essential ingredients of the theory and its ability to act as an 'analytical framework' so we must now explain the meaning of power and institutions.

Those who hold power can exist beyond the state. Khan's concern is with power as an activity (even as a verb) because his preoccupation is with theorising how actors with rival interests behave in relation to one another, how patterns of behaviour are established and breakdown, and the implications of that behaviour for stability and development. This is quite contrary to the state as the natural site and stable monopoliser of the means of coercion. To that end, Khan defines power in terms of particular actors 'holding power'. Those who hold power do so to the extent that they can inflict and sustain damage in disputes with other actors (ibid.). In practice, then, power is essentially the ability to mobilise support in order to achieve an end (Khan 2018, p.640). The actors pertinent to a political settlement are organisations: 'groups of individuals who work together in structured ways' (ibid., p.639). Organisations are rendered relevant by their power so the theory can embrace any kind of human association, including international actors (ibid., p.643). Political settlements authors tend to use elites as a shorthand for organisations with substantial power, as I will.

Likewise, there are institutions other than those of the state. An institution is simply something that provides rules for interaction (ibid., p.639); not necessarily the formal legal institutions universal to all recognised states, but the variegated and often informal means whereby rules are created and enforced (ibid., pp.641-2). A state, by this scheme, is an entity that, firstly, provides common rules for a group of organisations and, secondly, contains specific 'governance organisations' (Khan 2018, p.638). Against the liberal view, a state is neither 'autonomous nor a social contract' (Di John and Putzel 2009, p.5). Political settlements literature is predominantly focused on the way in which elites seek benefits so one useful way to think about institutions is that they *institutionalise* benefits. Institutionalised benefits are not obtained in a 'one-off' manner. Instead, rules allow repeat access to them. For instance, whereas no institution needs to be involved when a burglar takes cash from a house, an institution like taxation or a protection racket would enable that cash to be taken from that house (voluntarily or otherwise) in a regularised manner. A political settlements analyst might describe the cash in the house with the term 'rent' and consider in what ways an actor might extract that rent. 'Rents' is used quite

widely and diversely in the literature but its meaning always revolves around the idea of extracting benefit and that is the sense in which it will be used here. Institutions facilitate elites in expanding or sustaining their power, including through enabling rent extraction, and hence the two pillars are highly interdependent (Khan 2010, p.22).

Khan (2018, pp.639-40) explains the (in)stability of a political settlement by the very interdependence of organisations (elites) and institutions. He states:

> '...the way institutions work in practice depends on the responses of the organizations operating under these institutions. The relative power and capabilities of organizations are therefore important determinants of how institutions work.' (ibid., p.637)

Organisations will support institutions that maximise their ability to access rents and attempt to undermine or destroy those that do not. Where organisations that oppose institutions are powerful, the institutions will be destroyed; where institutions have the consent of powerful organisations, their rules will be enforced. Negotiation and contestation over the existence of institutions and their enforcement will inevitably occur. For instance, determined opposition unable to overthrow an institution entirely will instead work to make the institution have a 'high enforcement cost' and, as a result of this, the supporters and opponents of an institution may both come to accept its 'partial enforcement' (Khan 2010, p.23). This end result would be an archetypal reflection of a negotiated balance of power. A stable political settlement is defined by an equilibrium sustained over time. However, this harmony should be conceived of more as a tendency than a 'static' state of affairs (Khan 2018, pp.641-2). Change, even evolution as a result of violence, can occur without the settlement breaking down (ibid.). This conclusion has two methodological implications. Firstly, universal indicators of economic growth and political violence will not accurately predict the stability of a political settlement. The analyst must instead identify what kind of violence and economic trouble is 'sustainable within the system' (ibid., p.642). Secondly, and most significantly, the workings of a political settlement cannot be grasped by studying its formal institutional properties, only by tracing the history of its formation and development.

So much for political settlement governance in general, political settlements theory is also specifically relevant to governance after war. Development studies inspired it but the study of post-conflict situations raises similar questions and the need for the kind of responses political settlements theory provides. While the popularity of the term has been mostly confined to the UK (Barakat and Waldman 2017, p.640) and there remain major institutional barriers to political settlements theory substantially reforming the performance of development activities (Hudson and Marquette 2015, p.68), political settlements has indeed become widely used in both development academia and practice (Hickey 2013 p.5, Barakat and Waldman 2017 p.640, Behuria, Buur and Grey 2017 pp.508-9, Bell and Pospisil 2017 p.577). Khan and the majority of contemporary writers on

political settlements are primarily concerned with explaining economic development outcomes and, in particular, combating 'New institutionalist Economics' (NIE). Contrary to NIE, political settlements contend that the 'drivers of economic transformation' are not necessarily the institutionalisation of rule-sets to create investment incentives (Grey and Whitfield 2014, pp.2-3). Clientelism or neopatrimonialism are not obstacles to development *simpliciter*. Rather, a particular pattern of clientelism that has emerged as a result of history in a particular context can be inimical or conducive to development (ibid., pp.13-16). As we have seen, institutions are not strong in-and-of-themselves but because they're supported by powerful elites (Khan 2010, pp.19-20). Development outcomes are explained instead by whether the kind of power and interests relevant elites have will lead to behaviour that will foster development or not (Behuria, Buur and Grey 2017, p.513). This is a political issue, not a technical one (Di John and Putzel 2009, pp.9-10), and hence advocates of this approach call for development practice to be overhauled (Bell and Pospisil 2017, p.578). Despite this preoccupation with development, it is intuitive that the same logic can be used to explain—even to predict—post-conflict trajectories.

The question behind the question of whether a political settlement will conduce to development is whether a political settlement will emerge that provides for stability in a way the previous settlement could not. That is precisely the dominant issue in post-conflict scholarship. In another parallel, just as development scholars reject NIE, so too do critical post-conflict scholars reject the liberal obsession with the state. Political settlements has been embraced as a term by some peacebuilding scholars. It can be used to 'identify whether a particular settlement is good, just, resilient or durable' (OECD 2011, p.10), to determine if the impact of international statebuilding exercises will be 'socially durable' after the departure of the operation (Anderson and Salmon 2013, pp.48-9), or simply to understand dynamics in a post-violent conflict context (see for example Ingram 2012). The implication is that statebuilders must reject institution building exercises—be they making them more effective or more democratic—in favour of promoting inclusivity in the political settlement (Castillejo 2013, p.30). Inclusivity is seen by many analysts as the means whereby to make political settlements more democratic and resilient (OECD 2011 p.11, Hickey 2013 p.3, Rocha Menocal 2013 p.388, Bell and Pospisil 2017 p.576, Rocha Menocal 2017 pp.559-60). This has generated the worry that statebuilding operations can do nothing more than encourage 'doorstep conditions' that will allow a settlement to evolve into a 'developmental peace' as opposed to 'elite capture' or 'return to violence' (Cheng, Goodhand and Meehan 2018, pp.41-4, p.84). They cannot guarantee that evolution, nor even ensure the existence of its conditions. Whether or not that is an inescapable conclusion, political settlements theory offers a useful framework that inspires useful questions for post-conflict scholars as much as those in development.

Political settlements theory is therefore a useful framework for discussing the broad range of governance after war. The remainder of this section will

demonstrate the relevance of legitimacy to various points of the framework: how elites secure power, how interests are constituted and, most of all, how the existence or non-existence of a settlement can be determined at all.

That political settlements must be analysed with attention to ideas and hence legitimation

A number of scholars have argued for more recognition of the significance of ideas to political settlements, so my purpose here is to draw out the implications for legitimacy in specific. I contend that the position that ideas are used to explain aspects of elite behaviour and obtain or secure power, the 'soft rationalist' position, means legitimacy has such a role, too. Second, the 'constructivist' argument that ideas are constitutive to identities and interests implies that the analyst must understand an actor's or a whole system's legitimacy in order to understand its nature. Thus, normative changes should be of just as much interest to political settlements theory as to everyone else.

Subjective views of the world do explain elements of political settlements for soft rationalism, and hence legitimacy is of some significance. For soft rationalists, interests remain fundamentally objective, about access to power always and everywhere as they are in Khan's outline above (Lavers 2018, pp.4-5), but subjectivity does impact the perceptions of interests to some extent. Ideational factors explain some instances of elite behaviour and, additionally, can be used as a strategic tool. As to elite behaviour, ideas 'fill in the gaps'. The precise ways in which actors undertake their actions cannot be explained entirely by their objective interests. Soft rationalists consider violence, and how it is 'mobilised and constrained by traditions, beliefs, norms and ideologies' (Goodhand and Meehan 2018, pp.15-6) and can 'remain central to the post-war order even after a political settlement has stabilised.' The way in which violence operates within a political settlement is not fully accounted for by elite pursuit of interests but its particular manifestations must be understood in terms of the prevalent cultural and ideological norms. Similarly, 'particular patterns of accumulation' can only be explained in reference to these sorts of factors (Behuria, Buur and Grey 2017, p.519)—though, this being a rationalist position, economic structure and how rents are distributed' must remain a separate analytical category to considerations of ideology (ibid., p.525). De Waal (2015, p.41) relegates the role of culture to something that 'regulates the hard facts of cash and coercion' in his theory of the 'political marketplace'. In his political marketplace, culture can help explain the stability of a political situation but only substantial shifts in the distribution of material can explain change. Legitimacy plays some explanatory role in elite behaviour, then. The specific way in which 'state-society relations are… articulated' through a political settlement will create 'rules of the game' (Rocha Menocal 2016, pp.560-1), the kind of 'beliefs, norms and ideologies' that influence behaviour. Elites may choose to follow those rules in order to reap the benefits of legitimacy. This might be out of consideration for popular legitimacy. Alternatively, it may be to show themselves as willing partners and hence legitimate in the eyes of other elites. What makes an action legitimate, and why, and how that might change, is important, even if one only concedes a little significance to the role of ideas.

The same can be said of the conscious use, by elites, of legitimacy as a tool to achieve strategic goals. As Khan (2018, p.655) himself recognises, popular ideas about authority and identity within the constituencies of elites are part of the explanation of how, and to what extent, elites can muster the support which defines their power. Di John and Putzel (2009, p.16) go somewhat further by positing that ideology which spreads and consolidates state identity may provide more effectiveness and stability. They thereby frame ideology as a tool that domestic elites and international interveners alike can use. Moreover, legitimacy influences the elite's capacity to rule a population; it will be easier if they are legitimate, harder if they are not (Grey and Whitfield 2014 p.16, Behuria, Buur and Grey 2017 p.517). One implication is that elites must consciously seek to legitimate themselves in order to obtain power. True, but additionally it implies that legitimacy underpins elites. This conclusion links to the expanded role of ideas in constructivism.

Constructivists argue that ideas constitute interests. If this is the case, I add, then the character of actors can only be understood in reference to their legitimacy. So far we have discussed 'cognitive' ideas, particular logics and repertoires of action to achieve goals, but what of 'normative' ideas, those that relate to values and identities (Schmidt 2008, pp.307-8)? Soft rationalism, in the constructivist view, does not go far enough: 'to relegate ideas to the 'soft' end of politics would be a mistake' (Hudson and Marquette 2015, p.69). Del Rosso (2013, pp.75-6) argues that instrumentality has portrayed nationalism as nothing more than a latent force that can be used by elites to manipulate their constituents. This is insufficient to grasp the implications of such a powerful ideational force as nationalism. Lavers (2018, p.3) even points to a hypocrisy. His criticism is that political settlements literature is founded on a rejection of the rationalist-materialistic axioms of NIE, yet has in practice failed to move away from that fundamental materialism.

Rather than accept some limited role for ideas alongside more concrete factors, constructivists argue that the paradigms of actors are constituted by ideas. 'Elite attitudes' toward particular policy issues cannot be explained simply in terms of their material interests because '[i]deas… shape how problems are understood, and underpin legitimate forms of rule and systems of accountability' (Hudson and Marquette 2015, pp.69-70). Hickey (2013, pp.16-17) contends any given idea or interest can only be understood in relation to one another and hence should not be analytically separated. These views seem like a radical departure from Khan's ontology but it is important to note that Khan (2018, p.645) recognises how organisations will pursue institutions that bolster their 'source of organisational power' and will resist those that undermine it. This can be read in the instrumental sense: seek rents, mobilise power, consolidate useful ideas in order to mobilise power. Alternatively, however, one could read it that an organisation's preferences are inherently bound up with its identity and social legitimacy. The same interpretation can be made of Cheng, Goodhand and Meehan's (2018, pp.21-2) statement that elite action is 'determined' by their

institutional norms, the extent to which they have habituated to them, and what their constituents expect them to deliver (ibid., pp.23-5). An example of this in practice would be how ideas about the meaning of particular spaces create the basic assumptions for relations with groups and security interests (Goodhand and Meehan 2018, pp.17-18), or how norms around 'appropriate masculine and feminine gender roles' might alter perceptions of interests (O'Rourke 2017, p.602). To say that this is a case of cultural or ideological constraint on action in the pursuit of interest is insufficient because the interests themselves are formed by such ideas. Legitimacy, therefore, is hugely significant to the character of organisations. Lavers (2018, pp.10-1) notes how 'developmentalism' and 'resource nationalism' have shaped the mentality and specific decisions of elites in various developing countries. This is not only elites trying to secure their power—though it certainly is that—but also acting to define themselves and their interests.

The argument extends beyond elites to institutions and even the whole political settlement. Each of these things is characterised by ideas. Consequently, ideas about what governance is and ought to be are part of the political settlement. Lavers (ibid., p.7) argues that 'ideational power' is not only important in mobilising support (and it is), but that there is an ideational component to institutions. They act as a 'blueprint' and have a large impact on the possibilities for 'development and enforcement'. The institutional landscape, in turn, is the background to the formation of interests (ibid., p.8). Indeed, the political settlement itself is subject to the same dynamics (ibid.). This point is also made (and elaborated) by Hickey (2013, p.16) when he emphasises the significance of their *representation in discourse*. Hickey, drawing on Critical theory, asserts that discursive practices are key to establishing the nature and purpose of entities— including institutions, settlements and the state itself—in the mind. To illustrate, Khan (2018, p.638) makes no mention of how 'governance organisations' are to be demarcated from other organisations when he argues that the state is defined by having them (in addition to providing common rules to a group of organisations). The answer to that question could be that a governance organisation is considered to be an organisation that undertakes functions understood to be governance. How does a particular action or set of actions come to be associated with governance? Hickey would argue that the idea of governance, like that of the state itself, is socially constructed through discursive representation. Discourses create social meanings and these need to be examined to appreciate how supposed 'basic' concepts like governance are understood in their context. Ideas about what governance is and what it ought to be are differently constructed in different settlements. The nature of a political settlement can only be understood in the context of prevailing ideas about legitimacy.

One important example of this is, in my view, statehood. If ideas are constitutive, then Di John and Putzel's (2009, p.16) argument that settlements will be stabilised by ideas that reinforce a state's power can be taken further: a

state is a peculiar type of political settlement where the state entity is considered above any one group alone. This conclusion evokes Rawls' (2005, p.40) distinction between an association of people who merely share objectives and those whose community is part of their 'comprehensive doctrine'. Hobbes (1998, pp.72-3) puts it that a Commonwealth (*civitas*) is where a population abrogates its right to resist to a single will, embracing a collective political organisation that they will obey in return for the guarantee of their fundamental interests. He contrasts that to an association (*societas*), an alliance for mutual gain, that will fall apart when 'private good subsequently comes into conflict with the public good' (ibid., 70-1). In other words, a political settlement that is *legitimated as a state* can operate like a state. The different legitimacies of organisations are what analysts must attend to in order to understand the constitution of a political settlement, including whether it is consolidating into the kind of hierarchical, centralised kind we call a state.

This line of thinking is expanded in this final section. The immediate conclusion is that apprehending how legitimacy impacts political settlements and their dynamics is a necessary aspect of any political settlements analysis that credits normative ideas as a constitutive component of interests and institutions.

That legitimacy helps make the distinction between settlement and unsettlement

There is one sense in which legitimacy has been wholeheartedly embraced by political settlements literature. Bell and Pospisil's work on 'unsettlements' deploys legitimacy to answer the question: when is a settlement not a settlement? Nonetheless, Bell and Pospisil's conception of legitimacy cannot distinguish between violence that challenges a settlement and that which is contained by it. Again, I am allowing more analysis here because of the (relative) paucity of literature vis-a-vis liberal and critical theories. To understand actions that undermine the settlement, as opposed to those that can be contained by it, and hence where a settlement does or does exist, the analyst must attend to the character of its legitimacy.

The implication in Bell and Pospisil's discussion of 'political unsettlement' is that it merely contains violence, while a political settlement has the legitimacy to address it. They (Bell and Pospisil 2017, p.580) propose that a political unsettlement is where there is some violent attempt to revise the political settlement. Unsettlement acts as a sort of vicious circle in that governance must semi-constantly mutate in response to the volatile power dynamics, thus generating more instability (ibid., p.581). This is significantly more specific than Khan's (2010, p.21) statement that a political settlement breaks down where there is significant 'counter-mobilisation' against it. Their point is a normative one: internationals often act to shore up such 'unsettlements' by formalising them and then defending them from revision (Bell and Pospisil 2017, p.586). A formalised political unsettlement will be perennially violent, unable to decisively solve its causes (ibid., p.582). This is where legitimacy comes in. There is no

legitimacy for a settlement where it is, in fact, an unsettlement (ibid.). Individual actors play 'the legitimacy game', framing themselves as legitimate and their enemies as illegitimate. Their argument is that a political settlement is reliant on a sort of common agreement about the legitimacy of governance arrangements (ibid., p.586). Although they never specify that a political settlement necessarily involves a commitment to the shared destiny of the population, the fact that they take pains to note how a political unsettlement *lacks* such a commitment (ibid., pp.583-6) implies that it is, at least, conducive to a stable settlement. For Bell and Pospisil, then, a political settlement is in fact defined by the legitimacy of its rules. An absence of a political settlement is the absence of such a shared understanding and will manifest in violence.

Bell and Pospisil conceive of legitimacy/illegitimacy and violence/non-violence in terms that are too binary, however. It is more accurate to say that a political settlement can contain violence and breaks down where the violence is not appropriate to its legitimacy. Goodhand and Meehan (2018, pp.15-16) posit that there are three forms of violence that can be contained by a settlement: embedded, permissive and competitive. Embedded violence is the exercise of any violence rights entrusted to a party as part of the political settlement; permissive violence is simply that violence which a political settlement cannot prevent but does not pose a threat to it; and competitive violence is the typical contestation over rents. Competitive violence seeks to reform the political settlement in favour of a particular faction but it does not seek to end it altogether. All these forms of violence are *contained* by the system in the sense that they do not challenge the settlement as a whole.

The question this begs is how to tell between violence that challenges a settlement and that which does not. It is here that theories like De Waal's (2015, pp.31-2) political marketplace reach their limits. He may be right to say that we should conceive of elites as businessmen (*almost* always men) trying to expand their profits through the means they have available but his theory cannot account for whether that violence will challenge the settlement system or not. We need to understand the extent to which the violence is commensurate with what Smith (2020, p.5) calls the 'meta-rules for processes of elite contestation and bargaining within states', the reasonably predictable, *legitimate* forms of violence for that political settlement. Legitimacy therefore cannot be so simple as Bell and Pospisil have it. It would be more useful, and more reflective of the wider tone of the literature, to state different actors may support the same institutions and rules of the game for very different reasons, some of which may have nothing to do with a wider collective identity.

Such an approach would also assist in appreciating challenges to the political settlement from 'below'. It is not only elites that contest settlements, but communities and individuals. The literature which has argued for the advantages of broad elite inclusion in political settlements has recognised that, at least over the long-term, the inclusion of ordinary individuals is necessary for stability too

(Rocha Menocal 2017, p.561). This is a case of 'vertical legitimacy', the legitimacy of the elites who make up the settlement in the eyes of their constituents, in contrast to 'horizontal legitimacy', the legitimacy of the settlement in the eyes of the elites who inhabit the space it purports to rule. Scholars of political settlements have thus far spilled far more ink on the latter than the former (Goodhand and Meehan 2018, p.18). O'Rourke (2017, pp.595-6) even criticises political settlements theory for being methodologically incapable of embracing how supposedly private dynamics shape 'social movements' that can act to form or challenge political situations. Beyond the concerns of inclusion, understanding vertical legitimacy in context is part of understanding the political settlement generally. First, and most obviously, the stability of a political settlement is to some extent dependent on fulfilling the expectations of the population. Cheng, Goodhand and Meehan (2018, p.23), for instance, recognise that the 'relationships between elites and their constituencies is an important determinant of elite authority'. When ideas are taken as constitutive, the significance for the political settlement as a whole is even greater. Hickey (2013, pp.17-18) points out major state formation theories take popular agency not as a secondary force but a key aspect of explaining the creation of states. The mobilisation of populations around ideas of nation, race, gender and class always impact and sometimes even transform power constellations, thus changing the actors, interests and principles involved in the formation of political settlements. Focusing on legitimacy as it is understood by populations at large allows the researcher to recognise the significance of ideas in explaining loyalty to or mobilisation against particular elites, as well as tracking the diffusion of new ideas about authority and governance, whatever they may be.

Political settlements theory must engage with legitimacy and theorise processes of legitimation. Much remains to be done in order to operationalise legitimacy effectively enough to answer these difficult questions. It is very much worth doing: the promised value is great.

Conclusion

All attempts to study contexts after violent conflict cannot avoid theorising the processes of legitimation. Regardless of their purpose, and the approach these purposes lead them to, how they conceptualise governance and peace, sooner or later the same question emerges: how do people come to see their system of governance as legitimate? Any school of peacebuilding must provide an answer. Everyone is—or ought to be—interested in that answer, regardless of why they are asking the question. The aim may be to understand stability, peace, the construction of settlements, or emancipation, all of which are conceptually distinct. Equally, all of them are powerfully impacted by legitimation.

Liberal peacebuilding is represented by statebuilding, which we have seen considers the legitimacy of the states it constructs to be a priority of the first

importance. Emancipatory peacebuilding, inspired by Critical theory, likewise asserts that legitimacy is absolutely central to their outcomes. Illiberal peacebuilding and political settlements theory have not recognised it to the same extent, but I have demonstrated that legitimacy is of no less significance to them. We can only understand how authoritarian regimes or political settlements made up of competitive elites stabilise if we understand the dynamics of legitimation. Further, what legitimacy theories they do contain do not make the contributions they could, especially in the case of political settlements. Ideas about legitimate authority within a context are necessary to evaluate the character and meaning of its political (un)settlement, but the approach taken so far is not granular enough to do so.

This argument foreshadows the analysis of the next chapter. It will dig deeper into the theories of legitimation within the liberal and critical schools to establish whether they are really able to explain how governance can come to be subjectively legitimated by its population.

Before we move on, however, it is worth spelling out that the argument from hereon will be concerned with the gamut of post-war governance, including but not exclusive to the state, for which political settlements will be used as a short-hand. Just like how the aims of the schools are different but the significance of legitimation applies to all of them, so too is legitimation equivalently salient to each different definition of governance.

Chapter 3:
Establishing the Mission: the Explanatory Inadequacy of Peacebuilding's Theories of Legitimation

'The human mind… is always advancing, but in a spiral line.'
Germaine de Staël (1813, p.164)

Introduction

No current theory of legitimation offered by peacebuilding theorists is adequately explanatory. The last chapter established that peacebuilders, no matter their school, need to theorise a mechanism of the legitimation of post-war governance. Here it is shown that the theories on offer fall short by being too narrow, specific or essentialist as a result of their normative—rather than explanatory—preoccupations.

To reiterate, how normative views change is a vital part of understanding legitimation. Normativity must be explained, so peacebuilding needs an explanatory theory *of* normativity. This is distinct from a normative theory in that it does not make a moral argument that one kind of legitimacy or another is authentic. Instead, an explanatory theory of normativity offers an account of how governance can become legitimate (or not) in the subjective opinions of a population. That means it must be generalisable; it must account for different modes of legitimation. Such a theory may then be used to try to foster its preferred form of legitimacy, but that is the second step. Any explanation that rules out important types of legitimacy leaves an unacceptable gap.

A great deal has been written about liberal legitimacy theory in particular, either taking it on board as an assumption (e.g. Jeong 2005, p.84) or to criticise it. In particular, opponents accuse it of being overly normative, elevating liberal ideas of legitimacy above that of populations, self-importantly assuming the validity of liberal legitimacy in all contexts (Jahn 2007, pp.220-3). The three significant alternative theories of legitimation in peacebuilding are Call's (2012) liberal revisionist 'Legitimacy-focused Peacebuilding', Richmond's (2019) 'Peace Formation' and Clements' (2008) 'Grounded Legitimacy' theory.

My first contribution is that liberal peacebuilding does contain within it an implicit institutionalist argument, the theory that institutions form the subjective views of populations and therefore create their own support (for explanation of institutionalist argument see Bellamy and Castiglione 2003, p.15). This is precisely the kind of explanatory theory of legitimation we are looking for. Consequently, the criticism that liberalism is not universally popular is not sufficient, there needs to be a further argument as to why institutionalism is not a valid explanation of normative change. I therefore use the wider peacebuilding literature to extract a number of arguments that are against the notion that institutions can legitimate themselves. Generally, they emphasise how ideas

mediate the perception of institutions, so institutions are legitimated by pre-existing ideas rather than vice-versa (e.g. De Coning 2013, p.5). In doing so, I offer a necessary addition to the critique of liberalism's legitimacy theory.

If institutionalism is not valid, then, what about the explanatory theories of the other schools? My second and most important contribution is that the normative assumptions of these theories lead them to explain one, particular (even peculiar) pathway of legitimation, undermining their explanatory value. There are two further contributions within this one. First, I present a critique of the critique. Liberal peacebuilding has, rightly, had plenty of detractors (see the review in Paris 2010) but academics must give other paradigms the same rigorous treatment. Peace Formation's overwhelming concern with governance that provides for emancipation (Mitchell and Richmond 2012, p.18) cannot be sustained alongside the commitment to valuing local perceptions of legitimacy. The two are not always compatible. Meanwhile, Call's (2012, pp.219-20) analysis offers important reasons to take seriously authoritarian tactics of legitimation, yet he insists that the only form of legitimacy is (his own definition of) inclusivity. A further sub-contribution in this section is bringing Grounded Legitimacy theory forward as one worthy of attention. I am critical of it here but only because it merits sustained engagement and so far, to my knowledge, it has been overlooked by the peacebuilding literature. The trouble with Grounded Legitimacy is that it explicitly purports to be an explanatory theory, ridding itself of the normative baggage it perceives as dragging down liberalism, but ends up proposing a single form of legitimation too; in this case, a mutual accommodation between liberal international and non-liberal local norms (Clements 2014, p.15). This is not only narrow but also essentialising. It offers no possibility for the norms themselves to change, but, as many others have pointed out (e.g. Rubinstein 2018, p.598), they do, sometimes in response to new governance (e.g. Mcloughlin 2015). Overall, theories of legitimation within peacebuilding are not fit for the explanatory purpose. Only institutionalism is left as an explanatory theory and that is inadequate. It is necessary to develop a new theory that responds to their flaws. That is the chief argument of this chapter.

The discussion begins with liberalism and the standard critique, essentially that liberals assume that liberal principles of governance will always and everywhere be legitimate, then extracts the institutionalist argument from the liberal literature. That now needs to be overthrown, so that is precisely what the next section does, distilling from peacebuilding literature the argument that ideas shape the perception of institutions, not vice-versa. The later two sections deal with responses to the theory of liberal legitimation and their own shortcomings; narrow normativity in the cases of Legitimacy-focused Peacebuilding and Peace Formation, essentialisation in the case of' Grounded Legitimacy theory. Finally, I use my critique of prevailing theories of legitimation to offer a series of criteria for an adequate explanatory theory of the legitimation of post-war governance.

Liberal Legitimation: Automatic or Institutionalist?

If liberal statebuilding has only a normative theory of legitimacy, it can only explain legitimation as the extent to which a state achieves liberal norms. They cannot understand processes of legitimation, they can only compare what exists to their ideal of what ought to. This is a standard critique. However, I argue here that liberalism contains a theory of institutionalist legitimation, which is to say that ideas follow institutions. Liberal institutions make liberal opinions and thus legitimate themselves. Therefore liberal statebuilding does provide an explanatory theory of normative change and critics will have to address this too.

Liberal Normativity: Liberty, Democracy, Capacity

Liberal statebuilding initially appears not to have much of a theory of legitimation at all. Despite this widespread recognition of legitimacy's importance noted in the last chapter, Call (2010, p.37) nonetheless laments how it is 'underemphasised and undertheorised' in the statebuilding literature while Reilly (2008, pp.230-1) asserts that providing for the legitimacy of a state in the eyes of its citizens is 'under-appreciated' as a condition for the success and consolidation of peace by the scholarship at large and the relevant reports of international organisations. While international reports have made questions of legitimacy and their relevance to peacebuilding more visible (Ramsbotham and Wennman 2014, p.6), it remains in need of more theorisation. All of this is true but, equally, it does not mean that liberalism offers no theory of legitimation, merely that it is accepted as a kind of received wisdom. The fact they have been so relegated does not undermine the fact that legitimacy is a core aspect of liberal peacebuilding. On the contrary, the fact legitimacy is such an uninterrogated assumption demonstrates its centrality. Its characteristics must therefore be extracted.

The theory is often found in the basic definition and introductory stages of works but it is there. Liberal statebuilding is defined as the attempt to create *liberal* states, as a result of the belief that such states provide the strongest guarantee against the recurrence of violent conflict. This is because liberal institutions can prevent relapse by providing for a 'sustained, national mechanism for the resolution of conflict' (Call and Wyeth 2008. pp.6-7). The features of the state institutions must be able to resolve 'the 'underlying disagreement' between parties as to the nature of their life together (Eide and Holm 2000, pp.1-2). Where a government fails in a democratic society, the challenge to it will be peaceful, but in a non-democratic society, it has the potential to be violent (PRS Group 2001, p.6). '[A]uthoritarian and clearly illegitimate governments' cannot act as such a peace-assuring mechanism (Call and Wyeth 2008, pp.6-7). Liberal democratic states, on the other hand, are representative and accountable. They will remove the grievances of the population toward their leaders and provide a peaceful way for different groups to compromise on issues that may otherwise lead to violence. Liberal democracy will therefore act as that *legitimate* national

mechanism necessary for the perpetual peaceful resolution of conflict. Now it is possible to explicate in what sense liberal peacebuilding scholars use the term legitimacy. To make use of Lamb's (2014, pp.23-5) categories, in liberal peacebuilding the 'conferee' of legitimacy is the population of a state, the 'referee' is a state, and the 'source' of legitimacy is liberal democratic standards and state capacity.

Liberal Statebuilding thus reduces legitimacy to a technical question of making democracy and a strong state, represented by democratisation and capacity-building missions respectively. Democracy acts as a state's 'input' legitimacy, its 'authorisation, representation and participation', and capacity to deliver services as its 'output', the 'quality and effectiveness of policy outcomes' (Piattoni 2010. pp.12-3). These are self-consciously normative principles, meant to assess the legitimacy of a state by the predefined standards they entail (ibid., p.190). Democratisation and capacity-building are seen as the practical means to give a state its liberal features, the features that will make it efficacious as a conflict resolution mechanism.

Democratisation has been essential to peacebuilding from its inception. The UN's Agenda for Peace declares that 'democratic practices' are the key to what they term 'social peace', or long-term stability owing to the redressal of grievances (UN General Assembly 1992, Article 52). In essence, the Agenda for Peace asserts that democracy is necessary for state legitimacy, which in turn is necessary for peace. Scholars agree. In Jeong's (2005, p.84) admirably systematic explication of liberal peacebuilding theory, democracy is indispensable for engendering 'trust and confidence in a national government'. Ghani, Carnahan and Lockhart (2005, p.5) attest that without the rule of law and 'credible institutions that provide checks and balances on the use of force', no monopoly of violence can be legitimate, while respect for human rights will conduce to 'national unity' (ibid., p.8). Others argue that a government that is authorised by its people and obeys the rule of law will prevent corruption and state capture (Barnett and Zürcher 2009, p.23) and that states will be legitimate if they have 'responsive and accountable government' (Brinkerhoff 2007, p.4). Elections in particular have received substantial attention in the literature, as the means for achieving governmental legitimacy in the aftermath of violent political conflict (Kumar 1997 pp.7-9, Hartzell 2006 pp.40-2, Dobbins et al 2007 pp.191-2). Though there are varying foci and justifications as to why this is the case, the essential argument is that the more democratic a state's institutions are, the more legitimate it will be. The 'alphabet soup' of peacebuilding organisations broadly agree that the democratisation of political institutions is the best 'sustainable solution to conflict' (Richmond 2011, p.46).

The liberal peacebuilding argument on capacity and legitimacy is appealingly simple: 'State delivery and economic development effectiveness relate to legitimacy in that citizens tend to withdraw support from governments that cannot or will not provide basic services' (Brinkerhoff 2007, p.5). The very

'conditions for basic stability' involve a functioning set of governance institutions (Paris and Sisk 2009. p.15). So much for academics. The UNDP (2011, pp.46-7), likewise, tasks its programmes to 'rebuild public administrative capacities, improve service delivery, re-establish local governance and ensure the rule of law, access to justice and protection of human rights', for a state will be legitimate if these essential functions are fulfilled. This interrelation of the two pillars is echoed by the Responsibility to Protect report (ICISS 2001, pp.43-4) which suggests that the effective provision of public goods is necessary to 'accustom the population to democratic institutions'. Once again the state is naturalised as the object of legitimacy and part of the source of that legitimacy is, always and everywhere, the services it provides. Furthermore, the Brahimi Report (UN General Assembly 2000, pp.7-8) links the creation of state capacity to the success of demobilisation processes. If there are economic dividends and available services, reintegration of ex-fighters into civilian life is more likely to be achieved. Such arguments are reminiscent of Acemoglu and Robinson's (2012, pp.332-3) famous hypothesis that inclusive institutions have led to a 'positive feedback loop' of stability and prosperity while exclusive 'extraction paves the way for conflict' (ibid., pp.376-7). Although some works in the liberal peacebuilding school define legitimacy and capacity separately (Handelman 2011, p.12), the division is for ease of explanation and they are generally accepted as inherently interrelated (see World Bank 2012, pp.6-12), and the notion that building state capacity is vital to achieving sustainable peace is not challenged.

A technical approach is defensible if you believe there is one, universal source of legitimacy and legitimation is therefore only a case of fulfilling its principles, of creating a state to match it. Tellingly, legitimacy is used by the World Bank Development Report (2011, p.84) as a 'shorthand' for institutional 'capacity, inclusion and accountability'. One major issue is establishing the indicators of legitimacy, as with PRS group's (2001, p.6) measurement of 'democratic accountability', and then finding ways of quantifying policies and events on those scales. We may call this a 'normative legitimacy approach': they calculate the extent to which the reality matches the standards (McCullough 2015, p.7). To many critics this is absurd, and it all starts with the assumption that liberalism will always be legitimate.

The consequence is, critics protest, that states that 'deviate from the ideal tend to be described in terms of what they lack rather than in terms of their actual properties' (Eriksen 2016, pp.213-14). Indeed, the very fact of resistance tends to be reduced to a 'problem of perception' (ibid.), that people do not realise that liberal democracy is what they really want. Statebuilding results are evaluated not by the views of the population but according to international indicators (Mitchell and Richmond 2012, p.7). Jahn (2007, pp.220-3) asserts that the universalisation of the idea that liberal democracy will be seen as rightful and be supported by populations has resulted in a major disconnect with the views and aspirations of those impacted by peacebuilding, resulting in a backlash against

the peacebuilders and the ideology they profess. All of this is criticism of liberalism's normative legitimacy approach and a call for a more explanatory one. McCullough (2015, p.8) uses the term 'empirical legitimacy approach' to refer to theories that attend to the particular *qualities* of specific power relationships without presuming that those power relationships are equivalent to ones with which the analyst is familiar. However, I will use the term explanatory rather than empirical, for three reasons: (1) it avoids categorising legitimacy as something that is quantifiable, (2) it does not imply that the analyst is objective, (3) it does not imply that legitimacy is not itself normative. What we are trying to do is explain normativity, use *normativity* as an *explanatory* variable. An explanatory approach has it that an 'order, actor or institution is legitimate to the extent that the population regards it as satisfactory and believes that no available alternative would be vastly superior' (Bellina et al 2009, p.8). The 'embedded socio-cultural features' of a context are therefore crucial (ibid., p.36). It is therefore anti-universal: 'legitimate authority' is not *per se* the Western-style state (Clapham 1998, pp.156-7). Liberal statebuilding, in contrast, seems to assume that there will always and everywhere be support for such states. As a moral argument, these critiques have a point, but they miss that liberal statebuilding also offers a theory of how institutions legitimate themselves.

Liberal Institutionalism

My argument is not that liberal statebuilders have always been committed institutionalists and their critics have failed to notice. Rather, it is that there is an institutionalist argument embedded within liberal statebuilding and therefore liberal statebuilding does have an explanatory theory of legitimacy: institutions become legitimate as they change attitudes toward themselves. This is, crudely put, a conception of how governance can come to be legitimate.

Institutionalism is often left as an important implication rather than spelled out exactly. To illustrate this, I will use Francis Fukuyama's 2005 book *State Building: Governance and World Order in the Twenty-First Century.* This is an exemplar of the liberal approach as a whole. Fukuyama (2005, pp.31-40) enumerates four 'nested aspects of stateness': the public administration, the political system, the basis of that system's legitimation and the 'norms, values and culture' of the society it rules. Interventions by external actors will struggle to change norms—for such a process is very slow and very unreliable—while there are few 'opportunities to actually apply' a substantial alteration of the whole political system (ibid., pp.41-3), so they must content themselves with the relatively easy task of transferring information around effective public administration from strong to weak state contexts (ibid., pp.56-7). This comes in three phases. There must be an immediate 'post-war reconstruction' of physical and administrative infrastructure followed by the creation of institutions that can sustain that infrastructure without international assistance. Finally, statebuilders must see to the 'strengthening' of those institutions to make them as effective as possible (ibid., pp.135-6). The practice of statebuilding would therefore

appear to be technical and have almost nothing to do with legitimacy at all. However, we have already seen that the way the state is legitimated is of the first importance to Fukuyama's definition. He further mentions that the USA's strategy of occupation in Germany and Japan, following WW2, was to allow their advanced bureaucracies to survive while changing the basis of their legitimation from autocracy to democracy (ibid., pp.50-2). So, statebuilders can and must change what is considered legitimate. Liberalism is not automatically legitimate but must be made so. The reason why legitimacy is mainly absent from his analysis of what statebuilders can actually do is not because it is unimportant, it is because statebuilders can only indirectly address it. They must undertake technical projects to build liberal institutions and thereby change the basis for legitimation. The institutions then make their support.

I call this 'institutionalism' in the sense that institutions themselves are active agents of framing the meaning of legitimacy. Institutionalism is well reflected in Grafstein's (1981, p.55) conceptual move of legitimacy from internal psychology to an 'irreducibly public character'. Legitimacy is not a case of governance matching ideas about legitimacy that exist within a person but:

> 'Rather, an institution is legitimate when the range of meaningful political choices across which an individual calculates, develops attitudes, or reflexively reacts is effectively circumscribed by the institution' (ibid., p.61)

It seems improbable that Grafstein's development of legitimacy had much influence on liberal statebuilding's assumptions, but a similar centring of institutions as determinants for attitudinal change can be found in neofunctionalism, a classical explanation for (particularly) European integration. Here, to integrate national institutions into regional ones creates 'economic spillover' benefits that would encourage and be accompanied by 'political spillover' (Bellamy and Castiglione 2003, p.15). In other words, institutions produce benefits that cause them to become legitimate. Statebuilding's conception of legitimacy may have been at least indirectly inspired by neofunctionalist thought, though as far as I know the connection has never been explicit. One certainly can find a preoccupation with institutional incentives structuring behaviour in liberal statebuilding literature, for instance in the large literature on post-war political party organisation (see Manning and Smith 2019, p.440). Finally, institutionalism can be found in the most influential liberal philosopher of the later 20th century: John Rawls. According to Rawls (2005, p.269), '...the basic structure shapes the way the social system produces and reproduces over time a certain form of culture shared by a person with certain conceptions of their good.' A given institutional framework effectively constructs individual interests over time, as well as providing the framework in which they pursue them. That means that democratic institutions will produce their own 'trust and confidence' as people acquire their spirit and act to bolster and uphold them (ibid., p.86). Rawls certainly provides a theoretical justification for the institutionalist approach described above. Whether or not his account has influenced liberal peacebuilding, the argument is effectively the same. Liberal

democratic institutions are not necessarily always legitimate, but *liberal democratic institutions do always have the power to legitimate themselves*. It is perfectly justified, by this logic, to try to measure the level of liberalism as a measurement of legitimacy, because liberal structures will make liberal views of legitimacy. A technical approach to produce institutions in the first place is also defensible on the grounds that the ideas will follow them.

This is clearer in Paris' attempt to fix orthodox statebuilding: 'institutionalisation before liberalisation'. Paris (2004, pp.187-8) proposes that statebuilding first create functional institutions that have the power to enforce their policies *before* subjecting them to elections, or those elections will undermine their functionality and thereby jeopardise the whole statebuilding project. He reflects on how the process of getting there is so often self-defeating—liberalism is not the problem, liberal*isation* is (ibid., pp.43-4). The 'pathologies' of democratisation can in fact serve to de-legitimate a vision of the state and its institutions by exacerbating social divisions (ibid., pp.160-9). Gromes (2009, pp.93-4) identifies similar pathologies whereby democracy can jeopardise a fragile, post-conflict state. To make the state safe for democracy, Paris argues, we need that institutionalisation. This is not the argument that democracy is universally legitimate, then. It will only be legitimate when it is done well. Institutionalisation must make the state strong enough for democracy to be possible and take on its legitimating role. Indeed, in the longer term, democracy is necessary for that liberalism-induced stability (Paris 1997, pp.81-88), but it must come after institutionalisation. That is echoed by Sisk (2014, p.34) in his assertion that sufficient capacity-building must come before national elections, but such elections are nonetheless necessary for state legitimacy. In other words, first we need to build a strong state, that in turn will allow democracy to be legitimate, then democracy can legitimate the state. Institutions are doing the initial work of legitimating democracy.

Institutionalism does provide an explanatory theory of how liberal states can legitimate themselves. Criticism cannot dismiss liberal statebuilding for assuming that legitimacy simply is liberal institutions, it must also tackle the validity of the institutionalist argument.

Overthrowing Institutionalism

Just as there is an implicit institutionalism in liberal statebuilding, there is a matching implicit critique. In this section I draw out the ways in which scholarship has demonstrated that it is not a sound model to understand legitimation.

The inspiration of this criticism is simple: liberalism has not been self-sustaining in practice. The historical record shows, according to such critics, that democratisation is not sustained after international interventions left (Carothers 2002, pp.14-7) and statebuilders increasingly agree that liberalisation has not

generated its own legitimacy (Paris 2010, p.340). Dodge (2005, p.708) puts it bluntly:

> 'The two definitive reports on international intervention take many hundreds of pages to say how intervention should be carried out with greater technocratic efficiency, without detailing how government institutions can be built and, more importantly, how they can gain acceptance among the populations they are meant to rule over'.

This would appear to indicate that institutions have not changed attitudes. Why?

The responses have stressed definitions of legitimacy that prioritise ideas. Institutions are legitimated by the subjective view of their legitimacy. Rather than creating those views, and thus legitimating themselves, they need to match pre-existing definitions of legitimacy. We must think about legitimacy as a congruence rather than a production line. This way of thinking has long antecedents in Max Weber's (1991 [1918], p.79) typology, especially traditional legitimacy, the basis of which is long-standing, widely-shared ideas about the proper place of governance. Particular entities to which populations have normative attachments can embody legitimacy, as with the nation in Benedict Anderson's (1991, p.3) generative exposition. We might call this conception 'internal legitimacy', which, in deliberate contrast to the input/output schema, describes norms around what the government ought to be (style), over what it ought to have authority (sphere), and how far that authority extends (scope) (Bellamy and Castiglione 2003, p.11). Peacebuilding scholars' critique of liberal democratisation is often commensurate with an 'internal' definition. On the basis of the observation that non-liberal norms tend to be practised and maintain legitimacy in the eyes of the population even where the state has liberal institutions (De Guevara 2010, pp.120-1), some contend that the significance of local history and culture in shaping peacebuilding outcomes must not be underestimated (De Coning 2013, p.5), and even that imposing international ideas of legitimacy onto post-war contexts may serve only to complicate the existing norms of power exercise (Roberts 2013, pp.1-2). These scholars, both on democratisation and capacity-building, have not set out to overthrow institutionalism explicitly but the implication of their conclusions is clear: institutions do not have the power to legitimate themselves.

In the literature on performance legitimacy, scholars have countered institutionalist thinking by arguing that normative conceptions of legitimate governance exist prior to institutions. Sceptics attack the idea that the 'output' of better services will legitimate the institutions providing them. Essentially, they conclude, capacity cannot be conflated with legitimacy (Balthasar 2017 p.482, Chandler 2000 pp.9-13, Clements 2008 p.4, Clements 2014 p.15, De Guevara 2010 p.112, Menkhaus 2014 p.76). The meanings attributed to particular instances of service delivery are what matter and service delivery itself cannot construct those meanings. Any conception of output legitimacy 'presupposes consensus' about what services ought to be provided (Bellamy and Castiglione 2003, p.16). Therefore, the performance legitimacy of a given institution will

only increase if it is providing for real interests and expectations (Dagher 2018, pp.91-2). Schmelze and Stollenwerk (2018, p.450) outline criteria to apprehend where and when legitimation will follow from increased services. Their criteria include

> '1) 'performance based legitimacy beliefs', people must include performance in their conception of legitimacy' and '2) 'same governance goals', the service provided must be consistent with beliefs about what governments should be doing and for whom it should be doing it.'

To be more concrete, Edelstein (2009, p.101) applies this line of thinking to security sector reform: statebuilders cannot help legitimate a state's monopoly of violence through training and organising the security services, only when security services are subject to legitimate institutions will they themselves be legitimate. The corollary of this is that an increase in capacity can be seen negatively and thereby actively de-legitimate an institution (McCullough 2015, p.12). Mcloughlin (2018, pp.531-3) portrays this dynamic in the case of Sri Lanka, where it was precisely the remarkable increase in education delivery that made the Tamil community feel more excluded. They were receiving the benefits unequally *vis-à-vis* the Sinhalese community, especially after the reforms of the 1970s. What was an increase in state performance actually reduced its legitimacy among a major group. The norms and attitudes that define how service delivery will be received are prior to the provision itself. Rather than institutions changing ideas, ideas dictate what institutions can be legitimate.

These anxieties have not gone unnoticed among liberals. Critics often take something of a 'strawman' of liberalism, in its purest, most classical form, but some liberals have recognised that democratisation and capacity building do not always go together. 'Revisionist' liberal peacebuilding accepts critiques of liberal peacebuilding practice but does not give up on the basic idea of ensuring peace by creating a liberal democracy (Kahler 2009 p.289, Ponzio 2011 pp.206-7). Firstly, they recognise that non-liberal sources of legitimacy might obstruct or defeat liberal sources in the formation of conflict governance. Rocha Menocal (2010, p.1728), for instance, reasons that because strong patronage systems often have a legitimacy of their own, interfering with them by trying to impose a liberal democratic political process will discredit liberal democracy. Nonetheless, Rocha Menocal continues to advocate 'more capable and more accountable states' in the liberal mode (ibid., p.1731). Papagianni (2008, pp.54-5) sees the elites as the ones who need persuading that the state is legitimate, so that they pursue their objectives through it rather than 'use state revenues for their own purposes' (ibid., p.56). That way the 'tangible social and economic benefits' that underpin legitimacy can emerge (ibid., p.55). Her prescription is also characteristically liberal in the focus on changing incentive structures. The question for revisionists is not how to reformulate the paradigm of peacebuilding but to reformulate the methods (Paris 2010, p.347), abandoning simplistic institutionalism in favour of something else. For Papagianni (2008, p.54), it is an 'institutional arrangement mirroring power balances', with the international community's role being to help create that settlement then prevent elites from

attempting to stifle or control the participation of others (ibid., p.67). This neatly foreshadows Call's extensive revision, to which we will turn in a moment. If institutionalism is inadequate, are the alternative, non-institutionalist theories of legitimation up to the task of explaining legitimation?

Normative Responses

Both Call's revisionist 'legitimacy-focused peacebuilding' and critical/ emancipatory peace formation theories define legitimacy by the normative principles they want to see in post-war governance and this undermines their explanatory value. Each seeks to explain one particular kind of legitimation in order to find a way to achieve it: inclusion in the case of Call, emancipation in the case of Richmond. In these views, legitimation is always the result of either inclusion or emancipation, accounting for local variation in how these principles are realised. They define legitimacy normatively and do not provide a mechanism of legitimation.

Call's Legitimacy-Focused Peacebuilding

Charles Call purports to submit an alternative paradigm entirely: 'legitimacy-focused peacebuilding'. He explicitly distances himself from liberal statebuilding theory by rejecting neo-liberal economics as universal models and by not judging elections as a sufficient condition for the legitimation of government (Call 2012, pp.228-9)—whereas Paris revised liberal statebuilding by raising up capacity building, Call's response is to cast it out. However, it will be demonstrated here that while Call's work is highly astute, it remains committed to a distinctively liberal idea of legitimacy, and his is consequently a normative rather than explanatory theory.

Call puts aside substantial space to define what legitimacy actually is, unlike most writing in the liberal statebuilding mode. He first of all asserts that 'no concept of legitimacy embraces 'support' deriving from coercion or threat', thus separating legitimacy from mere 'obeisance' (ibid., p.42). True legitimacy, then, is freely given support on the basis of a perception of the rightfulness of particular political power. That assertion is reflected in his earlier work, wherein he argues that a 'sustained national mechanism for the resolution of conflict' cannot derive from the coercive imposition of political order by an authoritarian elite (Call and Wyeth 2008, pp.6-7). Further, Call insists that legitimacy and capacity are separate: increasing capacity can simply give the state more ability to oppress its population. Call (2012, pp.221-3) accuses those who are preoccupied with capacity-building as obscuring the need to make a better kind of state-society relationship. The aim of legitimacy-focused peacebuilding is instead the creation of inclusive institutions. After a lengthy and detailed analysis of the results of a large number of peacebuilding operations, Call finds that where peace settlements which exclude major political groupings are concluded, recurrence of civil war is very likely (ibid., p.214). Inclusion is where

a political group has the opportunity to fulfil political offices in line with their expectations (ibid., p.37). These offices are not only formal positions, such as parliamentary or executive roles, but extend to economic, security and territorial sectors. Neither does the idea of inclusion pertain only to power-sharing agreements—though that remains a key component (ibid., pp.39-40). When it comes to post-war governance, the primary task of peacebuilders is not statebuilding but the agreement, implementation and maintenance of a governance system that includes all major interest groups (ibid., pp.227-8). This is the means whereby legitimacy can be achieved and conflict prevented. His conception of legitimation is, therefore, inclusion.

'Legitimacy-focused peacebuilding' does seem quite distinct from its liberal roots but the apple has not fallen so very far from the tree. Call draws upon the essential assumptions of liberal peacebuilding theory, and as a result there are contradictions in his argument. Roberts' (2013, pp.2-3) accusation that legitimacy-focused peacebuilding is 'well within the existing liberal ontological and epistemological boundaries' rests on two issues. Firstly, how Call continues to emphasise elections as a way to achieving legitimacy and, secondly, how Call rejects 'social surveys' as too subjective to be a reliable means of understanding what local people see as making a government legitimate, preferring to use his own definition ('inclusiveness'). Roberts considers this to be indicative of the 'paternalist ontology' of liberal peacebuilding, emblematic of the way international actors tell domestic ones what things like legitimacy mean (ibid., p.4). These criticisms are valid, but Roberts is too dismissive of Call's work and hence misses an important further point. Call's normative definition of legitimacy —inclusiveness—is not just a case of international arrogance but undermines the explanatory value of his account. There is no place for any kind of non-inclusive legitimation in Call's account (2012, pp.219-20) because he will accept neither a political settlement in which the positive aspirations of a population cannot be achieved nor that the international community could ever allow itself to be a willing participant in creating the means for violent repression. In other words, his normative approach to legitimacy rules out the possibility of other forms of legitimation.

Despite the work of scholars of illiberal peacebuilding and in his own analysis, which shows that many authoritarian regimes have been very successful in consolidating peace (ibid.), Call does not allow himself to think that this might be for the same reason that inclusive regimes have been successful. Call (ibid., pp.242-3) states that 'some form of popular consultation and participation constitutes a minimal foundation for broader state legitimacy' is necessary. This is how Call's normative assumptions, his view that inclusivity is better than authoritarianism, leads him to the analytical conclusion that legitimacy *must* be founded on participation and accountability. The only possible mechanism for legitimation is inclusion because he defines legitimacy as inclusivity. Call shows that authoritarian regimes are not legitimate by the standards of his definition but not that they can never legitimate governance to the governed. His

normative preoccupation means he does not adequately explain the mechanisms of legitimation.

A second inadequacy in Call results from this. He laments that he is unable to maintain 'the useful distinction between legitimacy and capacity' (ibid., p.244), for he sees how 'legitimacy captures state-society relations in general, including expectations about service delivery' (ibid., pp.243-4). On one level this means Call's view is more in line with classical liberal peacebuilding; more importantly, it is the beginning of an acceptance that the relationship between service delivery and legitimacy is more complex than either liberal statebuilding or its critics have made out. We will return to this in the next chapter.

Despite presenting two good reasons for doing so—that authoritarian states have a track record of preventing civil war relapse and how capacity and legitimacy have a complex interrelationship—Call refuses to expand his definition of legitimacy beyond his version of inclusion. Thus the account is in tension with itself. It insists on inclusion as the definition of legitimacy while, simultaneously, implying that legitimation may be possible beyond that. 'Legitimacy-focused peacebuilding' follows the criticism of institutionalism without replacing it and thus fails to adequately answer the question of how post-war governance can become legitimate.

Richmond's Peace Formation

Emancipatory peacebuilding falls into the same problem because of its explicit normativity. Only governance that emancipates is governance with legitimacy.

This may seem at odds with the explanatory legitimacy approach that scholars in this tradition often take. After all, we have seen in the last chapter how they elevate local views. However, the normative goal of emancipation dictates that analysts look for emancipatory elements within the data. The point is to interrogate the workings of a given system with a 'post-colonial, post-territorial and post-biological' ontology to see how it is able to perpetuate control and coercion (Mac Ginty and Richmond 2016, p.227) and then break that system down, rather than just (re-)establishing effective systems of dominance. Emancipatory peacebuilding stresses that peacebuilding in practice should be more than that, that it becomes 'potentially emancipatory' (Mitchell and Richmond 2012, p.4) when its focus is on the aspirations of the population toward their own liberation and flourishing (ibid., p.18). Emancipation, as a concept, is a vessel for a broad range of potential principles, but in this view they are always understood to be 'emancipatory demands' against coercive power, championing the powerless against the powerful (Richmond 2016, pp.22-3). This is key. If the goal is an emancipatory political settlement, the focus must be on how it could legitimate itself by fulfilling these goals of emancipation. I am not trying to argue that the normative goals of emancipatory peacebuilding are not laudable, or that their methods are not innovative. The

point is that they are preoccupied with achieving one form of legitimacy rather than trying to explain legitimation.

We can see this in the case of Richmond's Peace Formation. To begin, Richmond throws out liberal statebuilding and insists that only locals can define the characteristics of their governance's legitimacy. Richmond rejects statebuilding for its elite-level focus. It latently alienates local networks and is vulnerable to elite capture (ibid., pp.40-4) on the one hand, while on the other its operations 'lack a connection in context, on the ground' amongst populations that have their own understandings of 'identity, sovereignty, institutions, rights, law and needs according to their own socio-historical and cultural traditions and context' (Richmond 2013, p.379). His solution is Peace Formation, the 'multiple, ongoing attempts to rebuild peaceful social orders' by 'local but well-networked actors' beyond the state (Richmond 2019, pp.85-87). These activities, according to Richmond (2016, p.33), have an inherently emancipatory aim because they reflect the aspirations of the people undertaking them, rather than the aspirations of external actors or elites. Through the 'micro-solidarities' between such actors, and through the use of 'historical and localised' systems that resonate with the people impacted, the demands of the supposedly subordinate can be championed against the powerful (ibid., pp.22-3). Whereas liberal statebuilding efforts have ignored—and even acted as an obstacle to—local actors pursuing peace (Richmond and Pogodda 2016, pp.1-3), Peace Formation advocates call for the international community to 'accept the primacy of their [the locals'] epistemological basis for any type of viable peace' (ibid., p.8). The aim is to help them develop 'contextual legitimacy via a set of relationships and networks which has so far been lacking for the liberal peace system (especially in dealing with non-western cultures, in its advocacy of capitalism, and its construction of individualistic rights, the state and secular norms)' (Richmond 2013, p.386). Peace formation thereby elevates the legitimacy as something defined by the locals, not something that an international intervention can or ought to change.

The trouble is that this is the only kind of legitimation they are interested in: bottom-up and emancipatory. The emancipatory definition of peace includes 'autonomy and human security' (Richmond 2019, p.87), hence they define legitimate governance as governance which cares about such principles. An explanatory focus, however, must identify what local people themselves consider legitimate and therefore accept the possibility of non-emancipatory views. Once again, the insights of illiberal peacebuilding suggest that an explanatory theory of legitimation must also take into account the possibility of authoritarian legitimacy. It cannot simply be assumed that the fulfilment of aspirations of 'autonomy and human security' is the only way legitimation can occur. First, then, Peace Formation falls into contradiction. It simultaneously elevates local conceptions of legitimacy as the only possible source and then assumes those conceptions will suit the theory's own normative priorities. Second, Peace Formation can *describe* the particular form of positive legitimation it wants to

see—and offer ways to support it—but, owing to its limited scope and internal contradiction, it cannot *explain* the mechanism of legitimation. A more generalisable theory of legitimation in which explains the specific process that Peace Formation is interested in alongside other forms would allow for better identification and comparison.

The 'Grounded' Response

The focus in this final section is on Ken Clements' 'Grounded Legitimacy Theory'. I take this as archetypal of a line of thinking that elevates local conceptions of legitimacy and attempts to be highly explanatory as an explicit response to liberalism's normative approach. Grounded Legitimacy Theory (and what it represents) has not received as much attention as the others. My argument is that Grounded Legitimacy Theory falls short in that it establishes a single kind of interaction between local norms and international ones. It essentialises ideas into local/international categories and therefore cannot account for their mutability.

Grounded legitimacy theory certainly appears to be explanatory: establish what legitimacy looks like within its context. Legitimacy exists, according to Clements (2014, pp.14-5) where government is 'consistent with people's sense of their needs, values and experience of the world' and for most people in most places that means government that respects the established traditions of established community groups. This is grounded legitimacy. Where there is legitimacy, which is to say the 'stated or unstated acceptance of unequal political relationships', it dramatically reduces the maintenance costs of rulership (ibid., p.13). Clements (2008, pp.4-7) asserts that statebuilders have historically been absorbed with only the first of the three sources of legitimacy in Max Weber's classic typology: rational-legal, authority derived from law and socialised norms. Charismatic and especially traditional legitimacy must also be considered, for they may be just as or even more important. The implication is appealingly simple: legitimacy exists where it is in accordance with local ideas about rightful authority. His prescription is that statebuilders are to look at the possibility of 'positive mutual accommodation' between local and international ideas about post-war governance (ibid., p.20). Statebuilding must 'work with the grain' of traditional views about authority in a context, to accept hybridity between traditional and rational-legal authority (Clements 2014, p.15). To clarify, consider 'corruption'. Statebuilding does not have to challenge corruption if the use of public goods for private interests is part of nature of 'people's understanding and experience of the fundamental underpinnings of social order' (Clements 2008, p.22). Corruption should not be a priori defined as deviance but broken down to understand its nuances (ibid., p.33). Having done so, statebuilders can act to integrate the popular, and mitigate the destabilising, elements. Thus Clements advocates a move from a preoccupation with the forms of legitimacy the intervention wishes to impose toward understanding and working with legitimacy in its context.

I consider Grounded Legitimacy Theory to be the clearest expression of this line of thinking but others have made similar arguments. Barnett's (2008, p.90) 'Republican Peacebuilding' also eschews the assumption that liberal democracy is a necessary component of legitimacy in every country and that legitimacy will automatically flow from elections (ibid., p.102). He sees the engenderment of 'the use of proper means to arrive at collective goals' as the meaning of legitimacy, with the task of the peacebuilder to assist a society in reaching agreement about those proper means and collective goals (ibid., pp.89-90). De Waal (2014, p.20), similarly, argues that 'the painstaking process of building a consensus among the population is the best means for generating legitimacy'. He claims, referring to the 2009 Darfur peace process, that 'there is no a priori formula for legitimacy outside such a consultative process' (ibid., p.19). Encouraging this consensus or indeed 'positive mutual accommodation' is not a simple task and there are difficult questions—like which leaders are authentic voices of communities (Menkhaus 2014, p.74). The task of grounded legitimacy theory, and those like it, is to work out how to identify, solidify and accommodate views on legitimacy as they exist within a country context. Generally, it is talking about marrying pre-existing local norms and democratic political principles. This is a very valuable way of thinking to explain the processes of post-war legitimation.

Regrettably, however, Clements has one particular process of legitimation in mind and this leads him to essentialisation. He is interested in achieving legitimacy defined by his normative principles: legitimacy is 'greater where there are high levels of political inclusion, participation, representation and achievement' (Clements 2014, p.13). The 'positive mutual accommodation' is for international intervention to increase their version of legitimacy, defined thus, by harnessing dynamics of local legitimacy. In doing so, grounded legitimacy theory essentialises the nature and interests of particular units and pre-defines their interaction. Heathershaw's (2013, pp.276-7) critique of hybridity theory is relevant here: the very dichotomy of international and local is essentialising. Essentialisation is taken here to mean the notion that an analytical object has an essence, a true, stable and immutable identity (see for example Verkuyten 2003, p.372). Mac Ginty's assertion (2011, p.8) that 'norms and practices are the result of prior hybridisation' sophisticates the situation slightly but it continues to perpetuate the idea that, at a given time, international and local actors are essentially separate then, when they meet, hybridise. Grounded legitimacy theory falls into the same trap, as we have seen. Kappler (2015, pp.876-7) is right to claim that naming an actor either international or local is a political decision to see that actor, or have that actor be seen, with one set of connotations or another. In other words, it is not as simple as competition and then compromise between two sets of interests. The supposed poles of local actors and internationals shape one another's practices and preferences in the course of their relations with each other—'co-option works both ways' (Heathershaw 2013, pp.278-80). The influence of the international on

changing the political economics and 'path dependencies' of local actors can substantially alter both the preferences and character of local actors (De Guevara 2010, p.117) and the differences between actors in the same essentialised category can be as important as those between them (Höglund and Orjuela 2012, p.91). Hybridity oversimplifies interaction by proposing a necessary relationship between one category of actor and another. In much the same way, grounded legitimacy theory obscures legitimation by proposing a single pathway to legitimacy, a compromise between *a priori* contextual social norms and the international intervention. It provides no way of accounting for norms themselves changing.

This is important because norms can and do change. To pick just one example from a huge range of choice, Indonesia's Suharto regime mantra of 'collectivism and consensus' lost its ability to legitimate the government as pro-democracy feelings grew in society at large (Aguswandi and Patria 2014, pp.105-6). Grounded legitimacy theory has no way of theorising why such a major normative change would occur. This seems particularly pertinent given grounded legitimacy needs them to adapt in the face of international intervention instead of entrenching or even developing more radically anti-liberal forms. Which norms can find positive accommodation and how? Furthermore, norms are not just passive and stable, they are employed deliberately, often to challenge other norms. This can sometimes be quite radical. For example, African-American civil rights movements used the principles of the Declaration of Independence to protest the segregationist 'Jim Crow' laws (Rubinstein 2018, p.598). Another instance is the formulation of the ideology of the secessionist Somali National Movement in terms of customary law and elder leadership (Bradbury 1994, p.70). These seemingly traditional ideas and roles were mobilised to do something unprecedented. Norms, then, cannot be essentialised. Grounded legitimacy theory can describe norms that already exist but it cannot explain why they come about.

Expectations of governance can also change, including in response to governance itself. Grounded legitimacy theory reflects the key criticism of institutionalism that norms come first and institutions must adapt to them. Things are not so simple. Firstly, how institutions are portrayed has the power to influence their acceptance. Mccloughlin (2015, pp.345-6) suggests that institutional framing in public discourse is crucial, reinforced by Ciorciari and Krasner's (2018, p.489) conclusion that perceptions of service provision are shaped by their treatment in mass media. It seems reasonable to assume that the same institution can be successfully framed to be commensurate with pre-existing norms or not. There is, then, an important role for human agency. Norms do not automatically produce the reception of governance, they are referenced by actors who (try and) influence perceptions. Furthermore, service delivery itself can impact its own perception. Mcloughlin (2015, pp.347-8) goes on to describe how the initial support for improving service delivery in Colombia has become resentment, by some groups, at the lack of parallel improvements

in other areas. In the Democratic Republic of the Congo, meanwhile, a desire for distance with the state by many groups has been partially ameliorated by the largesse of new services (ibid.). We cannot rule out institutionalism altogether, then. It is not as simple as institutions reforming people's opinions in their own image, but they clearly have some power to influence perceptions. Therefore it is not sustainable to argue that pre-existing norms dictate what institutions will and will not be legitimate. The ideational role of institutions must be included in the wider theory of legitimation.

That ideas change undermines the explanatory value of grounded legitimacy theory. Its tendency to essentialise means it cannot appreciate the dynamic nature of social norms which define what kind of governance will be legitimate. An explanatory theory of legitimation must apprehend normative change in the sense of changing norms, as well as in the sense of changing governance to suit those norms. Key questions rest on ideational shifts. Take Hobbes' distinction of commonwealth and association discussed in the last chapter. When and how does a political settlement founded as a convenient means of pursuing individual interests (association) become a more state-like common universe to be supported and defended for its own sake (commonwealth)? This is just one example of the implications for interests and identities. The criticism of grounded legitimacy theory is not that theory should never have a prescriptive element. Rather, the way that Clements has modelled the interactions as a result of his normative goals has essentialised norms to the point that he cannot explain normative change.

Conclusion

The conclusion is that peacebuilding needs a general theory of normative change which is not institutionalism. Emancipatory and revisionist responses are narrowly confined to particular, normatively defined paths of legitimation and even in tension with themselves. Grounded legitimacy theory, meanwhile, leaves no role for ideas changing. In fact, that is something all of these theories, as well as the non-institutionalist conception of liberalism, share. Governance can be rendered to match subjective opinions about governance but subjective opinions about governance are fixed. On the one hand, the traditional legitimacy views of locals are stable in grounded legitimacy theory, while, on the other, everyone else claims that the ones that matter match what they think legitimacy ought to be. That leaves us with one theory where ideas, as well as governance, are considered mutable: institutionalism. We have already seen that institutionalism fails to account for how pre-existing ideas change the experience of institutions.

So, internalism (anti-institutionalism) wipes out the possibility of normative change, including by institutions, while institutionalism blithely accepts that subjective views will automatically follow from the experience of governance. This results in a difficulty. To clarify, let us accept for a moment David Hume's

(1985 [1740], pp.542-3) postulation that our subjective ideas about government arise from habitual conventions of government. That would mean to change those habitual conventions would be to spark moral dissatisfaction and thus de-legitimate. That is the internal argument. On the other hand, a new form of governance can habitutate itself and thus become legitimate. Here we have the institutionalist argument. Both must be partially true; the cart and the horse are somehow in front of each other.

In the attempt to find an adequate, explanatory theory of legitimation, we have found a paradox. Solving it is the aim of the next chapter. The theory must explain how processes of legitimation work. This includes how ideas change, as well as how they interact with new governance. Consequently, it must include a role for governance's influence on ideas, while accepting that the relationship with governance is mediated by subjective opinions and normative imaginary. It cannot be restricted to one particular form of legitimation, be that liberal, emancipatory, hybrid or authoritarian; neither can it restrict itself to a particular constellation of governance as a referent, like a state, but must address any type of political settlement. Only an explanatory theory of the legitimation of post-war governance that fulfils these conditions can be adequate.

Chapter 4:
The Legitimating Claim

'Invention... does not consist in creating out of void, but out of chaos.'
Mary Wollstonecroft (1831)

Introduction

I submit that the legitimation of post-war governance must be understood *relationally*, where all the elements that make it up are influencing each other all the time. Statebuilding therefore needs some ability to grasp the processes of legitimation when all the factors that make it up are constantly *constituting* each other and can only be defined by their *relationships.* I further demonstrate that a claim-making model is up to the task.

Centering on claims enables the analyst to orient themselves amidst the mutually impacting swirl of long-standing ideas, actor agency, and political-economic-institutional conditions. In this way, one can make sense of how the various factors of legitimacy impact each other to produce different outcomes.

To make my argument I invoke a variety of different concepts but the most significant three are relationality, Beetham's theory of legitimation, and Representative Claim theory. Relationality is taken from the work of Lemay-Hébert (2009) and Andersen (2012), for whom legitimacy is not the result but part of a political settlement. I signal that the various components of legitimacy constitute each other is the most important element of their analyses for the problems at hand. Beetham helps specify by expositing a theory of legitimacy that works relationally. Finally, Representative Claim theory offers a mechanism of claim-making by agents to audiences with the aim of acting on subjective views of governance.

Each of these are essentially building blocks, and part of the originality of this chapter is to combine them. I interpret Beetham relationally, against more static conceptions (e.g. Stoker 2018, p.18) and accusations that he treats rules and beliefs about rules as fundamentally separate (Weigand 2015, p.1), to present his work as a way of revealing how relational legitimacy can work. Claim-making provides a method of understanding how it can come about in the first place. Actors can make claims to legitimate new or reinvented authorities—or, conversely, to de-legitimate them.

Further, I expand on each of them. Relationality is very abstract and in need of modelling in order to apply it. Visoka (2020) and Krampe and Eckman (2020) have already applied relational legitimacy to statebuilding contexts, but they focus on the multidimensionality of legitimacy relationships and do not examine how the elements of legitimacy can be mutually constituting. That is where my interpretation of Beetham comes in. His explanation, however, is preoccupied with existing legitimacy structures. The legitimation of new systems is an

essential question for post-war contexts, which I take to be 'critical junctures' (Collier and Collier 2002, pp.27-8) where forms of authority can be reinvented. The claim mechanism reintroduces agency, a way of addressing innovation and contestation.

Relationality can be usefully configured as a constructivist theory because it conceives of 'the manner in which the material world shapes and is shaped by human action' as the result of 'normative and epistemic interpretations of the material world' (Adler 1997, p.332). Because constructivists emphasise discourse in their theories of change, a discursive theory like Michael Saward's (2010) Representative Claim is a natural ally. I am applying to legitimation the process he uses to tackle representation: that is, a claim by a maker about a referent to persuade an audience that the referent is a particular way and the subject has a particular relationship to it (ibid., p.36). That is not to say that the Representative Claim and the Legitimating Claim are precisely the same. For one thing, they have distinctive aims. The former is to persuade the audience that the subject is an appropriate representative, the latter that it is an appropriate authority. Of course, these often overlap in practice, but the theories are still aiming to explain different things.

More significantly, it is necessary that the Legitimating Claim maintains relationality between this discursive, agential element and the other factors pertaining to legitimacy. That is why I introduce resonance and credibility as the conditions of acceptance. They each impose constraints on successful claim-making while, simultaneously, successful claims re-shape them. Claims must *resonate* with pre-existing ideas in order to be successful. Resonance is Saward's (2010, pp.46-7) term, but I go beyond the notion that claims must simply match relevant pre-existing ideas, as grounded legitimacy would have it. Claims refine, solidify and innovate upon important, widely held beliefs about the purpose and scope of governance—which I call social ideas. They do not just reflect them. Accepted claims then may influence the character of social ideas. Resonance is a dynamic conception of ideas—avoiding essentialisation—that nonetheless embraces the significance of established norms and values. Meanwhile, claims must also be credible in terms of external conditions. If a legitimating claim does not offer something the audience perceives to be a plausible picture of how social relations are or could be, then they are more likely to reject it. Credibility thus brings in factors like the power of groups or the character of institutions. Again, they are relational. External realities, or at least the perception thereof, impose conditions on claims. Thus can governance—among other things—influence ideas. Likewise, successful legitimating claims can also re-configure perceptions of governance.

There are five salient points in my argument, each of which constitutes a part of the chapter. Parts one to three outline the necessary elements of a relational theory of legitimation, introducing relationality and what has been written on the topic, expositing Beetham's conception, then moving beyond it by introducing discourse as a key element of agency and novelty. Parts four and five detail

Legitimating Claim theory. The former expounds the utility of the mechanism offered by Representative Claim theory in making a Legitimating Claim, the latter considers the conditions of acceptance (resonance and credibility) in turn. Finally, I summarise the Legitimating Claim model and recapitulate the way it (a) avoids essentialisation while taking established ideas seriously and (b) makes sense of how governance and ideas influence each other.

Part 1: Relational Legitimacy

Before diving in, it is worth recalling that the target of this thesis is the subjective legitimation of post-conflict governance by its population. Subjective legitimacy is defined, for the purposes here, as the 'generalized perception or assumption that the actions of an entity are desirable, proper, appropriate within some socially constructed system of norms, values, beliefs, and definitions' (Suchman 1995, p.574). The entity under discussion is post-war governance, which itself is broadly defined as any element of the political settlement (be that formal or informal), the settlement itself, institutions and agents (usually, but not exclusively, groups) within it, or their policies. The purpose is to model how 'norms, values, beliefs and definitions' pertaining to the 'desirable, proper, appropriate' behaviour of governance change.

Do institutions change ideas or do ideas change perceptions of institutions? The last chapter laid out that both appear to be the case, a kind of chicken and egg issue in which both operate on each other. Making sense of causality becomes very tricky. The way to resolve this, I argue, is stop thinking about legitimacy in linear terms and start thinking about it relationally.

The term relationality is taken from Andersen (2012, pp.213-4), whose basic criticism is that, for theorists of international relations, 'either sources of legitimacy or referents of legitimacy are treated as exogenous'. In other words, approaches to studying legitimacy either accept society (source) or the state (referent) as the dynamic half, with the other treated as having 'stable attributes'. Legitimacy is rendered as an 'epiphenomenon', a property that emerges when the dynamic element fits the demands of the fixed element (ibid., p.206). To assume stable attributes is the trap of essentialisation. As discussed in Chapter 3, liberal theory in its non-institutionalist form postulates that a state with the features of 'capacity, inclusion and accountability' will be legitimate (World Bank 2011, p.84), while Clements (2008, pp.4-7) contends that every society has its own distinctive sources of legitimacy that its governance must match. Both of these theories thereby make governance the dependent variable. Either it can fulfil the prescription fixed by society and be legitimate or deviate from it and be illegitimate. For Anderson (2012, p.215), however, it is impossible to define a state or a society without referencing the other. State and society are hopelessly interrelated. Therefore, he proposes to look at legitimacy through relational theory, which makes relations the object of the analysis rather than the things participating in the relationship (ibid., pp.215-6). Neither the chicken nor the egg comes first.

That legitimacy and power emerge together is also recognised by Lemay-Hébert (2009, p.34) and his notion of constitutive legitimacy. This means that the state is not a set of institutions but a 'sociological process'. He invokes Durkheim's conception of it as 'the very organ of social thought' to argue that a state will 'fail' when its normative idea has, not because its institutions are dysfunctional (ibid., pp.24-5). Dysfunctional institutions are merely a symptom. Legitimacy is not a product of stable institutions—once more, their epiphenomenon—but actively productive of their stability (ibid., p.27). Legitimacy is therefore constitutive: it underpins the existence, success and stability of its institutions. Lemay-Hébert's argument is reminiscent of historical-sociological accounts that chart how distinctive 'forms of government' emerge from different state-society relations. Tilly's (1992, p.30) pivotal account places responsibility for the trajectory of European states at the door of the negotiation between elites and economic classes. Tilly's original argument has little to say on ideational factors, although the idea of allegiance to the state is present at important points, like his discussion of the acceptance by governments of established ways of raising grievance against it (ibid., p.102), and he does later accept 'commitment' along with 'capital' and 'coercion' to the important connections between society and government (Tilly 2004, pp.12-3). Regardless, his argument is an exemplary version of the theme: that variations in the configuration of the relationship between state and society produce distinctive forms of governance. It is of no moment to extrapolate from these discussions of the state to political settlements in general.

Krampe and Eckman (2020) and Visoka (2020) have applied relational legitimacy theory to problems of peacebuilding, but they do not take up its constitutive insights. They focus on the multi-dimensionality of legitimacy relationships. Krampe and Eckman (2020, pp.219-22) define relational legitimacy as an 'actor oriented approach' that attends to the state-society relationship and is 'descriptive' rather than 'prescriptive', while Visoka (2020, pp.48-9) expounds, against international indicators, that 'legitimacy can be captured only when we account comprehensively for the processes, actors and discourses of legitimation and delegitimation, as well as disentangle relations of power and identification.' These definitions emphasise their concern with what Visoka (ibid., pp.44-5) calls the 'complex and multi-dimensional dynamics of political acceptance, legitimation, validation, resistance and rejections'. Krampe and Eckman (2020, p.221), to that end, propose a typology of different legitimacy relationships, inclusive of but not exclusive to the state. They apply their model to show that local governance structure rather than the state have been legitimated by the success of micro-hydropower projects in Nepal (ibid., pp.228-30). Visoka (2020, pp.56-7) contends that elites in Kosovo have been keener to legitimate themselves to internationals through 'institutional reform' rather than to those they govern through 'socio-economic development' and thus must rely on evasion and association with liberation when addressing the Kosovar people (ibid., p.54). These are valuable explanatory accounts. However, the constitutive element of relationality is missing. There is little about how the interests and ideas of agents develop in view of each other, for example.

Consequently, they could easily fall into essentialisation. A relational approach must attend to multiple relationships, as they do, but also to the constitution of these relationships, the diachronic interaction that defines their character. Legitimacy is not so much a *product* of a match as a *factor in production* and these accounts do not address that.

A relational conception of legitimacy requires that state and society are seen as mutually reliant. The important object of analysis is the relationship between them and this relationship captures how political power is exercised in practice— its limits, expectations and norms. In this view, legitimacy is clearly also constitutive. Legitimacy is here not the result of a happy harmony between one dynamic object and one fixed one; it is not where the fixed object is a round hole and the dynamic object comes (somehow) to be round, so that the one fits inside the other. Legitimacy is much more intrinsic, and complex, than that. Relational theory conceives of it more like two artisans working on the same statue together. What the statue finally looks like is a result of the messy process of sculpting it together: negotiating and fighting over what its end state will be, learning about the other's needs, strengths and qualities, building and losing rapport, all while actually making it. The two work out what is acceptable to both of them while interacting, not beforehand.

Different stages of production and the impact of interaction change their individual opinions and strategies in many and varied ways. It is useless to try and understand the statue's features by paying attention to the changing preferences of only one of the artisans and accepting that the other is in some way fixed *a priori*. Instead, because the statue's characteristics are the result of that relationship, close attention must be paid to how the relationship between the artisans developed. Thus, the acceptability of the statue to the artisans—its legitimacy—cannot be reduced to the idea that it is tolerable to both. That may be true, but it is more than that. The acceptability of the statue is a core part of the process of its creation and defines what it ends up looking like. This is the crux of relational theory applied to legitimacy. How power relations come to be and their legitimation are not separable. 'Acceptability' and 'rightfulness' and 'normative support' are integral to the creation of state-society relations, not a result of them.

There is therefore no invariant process of legitimation. To reference Tilly (1995b, pp.1594-5) again, he warns against establishing a model of a given political process that purportedly identifies universal rules of how that process happens, identifies a unit of analysis (like a state) and then endeavours to 'explain the behaviour of the unit on the basis of its conformity to that invariant model'. This is precisely how legitimacy-as-epiphenomenon is treated. The analyst attempts to identify the conditions in which legitimacy will or will not be generated and examines those conditions within a political settlement to determine whether or not it is legitimate. However, it is still possible and useful to develop *generalisable* theories; these 'stipulate variation' at the heart of the model (ibid.,

p.1597) and recognise that any given process within that model is only separate from the others as an 'analytical convenience' (ibid., pp.1601-2). This chapter is an attempt to create such a generalisable model.

I submit that constructivist theory is an appropriate starting point to develop a model of relational legitimacy because they reach similar conclusions about the importance of the link between the material and ideational worlds. The core insight of constructivism is that 'the manner in which the material world shapes and is shaped by human action depends on dynamic normative and epistemic interpretations of the material world' (Adler 1997, p.322). Contextual norms of belief and behaviour may have an impact on actions and thus become 'politically salient' (Spruyt 2000, p.81). Constructivism and relationality are allies.

The material angle is in need of emphasising because 'New Materialist' literature criticises constructivism for its excessive consideration of the immaterial ideas half (see e.g. Coole 2013, p.452). Should that be the case, constructivism would undervalue the role of governance impacting on ideas about itself, jeopardising the relationality. Bruno Latour's Actor-Network theory (associated with New Materialism) posits not norms but 'socio-material entanglements' as the underpinning factors of particular 'political arrangements' (Schouten 2013, p.555). A political society is thus not merely a cultural construct but a 'socio-material one'. However, this is the same essential point: the discursive and material worlds are inherently interlinked. Constructivism may have over-emphasised one element to the cost of the other but there is no reason it must do so. Indeed, the proto-constructivists who laid out their logic against traditional positivist frameworks in international relations scholarship were careful to show how discourse and materiality are inseparable (Lundborg and Vaughan-Williams 2015, p.18). There is a more profound disagreement in that New Materialism gives matter agency. The constructivist assumption that humans are separate from the material world, enter it, and interpret it, misses how important the non-human is to the constitution of individuals (ibid., pp.11-13). I contend that there is nonetheless significant agreement on the idea of 'emergent causality', whereby causality is not the kind of chain reaction ('efficient causality') as understood in physics but the 'swirl back and forth' between forces within systems that create 'novel patterns' (Connolly 2010, pp.179-80). Whoever wins the ontological priority dispute, it is this relationality of internal-ideational and external-material I want to take forward.

Part 2: Beetham's Dynamic Dynamics

Relationality seems very abstract. It is all very well to state that legitimacy is composed of mutually constituting elements but how can such a thing be understood? Beetham's (1990) *The Legitimation of Power* is a very strong attempt to make sense of the tangle of interrelationships.

Beetham (ibid., p.16) asserts that power is legitimate when:

'1) It conforms to established rules;
2) The rules can be justified by reference to beliefs shared by both dominant and subordinate;
3) There is evidence of consent by the subordinate to the particular power relation.'

Critically, these three principles exist in relation to each other. Each principle is a leg of the stool, but the stool itself is what matters. This first leg is the legitimate rules of power. Although he goes into some detail about these (see especially ibid., pp.64-8), what is most important is that they must themselves be justified (ibid., pp.68-9). It is no use for a leader to say what she did was legitimate based on law or norms if these laws or norms are not accepted by the population. Beetham elucidates three phenomena of power relations in need of justifying: inequality, exploitation and subjection. Inequality is the difference in lifestyles and opportunities that (lack of) access to power creates; exploitation is the usage of subordinate labour to sustain elite economic conditions; and subjection is the social system of sanction for disobedience from which individuals cannot separate themselves (ibid., p.58). Beetham matches each with a kind of justification: exploitation by appeal to the idea of the pursual of common social purposes enabled by the particular distribution of power, subservience by 'evidence of consent', and inequality by 'differentiation', meaning the 'normative distinction of one type of person from another' (ibid., pp.59-60). The distinction can be based on a difference in skills perceived as socially useful (meritocratic) or on birth qualities (ascriptive). Both, though the latter in particular, are rarely accounted for by 'conscious instruction' but are unconsciously socialised (ibid., pp.77-81). This leads onto a very significant point. For Beetham, power relations have a tendency of generating perceptions of their justification by the simple fact of their existence. Just as power needs legitimacy, it seems that legitimacy needs power. There is no state of nature where ideas about legitimate power can be developed outside of actually existing power. Those ideas always come about within a context of power.

Relationality is reinforced by his idea of consent, the final leg of the stool. Consent is also the justification for subjection, or the existence of a system of sanctions for rule-breaking (ibid., p.58). This too supports the self-perpetuation of legitimacy. Once again, Beetham demonstrates his relational approach by defining consent as 'constitutive' of legitimacy rather than merely 'evidence' that a population is happy with the state of affairs (ibid., p.91). Mass participation, of some kind, is required to bestow validity on a rule-regime (ibid., pp.93-4). Put differently, people do not consent because they think prevailing power relations are valid, but they make them valid by showing consent to them. Legitimacy once again is able to sustain itself. Where these power relations pre-exist it is rational to consent to them, and thus legitimate that power, in order to access the benefits of participation in the political economy (ibid., pp.96-7). Power (as Beetham has defined it) involves structural exclusion rather than exclusion as the result of any particular actor's deliberate deeds. The structuring of a society actually creates an individual or group's 'condition of need or insufficiency' but it

is obfuscated, seen instead as a natural state of affairs. Consequently, subordinates give their consent to the power relations that will resolve their insufficiency and thereby give the rules the legitimacy to extract consent in the future (ibid., pp.61-2). This aspect of Beetham's argument highlights most clearly legitimacy's relationality: people will mobilise to gain advantages of the power system, the power system can give advantages because people will mobilise, mobilisation thereby generates legitimacy for the power system, and legitimacy sustains the power system.

His principles provide a framework for what he contends is the real job of the legitimacy analyst: to evaluate the congruence of power with beliefs and laws and the extent to which consent is displayed (ibid., p.13). Weber's definition of legitimacy as 'belief in legitimacy' is, he argues, too reductive and consequently asks the wrong question. There are the elements that are related to belief but not strictly questions of it, for one thing. Second, systems will be legitimate to a population when they can be 'justified in terms of their beliefs' (ibid., p.10). What the system does to fulfil those beliefs, not the character of beliefs, is key. Beetham points out that too much emphasis on beliefs leads to definitions that make legitimacy a product of persuasion, a successful public relations campaign by elites that successfully changes beliefs about governance in their favour (ibid., p.9). By contrast, his approach links systems of belief to the character of institutions to show how the two influence one another (ibid., p.158). This is an archetypally constitutive conception. Beetham identifies the relationship between the rules of power and the normative views of the subordinate population as his key question, particularly in that they concurrently shape what those rules and those beliefs are.

Legality, beliefs and consent may be enumerated separately for analytical convenience but they are not separable. Alagappa's criticism that the model isolates consent and legality from belief (Weigand 2015, p.1) has got the wrong end of the stick entirely. The two exist relationally. Other scholars have, rightly, recognised that Beetham configures legitimacy as a key determinant of state behaviour and the fundamental facilitator of state action (see Stoker 2018 p.18, von Soest and Grauvogel 2017 p.289), but I have demonstrated that he does not configure it as static. Beetham offers an account of how legitimacy's moving parts interact to make each other function.

Both normative beliefs and material factors play a key role but can only be understood in relation to each other. Ideational factors give such a system its basis, as we have seen, and break them where their powers fail. Consequently, Beetham makes pains to point out that the questions of legitimacy are questions of moral argumentation. The particular imperatives generated by the reasoning behind values and ideals and the desire to pursue them are worthy of interrogation. They are neither non-existent nor relegated to some 'pre-rational' realm of internal psychology. Social scientists interested in legitimacy must undertake 'internal analysis of ideas and arguments', something akin to the work of the normative philosopher, in order to understand their logics (ibid.,

pp.243-4). I am reminded of Tocqueville's 'theoretical world between the history of ideas and social history' (Welch 2009, p.365), because Tocqueville looks at the particular implications of the norms inculcated by democratic philosophy in their context to explain what was, to him, the 'new cultural formation' of American democracy as a 'complex social and psychological artefact' (ibid.); this in contrast to simple causality between some principle of human nature and their behaviour in political society (ibid. p.368). Beetham is proposing much the same thing. His urging to analyse legitimacy through the moral justifications of power made by particular populations and elites themselves should be taken seriously by peacebuilding scholarship. The coherence (or otherwise) of moral reasoning about legitimacy not only yields insights about its nature, such as upon what it is contingent, but is an active part of its constitution and perpetuation. I will pick up this trail after dealing with the material side.

The material component cannot be excluded, as both constructivism and Beetham insist. One important corollary of this interdependence is that material conditions impact, and are impacted by, normative beliefs. The theory of legitimacy needs to take into account the *constitutiveness* of both material power and ideas. Consider how the ability of power to mobilise material resources to pursue its ends is reliant on legitimacy. Where a power-holder's rights and entitlements are not seen as rightful, she must spend all her resources on coercion to retain her power and cannot use those resources to provide services for the population (ibid., p.28). The engagement of subjects with an elite on the basis of the belief that doing so will be in their material and security interests is in this way impacted by their judgements of the authority of that elite. Obedience out of self-interest and obedience out of normative beliefs impact each other. Perhaps even more importantly, an elite's ability to use force is predicated on its administrative and military capacity, which it cannot call upon if the personnel do not respond. Thus, the elite's force is predicated on its legitimacy (ibid., p.33).

So much for how legitimacy impacts material power. The arrow flies the other way, too, because legitimacy is made credible by material conditions. That only the prevailing power distribution can fulfil the common good is accepted because 'necessary social functions' are carried out by elites; indeed, it becomes difficult to conceptualise how they would be undertaken without them (ibid., pp.60-1). The criticism that the idea of the common good is merely a cynical mask over self-serving elites is not valid because 'social power' is organised in such a way as to make serving elite particular interests the way to serve general subordinate interests too. The social means of production, welfare and defence are commensurate with the moral order and hence it is not seen as exploitation but as 'public service' (ibid., pp.82-3). In other words, subordinates do actually benefit from the existence of the system, even though elites clearly benefit more. Beetham (ibid., p.62) concludes that power relations generate the conditions for their own legitimacy through the way they structure the functioning of society. This intersubjectivity of power, justification and benefit is rather more complex than a successful elite propaganda campaign. Legitimacy

exists as a dynamic relationality with power systems shaping their own justification.

Benedict Anderson, in *Imagined Communities* (1991)*,* also notes the necessity of material conditions for the emergence of ideas. It is worth dwelling on because it is a detailed illustration of a theory which argues that an idea could only come about thanks to a particular constellation of material factors, but also because it pertains to nationalism, which has had a huge influence on political legitimacy (see Stephens 2013, p.2 for a literature review of this) and nationalist legitimation is salient to my case study. It represents a kind of buy-in to a political community that makes large sacrifices for that political community seem rational and desirable. Tilly's (1984, pp.172-3) account has it that only with the Age of Nationalism did the state become the sole legitimate purveyor of violence within a territory. Notably, its strength made it 'credible' to both internal and external parties, a credibility which in turn facilitated its strengthening.

Anderson's (1991, pp.5-6) conception of a nation is as:
> 'an imagined political community - and imagined as both inherently limited and sovereign.'

He chooses the term imagined to imply creativity, as opposed to fabrication, which implies falsity (ibid.). It also implies that the imaginary must come to be shared. This emphasis on social construction may seem at odds with materiality. However, in order for this imaginative creation to take place, the form of life being imagined needs to have 'plausibility' (ibid., p.12). There need to be conditions in the time and place that allow the idea to take hold—in fact, he can be lumped into the 'modernist' school of nationalism for precisely this reason (Smith 1996, p.359). He argues that administrative organisations 'create meaning' by framing life journeys, the lived experience of getting from place A to B (ibid., p.53). He refers to these life journeys as pilgrimages, as a sort of homage to the importance of mediaeval pilgrimages in creating a sense of wider religious community beyond the local (ibid., pp.55-61); elsewhere he describes the importance of the relationship between life journeys and conceiving of membership in a community with the less romantic 'traffic habits' (ibid., p.169). Over time, the possible traffic habits within the institutional framework and the lived experience of them produce a 'framework of a new consciousness' (ibid., p.65). External conditions are therefore a crucial foundation to the development of new ideas. Anderson holds that the traffic habits of the colonial Americas first produced the nationalist consciousness, because the administration brought people together from within a bounded space (colony) while offering little opportunity to move beyond it (ibid., pp.55-61). In addition to these institutional factors, there were also technological factors. The idea of continuity of language is necessary for imagining a national community, Anderson (ibid., pp.44-5) contends, and such an idea could only emerge from its standardisation in print literature. Print technology thus made nationalism plausible and sustained it (ibid., pp.35-6). Quite apart from his specific argument about the development of nationalism, Anderson more generally shows that there are material

conditions of existence for an idea to take root; this idea in turn, as Tilly and Beetham have noted, can then change behaviour and alter conditions.

Part 3: Critical Junctures and Discourse

So much for legitimacy, what about legitimation? Beetham gives an account of how power maintains legitimacy but it is much weaker on how power is gained or lost. To make his version of legitimation adequate to model post-war legitimation, it must include more agency, for which constructivism offers discourse.

Beetham does recognise the question of legitimation. He exhorts the analyst to take a diachronic approach (Beetham 1990, p.103). One must attend to 'ongoing processes' to understand legitimacy, not the supposed inception of a polity. This is not to say that '*stories* about origins [emphasis in original]' are unimportant. They may indeed be a key aspect of legitimation. Rather, it is to say that the history of legitimacy cannot be apprehended by the nature of its starting point:

> 'Rules of power that are imposed may over time achieve acceptance… those instituted by agreement may break down… Over time, therefore an original difference between usurpation and agreement tends to become blurred.' (ibid., p.102).

Beetham also notes that although this relationality appears very strong theoretically, in practice legitimacy is very often weak. He enumerates some reasons for this, including how that provision of social goods, required for the legitimation of exploitation, are hard to deliver in practice (ibid., p.142). He more or less leaves it there. Given the concern here with legitimation of illegitimate governance, and given Beetham's own view that the moral argumentation of agents is vital to the constitution of legitimacy (see last section), I will expand his argument.

Heathershaw's work on Tajikistan (briefly discussed in Chapter 3) applies Beetham's abstract theory and offers discourse as a means of doing so. Through application, and despite not using the term, Heathershaw does not lose the sense of relationality. Heathershaw (2008, p.8) pays a great deal of attention to how legitimacy emerged in tandem with the modes and institutions of government after the civil war and notes—like Andersen and Lemay-Hébert—how analytical objects like state and society are defined by their relationship with each other. Legitimacy is not the result of a political order but, in fact, a political order is predicated on its legitimacy (ibid., pp.172-3). The move he makes that significantly adds to Beetham is that he renders these elements not as simply existing, but as creating a discursive environment (ibid., p.8). Throughout, Heathershaw emphasises discourse as critical to legitimacy's realisation.

In part, Heathershaw needs to stress agency—in his case, through discourse—because he is dealing with the re-constitution of a post-war political settlement. Beetham's exposition describes a reasonably settled state of affairs where material conditions are stable and key beliefs are broadly shared by the population. This is rarely the case in a post-war context. Rather, scholars speak of them as 'critical junctures', places and times where there are many available choices, and the choices that are made will lock-in the trajectory of governance for the longer-term (Collier and Collier 2002, pp.27-8). They lay a path from which, once set, it is difficult to divert; choices thereafter must be determined from within this more limited framework. To take an example, Acemoglu and Robinson (2012, p.101) argue that critical junctures can break up extractive institutions or 'intensify' them. Once the decision is made (not that this should imply it is a single decision, or always consciously planned) then the extractive institution will either struggle to return or be established for the future. Identifying the existence of such a juncture is always easier looking back—indeed, a critical juncture is often theorised as a result of examining one of its legacies (Collier and Collier 2002, p.30)—but it can be reasonably said that a post-conflict situation offers a great deal of potential for deciding future trajectories.

It is consequently necessary to treat legitimation as dynamic, something which people seek to obtain and define, in contrast to legitimacy as stable, a background reservoir of support to rely upon. The latter metaphor comes from Easton's (1975) famous 'specific' vs 'diffuse' typology. Specific support relates to institutions, policies or individuals and is attached to the outcomes they produce (ibid., pp.437-8), akin to performance legitimacy. On the other side, diffuse support concerns the legitimacy of a whole system (ibid., p.444), say a state or a regime, and hence is not in the immediate term reliant on some kind of delivery. However, this is not quite the distinction I mean. An agent consolidating post-war legitimacy is likely to be in pursuit of diffuse support and may not (only) try to acquire specific support as the means of doing so.
Haugaard's (2003) typology of 'discursive' and 'tacit' consciousness is more useful. A settled legitimacy regime may be tacit and provide a sub-consciousness framework for political debate and action, like the grammar of a language in which you are fluent (ibid., pp.100-1). Conversely, a new one must be consciously propounded and defended. Its grammar rules must be scrutinised, accepted and learned. Haugaard (ibid.) discusses how political actors can deliberately subject tacit rules to discursive consciousness in order to re-scrutinise and de-legitimate them. Additionally, though, events like wars can change the world such that formerly tacit structures no longer make sense and thus force a re-appraisal. It is also worth adding that interrogation can produce defences of the old regime, like Burke's (1968 [1790]) *Reflections on the Revolution in France*, which may even improve its legitimacy. Indeed, there may be many junctures, some rather less critical, at which it is necessary to debate and interpret the legitimacy of an institution (as Imerson 2018 has persuasively

argued), to bring out tacit legitimacy to discursive consideration. The point is that this is surely particularly salient for post-war governance.

Constructivism, too, has grappled with a problem of structure against agency, and likewise it offers discourse as a useful tool. Finnemore and Sikkink (1998, p.888) argue that 'much of the macrotheoretical equipment of constructivism is better at explaining stability than change'. In response, they propose a 'life-cycle' where norms emerge, are imitated, and then internalised (ibid., p.895). The latter two stages follow from the first as the norm reaches a kind of critical mass and a 'cascade' occurs, eventually establishing itself as hegemonic (ibid. pp.902-4). How can a new norm arise to challenge, even replace, an older one? Stage one, norm emergence, puts individual agency at the centre: 'meaning architects' must persuade people (ibid., pp.896-7). They are motivated by ideational goals (ibid., p.898), though other possible gains might incentivise people to risk their lives and fortunes to pursue them (Spruyt 2000, p.81). Norm pioneers must challenge something that seems appropriate by challenging its moral meaning in order to render it, rather, inappropriate (Finnemore and Sikkink 1998, p.900) and may use 'inappropriate' means to do so (ibid., pp.897-8). To be effective, these new claims must 'fit' established norms somehow, making connections that may not necessarily be intuitive (ibid., p.908). There is, then, a discursive mechanism whereby norm pioneers can legitimate or de-legitimate established ideas. Eleveld (2016, p.75) introduces the notion of 'non-stable' ideas that can be mixed-and-matched and 'articulated together with other elements such as institutions and practices into new discursive formations.' In this short sentence, she stakes a two-fold claim to a fully relational constructivism. First, norms are deeply mutable; second, institutions are as dependent on them as they are on institutions. Her contention that constructivism posits that subjects are 'situated' in their contexts, and the contexts are 'constituted by discourses' (ibid., p.76). A discursive model in the constructivist sense is appropriate to make sense of relational legitimation.

Part 4: The Claim-Making Solution

My argument here is that claim-making can provide a useful model to make sense of relational legitimacy. My Legitimating Claim model uses the mechanism provided by the Representative Claim, though they refer to different sorts of claims. The argument below demonstrates that the mechanism of the Representative Claim is explanatory and non-essentialising; in other words, fit for the purposes of explaining how legitimation works.

Claims have been recognised in some of the legitimacy literature but not well developed. Both Weber (Matheson 1987, p.206) and Beetham (1991, pp.64-5) make use of the term 'claims' in their discussions. Claims are also mentioned in Barker's (2001, p.100) work, where he contends that rebels must articulate an alternative 'depiction' (i.e. to portray something as something) of governing arrangements or principles in order to garner support for their cause. But how does such a depiction function to (de-)legitimate governance?

A claim, broadly, is an assertion that something is the case, that something is true, that something is due. This assertion must be discursive, it must intervene in discourse, and, classically, that means it is spoken. That said, a claim is not necessarily verbal. Management theory stresses non-verbal communication, particularly body language like posture and facial expression (Gardner and Martinko 1988, p.331) while institutionalist theories talk of how 'impression management' can change perceptions of something (Elsbach and Sutton 1992, pp.709-1, Suchman 1995, p.592). One important form of this may be the kind of service delivery expansions mentioned in chapter 3 (e.g. Mcloughlin 2015, pp.347-8). I suggest that cues, being tacit, are more suited to reinforcing claims —something further discussed in the section on reception—rather than making innovative re-interpretations. Whatever the case, analysts must attend to the use of cues as well as verbal claims. Legitimacy claim-making is a strategic process by actors attempting to legitimate themselves or others and their governance proposals, but, importantly, they are not merely instrumental. As Patriotta, Gond and Schultz (2011, p.1831) argue, the character of claims grows out of the identity of the entity making them.

Claims for new frameworks of governance are rarely isolated but part of a wider whole. That is why the preoccupation here is with storylines: 'narratives on social reality through which elements from many different domains are combined and that provide actors with a set of symbolic references that suggest a common understanding' (Hajer 1995, pp.62-3). Different but associated claims confirm and are interpreted in the terms of each other. Multi-interpretability means the findings of others that support your storyline confirm what you already accept from your own understanding, even if you cannot personally validate the other aspect of the storyline (ibid., p.62). The notion of discourse coalitions, groups creating and united by these storylines, stresses the agential aspect. Coalitions are simply defined by the story they share (Duygan, Stauffacher, and Meylan 2018, p.28). Similarly, 'memory clusters' naturalise the association of different ideas with each other, reinforcing, turning their mutual reinforcement into an assumption (Wijermars 2019, p.33). I will return to the interconnectivity of claims later. For now, I turn to how a claim works.

The Representative Claim provides the groundwork. It is an appropriately explanatory and constructivist view. Not unlike liberal peacebuilding theory, classical representation theories conflate the idea of representation with normatively good forms of representation (Rehfeld 2006, pp.3-4). Representative Claim theory explicitly counters this. It takes a constructivist view and, hence, attempts to divorce an explanation of the concept of representation from ideas of what representation ought to be (Disch 2015, p.488). The approach is controversial in the representation literature for normative reasons. Representative Claim theory defines how a belief in valid representation can arise but it leaves that judgement to the audience. Consequently, it offers no criteria to distinguish between a representative who

pursues a constituency's real interests—however one might define that—and one who simply makes a constituency feel represented (e.g. Severs 2010, Disch 2015). None of these criticisms, however, threaten the explanatory value of the Representative Claim in understanding how the process of establishing representation works in practice.

Michael Saward (2010) has identified five elements to this process: maker, subject, object, referent, and audience (ibid., p.36). At its most basic it is simple enough to be almost self-explanatory. The maker is them who makes the claim (i.e. the claimant), the subject is who or what is the representative according to the claim, the object is whoever is being represented according to the claim, the referent is what the object refers to, and the audience are they who are meant to be persuaded by the claim. Crucially, there is distinction between referent and object. The thing represented and the thing as it is represented are analytically separated. Further, an object is not necessarily the audience. The represented and the audience validating the claim can be the same or distinct. Let me give a few examples to illustrate this. A state leader might appeal to the people as their representative, say as the President to the population of Tajikistan. In this case the population is the referent, the object is the population in the sense of nation/political community, and the audience coincides with it. On the other hand, the President could make this same claim to the international community. Now the population is still the object but the international community is the audience. If successful, the international community will see the people who live in Tajikistan as the object of the representation and the President as their legitimate representative (and thus as the international community's legitimate interlocutor). When making a claim, makers try to persuade the people listening of three things:

1) Who the membership of the audience is and that it includes you;
2) What the characteristics of the object are (namely, in which way its parties are related to one another and what identity emerges from this) and that the referent really has them;
3) That '[y]ou should accept me as the one best placed to speak and act for them (or you…)' (ibid., p.53)

If all of these pillars are in place, the claim can be said to be successful. We shall, along with other proponents of the theory, concern ourselves with the 'practice' of representation rather than some putative 'essential features' (Fossen 2019, p.826). Within the model provided by political settlements, the makers are those in a context trying to legitimate or de-legitimate current elites in the eyes of the groups which those elites seek to rule.

Representative Claim theory, as a constructivist one, is concerned not to essentialise. Disch (2011, p.108) puts this element best through her rendering of representation as mobilisation. A claim constitutes its constituency by turning a group from an amorphous set into a self-presenting entity, separate from other entities, which can be a bearer of demands and aspirations, since it has now more defined values and interests (ibid., p.105). This is quite distinct from

literally making people or even setting up the concept of a group. To clarify, consider Tilly's (1995a, p.7) definition of a group as a 'coincidence of category and network'. Category is a defining similarity and network is a 'set of ties'. A claim can impose, or more likely reframe, the category and thereby *constitute* a group as such and such. Consequently, a performance is more than a 'masquerade' that has elites masterfully manipulate people into a group identity (Kaljundi 2016, p.193). The importance of the term mobilisation is that, although there is something pre-existing, it takes on an active, specific collective interest or set of interests as a result of being represented (both in the sense of acted for and portrayed as such and such). While the subject is 'passive' (at best, a group in itself), the object is active (becoming a group for itself) (Saward 2010, p.48). It is not only the group's interests or self-conception that are modified. Rather, wherever a group can be said to exist as a political *object*—as opposed to denoting the simple reality of a body of people, or *referent*—it is because they have been mobilised. That is, they have been asked to conceive themselves after the image projected and to act according to it. Not just any claim can be persuasive, however, it must have some 'resonance' between the subject (people where they are) and the object (people where they are said to be or to be meant to be) (ibid., pp.46-7). I will consider that in the next section.

As well as rejecting normative approaches to representation—measuring if a representation matches up to externally imposed standards—the Representative Claim deliberately sets itself apart from the dominant correspondence view of representation. According to the latter, representation occurs where there is a match between the pre-existing interests of the represented and the representative's actions (Fossen 2019, p.832). For the Representative Claim, though, interests are not pre-existing or exogenous: they are rather constituted within the relationship between representative(s) and represented. To put it another way, a constructivist representation is not a question of creating an accurate symbolisation of a reality but creating a perception of reality through a persuasive symbolisation (Disch 2011, pp.108-9).

Some theorists who have similarly advocated for an audience-centred, non-normative theory of representation have not accounted for the performative quality, and hence offer no way out of essentialisation. Rehfeld's (2008, p.5) strictly explanatory approach, for instance, still falls into the correspondence category for the reason that he posits that an audience will judge a representative by their desired 'Function' (ibid., pp.17-18) and 'rules of recognition' followed by the audience (ibid., p.14), with no place for how what is desired as function and recognised as rules changing through representation. Unlike Rehfeld, Representative Claim avoids the 'round peg, round hole' approach and is, consequently, the only approach that is properly constitutive. Group interests change and develop with their governance just as vice-versa. The evolution of representation, and legitimacy, is a negotiation between claimants, represented, and audience(s). Representative Claim theory captures this dynamic perfectly.

While the mechanism of the Representative Claim is suitable to understand a Legitimating Claim, there are two salient differences: one in aim, one in character. First, then, they refer to distinct purposes. A Representative Claim wants to convince the audience that the subject is the appropriate representative of the object. A Legitimating Claim wants to convince the audience that the subject is the appropriate authority of the object and to gain support for the subject's proposals. There is certainly a great deal of overlap because authority, especially in modern times, is so often grounded in representation. Democratic representation is obvious and even undemocratic regimes may seek to demonstrate that they are the representatives of the interests and/or identity of the ruled, such as how the dynastic monarchies of Europe re-legitimated themselves in nationalist terms over the 19th century (Anderson 1991, p.65). As can be seen from that case, representation can eschew the electoral link, and focus rather on aspects that representative and represented are believed to share. These aspects may underpin a form of representation via identification. But the legitimacy of governance is not always and everywhere the result of the audience being convinced of its representative character. Those dynastic monarchies were not always so nationalist, after all. For instance, specialists of South Asian religion and history have long considered Brahminical authority to be based on their specialist knowledge rather than on representation (see Keppens and de Roover 2020). Brahmins are authorities that are not representatives. To take a more modern example, Steffek (2003, pp.256-8) argues that international governance in post-war situations is justified to the governed by 'common purpose' rather than some shared identity. International governance, as I will discuss in the next chapter, is not always put to the ballot. '[A]greement on the values to be realized, the means to be employed and the procedures to be followed' are the legitimating factors (ibid., p.264). A Legitimating Claim is hence broader than a Representative Claim.

As such, where the legitimation of authority is attempted by a Representative Claim, the Legitimating Claim is more specific. Fossen (2019, p.831) divides the Representative Claim into two types. Status attribution is a claim that the subject is a representative of the object while substantive portrayal is a claim that the subject or the object has particular attributes or interests—the distinction between the two types of claims can be captured by establishing a contrast between acting-for vs representing-as. The first may refer to Beetham's rules level: 'X is your appropriate ruler because they hold Y office legitimately'. With holding that office comes the power to act for. However, at critical juncture points like the post-war period, the office itself, its responsibilities, how it is obtained, and so forth are likely to be the very issues under contestation. Justification of authority, Beetham's second level, is salient, and that is attempted by substantive portrayal. Of course, justification may also involve a claim to act-for. A claim-maker can present the object as a bearer of demands requiring, in turn, acting for. As Beetham demonstrates, the rules and their justification are not independent of each other. This relationality circumvents Fossen's (ibid.) critique of the Representative Claim that it cannot account for both of the types he identifies. It may be that the distinction is important for

students of representation, but for those of legitimation, rules and justification necessarily reference each other in the claim, and that claim can function as Saward lays out. Regardless, the point is that Legitimating Claims will probably prioritise substantive portrayal—that the subject or the object is of a particular character—over status attribution.

To round off, let us briefly consider claims in practice. Elites and their challengers strategically use discursive performances to make legitimacy claims. A number of case scholars have compiled examples of the kind of performances relevant to their context. Terpstra and Frerks (2017, p.285) consider the bases for legitimating claims of the LTTE in Sri Lanka:
- As representatives of the ethnic group and their aspirations
- Solidarity against external threat
- Charisma, the 'extraordinary quality of a specific person' who is therefore qualified to lead them
- 'Heroism and martyrdom'
- Traditional authority

In this case, we have classic examples of the kind of legitimating claims that can be made. Other contexts will have their own, which may or may not be similar to those relevant to Sri Lanka. Caspersen (2015, pp.190-1), for instance, looks at the legitimating strategies of governments of the small, unrecognised states in the Caucasus. She notes, in particular, the use of nationalism (both civic and ethnic) in legitimising discourses, as well as state-building and even support for illegal trade. Nationalist claims certainly fit this model. The latter points she makes—state-building and smuggling—offer an additional layer of analysis because they pertain to non-discursive legitimation claims.

Beetham's account of how the already-powerful sustain their power is, to some degree, complicated by the possibility of new (de-)legitimating claims. However, pre-established elites and their allies do have an advantage through their control of strategic resources with which to make their claims (Grayman 2016, p.550), such as 'press coverage, academic critique, political process, and social media' (ibid., p.531). Further, they may be able to call upon their traditional authority. The next sections will answer the questions of how elites, already existing or otherwise, can employ ideas and institutions to legitimate themselves. That said, it is vital to always remember that legitimation is not an automatic process, claims must be actively made.

Part 5.1: Resonance, the Ideational Angle of Reception

My basic contention here is that claims become convincing when they resonate with pre-existing ideas of the audience. This is not a simple matter of reflection, however, but oftentimes involves innovation.

The idea of some kind of match between elite claims and pre-existing, popular ideas is common in the literature. Saward himself speaks of the need for *resonance* for claims as we have seen (ibid., pp.46-7), and this is the term I

shall use here. There are examples from peacebuilding scholars, like how 'authorising discourse' must have 'purchase' (Grayman 2016, p.550) or how legitimacy needs 'acknowledgement' (Weigand 2015, p.15). Poststructuralist theorists have long emphasised how political discourses shape decision making, but now recognise that 'an analytical interest in the reception as well as the construction of political discourse' is needed to truly understand its impact (Lawrence 2010, pp.218-221). Thus 'purchase' of different strategies of political communication needs as much attention as construction (ibid., p.223).

Classical literature also references the same idea. The foundational sociologist Durkheim sees legitimacy as 'symbolic representations' of 'collective attitudes'; the creation of 'networks of meaning' and the use of symbols and ideas to convey 'social facts' (Harvey 2010, pp.91-3). Similarly, David Hume (1994, pp.16-7) expressed the view that the establishment of authority requires subjects to have an 'opinion of right', that is to agree that its power is rightful, and for Hume 'antiquity always begets the opinion of right'. In other words, old ideas about power will help legitimate new powers. All the fingers are pointing in the same direction: a kind of sounding board of *social ideas* on which successful claims will resonate.

By social ideas, I mean what Ken Clements' (2008, p.22) grounded legitimacy means: 'people's understanding and experience of the fundamental underpinnings of social order'. These are the general, widely-held beliefs about good governance. They are not to be understood as shared equally across the context or evenly within particular groups. In what way a given social idea is present depends, like any resource, on the peculiarities of the place they are found. Social ideas must be established by careful ethnographic research into the norms and values of different groups within a context. Of course, they will always be a simplification, but a useful one for understanding why a claim will (not) be successful. This links to Beetham's assertion that legitimacy must make sense as a moral argument. A claim does not necessarily need to make an explicit argument, though it can, but it must always use recognised terms if it is to succeed. Take the example of social contract theory. When the axiom that 'all men are by nature free and equal' is established, political authority must be justified on that basis. One (historically significant) way is to conceive of government as the reciprocal exchange of obligation, hence the idea of a social contract (Lessnoff 1990, p.3).

It is nonetheless important to add dynamism to Clements' conception. Otherwise, it will fall into the 'round peg, round hole' problem by assuming claims need to match social ideas *simpliciter*. This is an oversimplification for two connected reasons. First, ideas change over time, in part in response to the success of legitimacy claims, as new reference points are created. The second point has been hinted at already: legitimacy claims do not merely correspond to social ideas, they actively mobilise and even transform them. The term 'ideas' is preferred over, say, 'principles' because it does not imply something unchanging

—or indeed invariant—about them. Moreover, while claim-making must take place in a context, claim-making equally shapes the context. Social ideas are mobilised and new, innovative social ideas may come into being as a result, an argument reflective of the back-and-forth relationality between subjects and their contexts shaping each other (Eleveld 2016, p.76). They may be treated as fixed in a particular instance in order to explain a particular claim, but the analyst cannot end the story there. They must also attend to what the claimant has done to social ideas to make them into coherent claims and to the influence the claims have on social ideas.

Legitimacy claims attempt to *mobilise* vague notions into specific contentions. They take a belief and shape it to be relevant to a particular political issue and to suggest action. While the claim is recognisably drawn from social ideas, they are not equivalent. This is because claims always innovate on social ideas in making them relevant to new situations. Custom has historically been used as a source of and justification for innovative legal solutions to problems not covered by promulgated law (Wilson 2016, p.609). One consequence, as Disch (2011, p.110) rightfully identifies, is that a persuasive discursive performance is more than just a claim that will 'tap prejudices'. Rather, to make a claim in terms the audience can appreciate, in terms that speak to the audience where it stands, may also result in changes of thinking and reasoned responses. That is not always rosy: claims can create new forms for old prejudices, like how the mediaeval Christian crusade was assembled from the cultural materials of earlier holy wars (Latham 2011, p.236). Claims may move social ideas from the 'archive', where they were broadly neglected while demobilised, to the 'canon', as they become relevant again via the claim (Wijemars 2019, pp.20-1). Relatedly, there are those who note how actors deliberately seek to make their claims more resonant by nurturing specific practices, like the LTTE (or Tamil Tigers) in Sri Lanka who tried to create stronger solidarity and identification among Sri Lankan Tamil people by leading traditional festivals that brought communities into the same spaces (Terpstra and Frerks 2017, p.293). Actors can intervene to make their own claims more resonant. Articulation—verbal or otherwise—is therefore vital. Social ideas alone cannot mobilise themselves and institutions are not automatically legitimated by them. Indeed, an institution could begin to stray from social ideas but until that is publicly acknowledged by claim-making then it will not be de-legitimated. While Benedict Anderson (1991, p.50)—an exemplar from many possible targets—speaks about 'conceptions of nation-ness' and the conditions of possibility for their existence, he doesn't take the necessary next step: someone needs to articulate them. It is not up to the analyst to extract principles of legitimacy from social ideas. Rather, they must attend to discursive performances that do so.

Furthermore, social ideas do not lend themselves to one particular claim. Consider Barker's (2001, pp.89-91) contention that rebels propose replacing ruling personnel or 'inverted' principles in order to render government legitimate. He uses some interesting examples: in Occupied France, the

Resistance promoted a civic nationalism against the xenophobic nationalism of the Nazi and Vichy regimes, while rebels in dynastic realms may contest the right of inheritance. In both cases the rebels and the governments are mobilising the recognisably the same social ideas into wildly different clams. This is how the appropriation of discourses meant to legitimate elites can work to undermine them (Jezierski 2016, p.21).

A pool of social ideas is, hence, not unlike a genre of literature. The reader in question enjoys, say, gothic novels. There is no definitive list of a genre's elements, but if the story at hand uses at least some recognised elements of gothic novels and does not directly violate too many others, then it will probably be acceptable to our reader. The narrative itself can be completely new, aspects of the genre can be twisted and innovated, and new elements entirely can be introduced. Further, by reading it, the reader may be convinced that she in fact prefers the elements as this author has interpreted them. A genre needs an author to turn it into stories and it gains meaning as a result of being rendered thus—the significance of claim-making. Resonance is thus a generalisable concept that can help make sense of a particular process without imposing specific, concrete, invariant conditions for success.

Resonance and Performance Legitimacy

How can performance legitimacy, about which the last chapter asked so many questions, be integrated into the claim-making model? Claim-making offers a bridge between the actions of governance, such as service delivery, and its perception. Where an action of a governor is in accordance with an accepted legitimating claim, it will increase their legitimacy; where it is not, it will conversely decrease their legitimacy.

Claims can help understand attitudes toward governance. Generally, statebuilders have focused on two elements of governance: first and foremost service delivery, and to a much lesser extent coercion. These two certainly do not account for the whole gamut of possible impacts of governance on life, but I follow statebuilding's concerns here in order to show that my theory resolves the questions raised last chapter about the relationship between performance, coercion and ideas. Studying claims and the ways in which they resignify governance can help the analyst understand where particular instances of service provision or coercion will and will not help engender legitimacy for the provider.

Service delivery will become performance legitimacy where it is appropriate to an accepted legitimacy claim. Performance legitimacy, in other words, is where service delivery and legitimacy claims are commensurate with one another. In the last chapter, I detailed the problems with assuming that increased performance will increase legitimacy (e.g. Mcloughlin 2018, pp.531-3). Social ideas help identify what Schmelze and Stollenwerk (2018, p.450) call

'performance based legitimacy beliefs'. However, I also established that beliefs change and that is why claims are important. Claims make sense of the discursive reframing of governance to render new forms, including types of services, legitimate.

Turning to coercion, it and legitimacy tend to be studied as 'parallel lines' of reasoning for obedience to power (Gippert 2017, pp.321-322), but this is wrong. For Morgenthau, physical violence is not even political power at all, which is rather 'expectation of benefits, the fear of disadvantages, the respect or love for men or institutions' (Evrigenis 2008, p.191). Tilly (1992, p.19) states 'coercion includes all concerted application, threatened or actual, of action that commonly causes loss or damage to the persons or possessions of individuals or groups who are aware of both the action and the potential damage'. Or, more succinctly, it is 'the domain of domination'. As a result, the questions of coercion, then, are questions of how concentrated the ability and means to apply damage are (ibid., p.54). There is, then, little enough connection between coercion and legitimacy for this line of thinking. That said, there are other classical conceptions, like those of Arendt and Weber, which foreground the importance of the legitimation of force (Weigand 2015, pp.14-5). From a peacebuilding background, Gippert (2017, pp.321-322) likewise notes the necessity of legitimacy for the monopolisation of coercion and how coercion in excess can undermine legitimacy. Thus, this is the connection we will follow: how coercion is perceived is reliant on ideas and thereby is dependent on claims.

Coercion can be commensurate with a claim or undermine it. Von Billerbeck and Gippert (2017, pp.280-1) comment on how force can jeopardise an actor's legitimacy but in other situations can complement it. Elsewhere Gippert (2017, p.333) perceptively concludes that where a peacebuilding operation has initial legitimacy—that is, a mandate accepted by local people—then insufficient coercion will reduce its ability to fulfil that mandate and, thus, its legitimacy over time. The corollary is that if initial legitimacy is not present then *any* coercion will be resented and hence negatively impact its legitimacy (ibid.). There is no reason this dynamic cannot apply more broadly to any policy or institution. To put it in the terms of Legitimating Claim theory, in order to be legitimate, any coercion must be commensurate with a successful legitimacy claim, and that the means used by an authority must be appropriate to the authority's justification. They must, in other words, use force in such a way as to pursue the ends people accept they should pursue in the way people think they ought to pursue them. To do otherwise, would be to break the rules laid out by the claim and hence render the coercion de-legitimating.

Finally, note that the nature of claims and their contexts clarifies the state of the political settlement, the framework within which the elites are operating. Claims may be made *within* a settlement, where social ideas take the settlement itself for granted, and the legitimacy of the claimant is (at least partially) dependent on their place inside. A state that represents a widely held identity is an obvious

example. Alternatively, where a political settlement is under contestation, elites may make claims *for* the settlement, and in doing so to reinforce it. This will have the effect, if successful, of securing the position of power the settlement provides. Elites do not always see the settlement as in their interests, however, and can also make de-legitimating claims *against* the settlement. Indeed they may do so as part of an attempt to increase their own legitimacy, for example, if they perceive the settlement as unpopular among their constituents. For the analyst, the strength, nature, and even existence of the settlement can be clarified by examining these claims. Hobbes' (1998, pp.70-3) distinction of *societas,* or association, and *civitas*, or commonwealth, is useful here. The normative place of the latter is such that the people who make it up can only make claims in its terms, *within* the settlement, even if they can shape its realisation. The former has less ideational traction and so individual claimants have more options. This is the utility of claim-making theory to understanding the character of political settlements.

Part 5.2: Credibility, the Material Angle of Reception

Constructivism has served well so far in understanding how claim-making and resonance can function without rendering anything in the picture static. To reiterate, legitimacy emerges from an active mobilisation of social ideas through a claim, not by a best fit between a claim and social ideas. Constructivism requires, as has been seen, that the same logic be applied to the 'material world' to theorise the interaction between it and ideas (Adler 1997, p.322). In other words, the material must shape ideas as ideas shape perceptions of the material. I submit that the other side of the interplay is that experience provides *conditions in which claims are or can become credible*. An audience which perceives a claim as credible is more likely to accept it. Via the acceptance of claims, this is how experiential conditions and their change influence ideas.

Some claims will be in-credible in their material context just as some are in-credible in their ideational resonance. Ideas must also resonate with the lived reality. The notion that someone is the representative of the people when they have no power is highly implausible, though not impossible; that you ought to give taxes to the state because in return they provide you with services when they have never ever done so smacks of the comical. I do not mean that normative power is drawn from material power, as some theorists have it (cf. Matheson 1987, pp.213-4). Rather, audiences will judge a subject or a claim in part using their understanding of the surrounding conditions. They will evaluate whether depictions of material privilege or even 'economic survival' (Wilmer 2002, p.127) are realistic. Political economic conditions are particularly relevant to questions of the legitimacy of governance. Consider states like pre-war Sierra Leone, where much of the territory of Sierra Leone was in practice controlled by local, traditional authorities, the primary loyalty of its population rested with them (Avant 2009, p.108). The state could not make a credible claim to be the primary site of loyalty while their power was mediated. Analysts must therefore attend to the the character of organisations (in the political settlements sense of structured groups seeking power), the character of institutions, control over resource extraction and distribution, and the interaction between them. Whether elites have been deliverers of their offers in the past—is there evidence they will do what they claim they will—is also an important question of credibility. As with resonance, credibility is a generalisable concept because it posits a commonality that the more credible a claim, the more likely it is to be successful, but it is not invariant in that it does not assume a particular fixed set of criteria for credibility.

New claims can become credible in different conditions. That is how material circumstances influence ideas: directly by influencing which claims will be accepted and indirectly because those new claims, if accepted, will impact social ideas. The introduction of this concept of credibility re-introduces relationality without suggesting that new governance alone has the power to change ideas.

New governance may change what claims are credible and thereby become legitimate through the assertion of new, supporting claims.

As mentioned, institutions are one of the relevant conditions. Legitimating Claim theory thereby aligns with the Discursive Institutionalist idea that institutions act as both constraints and platforms for actors to develop new visions of the institutions (Schmidt 2010, p.4). Legitimacy and ideational change is broader than institutions and their change, but there are instructive similarities. Discursive Institutionalism is an attempt to explain change where its counterpart institutionalisms have been much better at explaining continuity (ibid. pp.1-2). It renders 'material reality'—especially the constraints and incentives imposed by an institution—a 'setting' in which interests are formed (ibid., p.8). Change does not come from the setting but depends on persuasion and persuasion needs agency (Schmidt 2008, pp.308-9). This is a clear exposition of how institutions act in Legitimating Claim theory, too, as a setting in which the work of discourse occurs. Discursive Institutionalism therefore exhorts the analyst to 'show empirically how, when, where, and why ideas and discourse matter for institutional change, and when they do not.' (Schmidt 2010, p.21). To that extent, Legitimating Claim theory may be able to offer Discursive Institutionalism a more precise understanding of discourse's workings, particularly through concepts of credibility and resonance.

Consequently, those seeking to set themselves up as elites in a new or transforming settlement will try to use service provision in order to make their claims credible. The last chapter presented some attempts to do so (Mcloughlin 2015, pp.347-8). Schmidt (2008, p.312) also notes that discourse often involves both 'arguing' (persuasion) and 'bargaining' (strategic action). Pertinently, actors can act strategically to improve the credibility of their discourse. Dagher's (2018, p.95) discussion of the 'crises of relevance and legitimacy' that states face in post-conflict environments is revealing on this point. Her preoccupation is with how sub-state actors more easily benefit from capacity increases because they struggle less to have service delivery attributed to them (ibid., p.101) and expectations of them are much lower, be that in terms of the quality and quantity of services or to the number of people to whom they are expected to deliver (ibid., p.93). Put differently, with a different focus, this point can be rendered as: a state's claim to be a service provider to the whole population within their territory is a difficult one to make credible, a sub-state actor's claim to provide for a smaller portion of the population is relatively easy to make so. A claimant hence has an interest in developing policy that makes their claim credible. In criticising the liberal focus on democratic process legitimacy, Dagher continues to distinguish performance legitimacy from other kinds, including shared beliefs (ibid., p.87). On the contrary, such beliefs are hugely important to understanding the link between service provision and legitimacy. The distinction conceals their mutual reliance. Besides, Dagher has effectively already accepted this point insofar as she stresses the normative expectations around different sorts of actors.

Coercion is, once again, the same. Mobilising coercion is necessary for the claimant to enforce particular allocations of social goods and arbitrate social life (Wilmer 2003, p.126), as well to create confidence that rule-breakers will be punished (Levi 2018, p.609). In some situations, actors will need at least the threat of coercion to make credible legitimacy claims. The ability to enforce a claim makes it more credible. A further implication is that military victory has a role to play in legitimacy. It is not as simple as winners gaining legitimacy and losers losing it (Toft 2010, p.70)—after all, conquered peoples rarely embrace their conquerors—but the changed military situation can make claims more or less credible. The (former) Afghan state's ability to disburse services throughout the country, after the military victory of the NATO coalition in support of it, certainly improved its legitimacy—even though it was undermined by other elements (Suhrke 2009, p.243). I have centred the legitimacy of governance to the governed, as usual, but credibility of coercion also applies to international legitimacy, as when the European colonial powers stipulated that no claim to African territory would be recognised unless it was effectively occupied by that power's military (Chamberlain 2014, p.54).

The judgement of a claim by an audience as credible or incredible is not a single event. Legitimation is diachronic and credibility is an ongoing process. *A claim is always in the process of being rendered acceptable or unacceptable by the evolving situation*. The claim-making process itself, as well as the actions of those trying to support and undermine it, has influence over why and how its reception changes. Events and policies may make a claim more or less credible even as that claim is being made, while in turn claims may alter perceptions of events and policies.

Différence: Why the Elites Do Not Always Win

Successful legitimacy storylines both explain and justify the social order (Matheson 1987, p.200); they articulate what the social world means and show how, on the basis of that explanation, it can be justified. The story is holistic, a reflection of that whole social world, making sense of both the experiential and ideational in terms of each other. It frames and reveals their complex interplay. Stories can be powerful things. But it is still only a story. The circle of experiential and ideational can all too easily be upset. Where it no longer explains it cannot justify and vice-versa. Legitimacy is a story about—or a representation of—the social world. There is always room for tension, contradiction and, of course, de-legitimation.

A legitimating claim will present the social world in a certain way and, hence, the place of authority within that world. This is why it is a representation in the sense of substantive portrayal. The notion returns: 'representation' should be taken not in the positivist sense of a more or less accurate portrayal of a reality, only that its acceptance makes it appear so (Thomassen 2017, pp.540-1). Disch

(2011, pp.108-9) takes issue with Hannah Pitkin's argument that the etymology of representation means there must be something prior to its re-presentation. In response she invokes Derrida, for whom symbols become meaningful in relation to other symbols, not in relation to some reality. Representation is, then, re-presenting a representation. Nonetheless, doing so successfully means that the prior representation is given a quality of reality. Perhaps a slightly less arcane way of putting this is through the concept of 'remediation', popular among scholars of cultural memory, which expresses how a social idea can have several expressions. These expressions can then reference each other and hence become mutually reinforcing (Kaljundi 2016, p.196), as discussed in regards to storylines. The validity of a representation is judged on the basis of how well it fits into the story (Wasinski 2011, p.65). An articulation of how the world is, and hence how it can be justified, derives its power from other such articulations.

The most important implication is that legitimacy is unsettled by finding what it does not accurately represent. A system of power and legitimacy, made credible by ideational and material factors, is predicated on an incomplete story and, hence, only ever an unstable circle.

Storylines, to paraphrase Schattschneider, must 'organise out' issues when they 'organise in' others (Hajer 1995, P.42). Where that means the storyline appeals not to experience but to something metaphysical, Derrida calls it *différance* (Thomassen 2017, p.544). Essentially, looking for *différance* means unpicking the logic of a particular representation until the baseline axioms are found. These axioms form a mental framework through which experience is made sense of. This is self-reinforcing because the experience thereby seems to prove the validity of the axioms. However, if the axioms are picked apart it can be seen that the whole mental framework is only one way of conceiving reality. The axioms justify the interpretation of experience, not the other way around, and they themselves rest on an appeal to something transcendent. One might think of reason, religion or race as potential metaphysical principles here. Where these principles are known, they can be interrogated and perhaps overthrown. In short, more than one meaning is always possible (Howarth 2013, p.241). Poststructuralist theorists debate whether it is possible for the voice of those who are excluded by a representation's *différance* to be heard unmediated or whether politics is simply a battle between exclusionary representations (ibid., pp.544-7). What is significant is that there will always be gaps and exclusions that allow de-legitimating claims to become convincing. Wijermars (2019, p.35) echoes this in her analysis of 'memory clusters', arguing that the 'official line of interpretation' of that which is memorialised can never be totally conclusive and can produce the terms in which it can be challenged.

In order to de-legitimate, the claimant will seek to exploit tensions and contradictions in the representation; basically, they will poke holes in the story. Let us take Beetham's typology. The de-legitimating claim will:
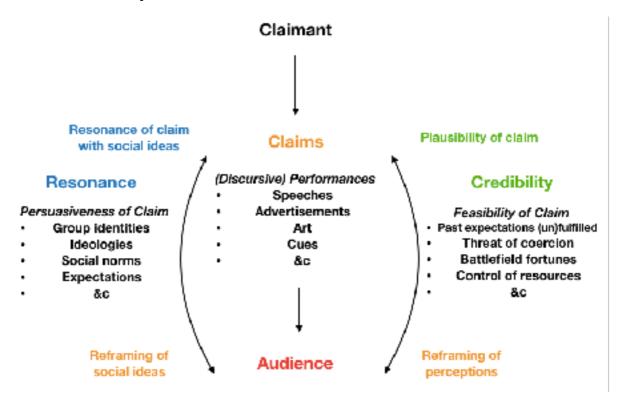
- For rules, reference actions or failure to act in line with the expectations an elite gives themselves via their legitimating claim;
- For justification, more explicitly reference *différance,* arguing that the representation of the social world and its potentialities is not good, accurate or inclusive—more likely some combination of the three;
- For consent, defy its existence. Beetham (1991, pp.18-19) himself notes that where public claims to legitimacy are publicly challenged, the perception of consent is jeopardised and thus a system is delegitimated.

He does apply this insight to the other two pillars. What Beetham misses is that the 'legitimacy deficit' that emerges when the justification of the rules no longer seems convincing, or the 'illegitimacy' from powerholders not following those rules (ibid., pp.16-8) also need public de-legitimating claims. They do not just happen naturally. A rival legitimating claim must then provide an alternative story about social relations, and it must be credible.

Post-war contexts have the potential to make competition between rival claims intense. Not only could there be more or newly credible claimants (discussed above), but 'legitimacy audiences are also exceptionally fragmented' in post-conflict situations, making legitimacy claims difficult; it may indeed make more sense to consider 'legitimacies' in plural (Von Billerbeck and Gippert 2017, pp.277-8). Actors could find themselves in a position where they need to make several different, mutually contradictory, claims to different audiences in order to reinforce their legitimation before and to act for their constituencies. Beetham (1991, pp.143-4) suggests that regimes will have their legitimacy contested where that regime is inherently partial to a group or groups over others, especially where it extracts resources from the one to deliver more to the other. This is true, but the same dynamic applies when there are several legitimating claims from a single elite or settlement to different groups. A regime upheld by claims in tension with one another cannot fulfil the policy and institutional set-up demands of all its constituents. The same can be true of the constellation of elites which form political settlements. Although there can be a sufficient overlapping consensus between different successful claims that legitimacy can be sustained among the various groups, potentially for a long time, there are times where they cannot be reconciled.

All this reveals the importance of suppressing alternatives. A prevailing legitimacy narrative explains that the world exists in a certain way and hence (at least, radically) alternative social organisations are impossible or, rather, in-credible. Hume's opinion of right, as discussed in the section on ideational resonance, has a counterpart in opinion of interest, meaning that the subject perceives they will gain from this government and that no other 'that could easily be established' would give them more (Hume 1994, p.16). To 'foreclose' alternatives (Disch 2011, p.107), then, is not only inevitable but also in an elite's interest. Indeed, Heathershaw (2009, p.115) posits that 'authoritarian legitimation' rests on lack of alternative claims, that the dominating public claim is the only plausible one available. Alternatives are made to disappear or to

appear in-credible. One option is to portray them as incapable of changing the status quo without the kind of serious disruption that would imperil whatever social goods and privileges currently provided. It is possible to draw a normative conclusion from this explanatory position. The more opportunity exists to make legitimating claims without serious economic or political risk, the more *freely* those claims were made, and hence, if successful, the more *democratically* they were accepted. This is not a binary, neither is it the only relevant factor in judging the democratic character of a political process. Still, claims theory does thereby offer a tool to help distinguish more or less democratic forms of legitimation.

Part 6: Summary of the Model

Figure 1 (repeated): Illustration of the Legitimating Claim Model

The Claim

This model resists linearity. There is not going to be a step-by-step list of instructions to follow. Still, claims are our heuristic device, so there is at least a first step: identify the claim. A legitimating claim can take many forms, so the question is one of content. What we are looking for are particular performances that attempt to persuade an audience that some-thing is legitimate. This may be through words or cues and it may be explicit or implicit.

To borrow Saward's terminology, the subject of the legitimating claim is assumed to be one of the following entities:

- The leadership of a person, party or other group
- A policy or policy agenda
- An institution or set of institutions

We would expect the claim to reference either (1) the normative justification for the subject, or (2) whether the subject is really fulfilling its normative justification. For instance, a legitimating claim may assert that an institution is following the accepted rules of action, possibly in response to a de-legitimating claim that it is not. It is likely that both the justification and its fulfilment will be references simultaneously—even if only implicitly—because they only make sense in reference to each other.

There are three further assumptions to consider: claimant, audience, and intentionality. As a consequence of the peacebuilding-inspired approach of my research, this model was designed with the claimant being a member of the elite or some organised opposition to that elite in mind. The audience, likewise, is assumed to be the population or a group within the population of a post-war context. International audiences may be relevant but the concern of this thesis is with domestic governance. Finally, the claim is understood to be an intentional performance on the part of the maker to persuade a particular audience.

None of these things have to be true. They will be true in very many instances, but the model still works if the maker is claiming on behalf of another, if the audience is some other group whom the maker needs to persuade of their legitimacy, and if the claim is unintentional. It even works in the rather improbable scenario of all three. A leader may wish to appear legitimate before an international audience. International organisations may wish to bolster the legitimacy of domestic institutions. A claim may mobilise a constituency that its maker did not expect. While these instances are not the focus of the model, which seeks to explain the post-war legitimation of a political settlement, it can contain them.

Looking at an individual claim should not occlude its embeddedness in a context. A single claim will likely reference other claims that, together, form a storyline. Claim-making is taken to be an iterative process that takes place over time that normally involves several interrelated and mutually supporting claims. It is more of a process than an event.

Resonance

Next, the analyst must look at reception. Why is the claim (not) persuasive?

Resonance and credibility, the principles of reception, cannot be divided or examined in turn. Particular claims will intersect with different interests within a society. These interests are both ideational and material. A claim may sit uneasily with those whose position or livelihood is threatened by it but be embraced by those whose interests it complements. The effects of resonance cannot be established prior to understanding the effects of credibility or vice-versa. An analyst must treat legitimacy holistically; that requires them to be familiar with the relations of a context.

The possession of strategic resources like access to the media and design experts and so forth is very helpful for creating persuasive claims. But the glossiness of the presentation makes no difference if the message is at odds with the deeply-held convictions of the audience.

I introduce the term 'social ideas' to refer to such convictions. It refers to common norms and ideological paradigms within a context. Thankfully, there is no need to be any more precise than that for the purposes of this model. It is up to the analyst to establish what social ideas exist and why. Radical variance between contexts is not only expected but embraced; if there were not, we could be content with a universal theory. Social ideas could include nationalisms, gender roles, religious customs and local or extended familial loyalties. Crucially, they also include expectations of the extent and scope of governance. Different social ideas will interrelate. The analyst can establish them using ethnographic, sociological, and historical research.

However, the notion that a claim will be successful when it matches audience social idea(s) is an error on two counts.

First, when a claim is successful, it is not because of a simple reflection by the claim of a social idea. Social ideas are an ideational resource. When a claim resonates with social ideas, what it is doing is framing a particular position using the terms and concepts/conceptions that a social idea provides. It may in fact be very innovative in the way it uses older outlooks to justify new developments. Social ideas are themselves changed by the acceptance of a claim; what was once innovative now becomes an assumption.

Second, when a claim is successful, it mobilises a group into existence. Groups only gain defined characteristics and interests through claims that mobilise them into a purpose (or set of purposes). This does not mean that a single claim produces collective identities from nothing. Claims work within storylines of many claims and collective identities are formed by the preceding claims as well

as the new ones. Once again we see the importance of claim-making as a continuous process.

Credibility

Is the claim feasible? Who is it feasible for? These are questions of credibility. Whereas resonance considers ideational factors, credibility considers economic, military, institutional and other external elements where relevant (e.g. geography). These are the proxies of credibility. Where a claim is accepted, it may change perceptions of the way the social world is structured.

A claim is less likely to be acceptable if it is not plausible. A vital aspect of legitimacy is the perception of the possibility of an alternative. A more just and equitable system may seem all very well in theory, but if those espousing such a system have no chance of obtaining power in practice, then they are not likely to be legitimated. Alternatively, if a given set-up of governance provides the most practical way for me to access the means of subsistence or other economic goods, then any alternative will have to persuade me that it, too, offers a plausible way of living.

This is doubly important because legitimacy is constitutive. Acts of legitimation, like participation, lend an institution or settlement or whatever its practical existence as something that structures social life. In turn, this increases its power to do so and, thus, its credibility. Its underpinning ideational justification will be reinforced and may become an unquestioned assumption, a social idea. That said, this dynamic does not always benefit those already in power or claiming succession from older systems. Should the system be unable to provide expected goods and services in response to its internal contradictions or external shocks, then claims of current elites to fulfil expectations will lose their credibility.

The analyst must attend to how policies and the use of coercion interact with a claim. I stress again that claim-making is a process over time. Acts, including violence, can make a claim more or less credible. Consider that a military victory may make a claim to authority more credible while brutal violence against a population they claim to represent will undermine it. There are very many ways in which behaviour influences the credibility of claims. This is perhaps the most important reason why claim-making needs to be analysed over a duration.

There are two implications of credibility to consider by way of conclusion.

The first is that the characteristics of institutions still matter. I would like to take this opportunity to say that I have not written such set-ups out entirely. They are important because they act as a structuring principle of credibility. The existence of institutions with particular features may help change views of those institutions and the principles they are meant to embody in that they may

facilitate innovative claims made about them. Nonetheless, for the purposes of this model, institutions do not make normative changes themselves, they only interact with claims which can.

One must also ask: what other options are available? To what degree is it possible to make credible counter-claims? So long as conditions are reasonably stable, those in power already have an advantage in persuading the audience that their rule is credible. They also have access to the means of suppressing alternatives. Where claims cannot be made and opposition organised, it is not possible for any alternative system to be credible. This is often a key strategy of the legitimation of authoritarian systems but it may well be present in more democratic regimes too. Normative distinctions can therefore be made, should such a distinction be relevant, between claims accepted in a system of competitive claim-making, and those that are accepted because other possible social orders cannot be espoused.

Conclusion

Legitimacy, in its relational and constitutive conception, defies a linear progression. Each element references the others as each responds to their changes while changing itself. These processes must be understood diachronically because legitimacy just will not stand still. However, my ambition has not been merely to demonstrate the dynamism of legitimation, but to show that neither its comprehensibility nor its relevance are thereby reduced. Legitimacy must simply be modelled 'in the active mode'.

Easier written than done, perhaps, but I have argued that claims are the place to start. The analyst can orient themselves by relating everything to the process of claim-making. They can see who is intended to be mobilised and in what way, as well as how the claim interacts with pre-existing ideas and political-economic conditions. The headache knot of ideas and experience can be unpicked through claims. In doing so, one can see—through credibility—how ideas impact perceptions of the world while the world itself influences ideas and—through resonance—how old ideas can constrain new ones while also being re-interpreted by them. My insistence that it is an oversimplification to state that claims must be a good fit for pre-existing norms is not (only) hair-splitting pedantry. As soon as one starts to talk about legitimation in such terms, one enters the 'passive mode' and begins to essentialise. In my model, legitimation can be grounded in the powerful, established norms, values and expectations of a context, while still accounting for the possibility of normative change—which is to say, the legitimation of new governance.

It is worth pointing out the limitations of my theory here. There is a clear purpose to the model: explaining legitimation in post-war contexts. We have a situation where patterns of life have been disrupted and actors have changed their relationships. Very likely, this has happened radically. The theory is

consequently focused on the legitimation of developing forms of social organisations. Is this proposed framework relevant to *all* instances of legitimation or can it settle foundational questions about the nature of political society? My instinct is 'no' in the case of the latter, which requires 'why' rather than 'how' answers, but that it may have insights into ongoing debates about the former. There are links with Weber, Beetham, Constructivism and New Materialism, Discursive Institutionalism and so on. My discourse-based and agential conception of legitimacy that still insists on the significance of the external-material world is surely worth considering—if only to move beyond—in these other debates. That, however, is not the task of this thesis. Legitimating Claim theory exists to be useful to post-war contexts. Its own legitimacy is predicated on whether or not it, on application, proves to be so.

Finally, the integrated, non-epiphenomenal exposition of legitimacy here is likely not congenial to the idea of a statebuilding intervention to achieve a predicted, positive outcome, in this case legitimation. Legitimating Claim theory would warn against making easy causal connections between actions and outcomes. Uncongenial as it may be, though, it will not serve to continue making the same mistake because it suits our wishes. Embracing the critique of the linear model does not mean abandoning the project of understanding, even of fostering, post-war legitimation, it means reconceiving it.

Chapter 5:
For the State: the Rise of Self-Determination Among Kosovar Albanians

'A theory therefore only helps investigation, it cannot invent or discover.'
Samuel Taylor Coleridge (Holmes 2008, p.448)

Introduction

Lëvizja VETËVENDOSJE! shot to victory in Kosovo's 2019 elections. This was the first time in its two decades of separation from Yugoslavia and ten years of partially-recognised independence that any party but the dominant PDK and LDK had won a plurality in their Assembly. But they did not come from nowhere. The 'Movement for SELF-DETERMINATION!', as it can be roughly translated into English, started life as a student movement, morphed into a political party, entered the Assembly in 2010, and nine years later formed their first government. Its overthrow after fifty days only strengthened the party, who formed a government again in 2021 with an even larger plurality. That second, sweeping victory marks the end of this chapter's time-frame.

The question is a major one, then. How was it possible for a party born as a student protest movement to out-compete old guard parties born from a celebrated rebel victory? At the centre of the answer is that LVV (as we shall call *VETËVENDOSJE!* from hereon) legitimated themselves and de-legitimated their opposition. Their ideology and organisation have grown from and with a strong sense of democratic, majoritarian, egalitarian nationalism in Kosovo. LVV has created a platform that has successfully mobilised their interpretation of social ideas into accepted claims.

I draw upon two bodies of literature to make this argument, in addition to my interviews. First, ethnographic and political historical scholarship has addressed Albanian nationalist social ideas and its association with the conflict of the 1990s (e.g. Vickers 1998). The second set refers to post-war Kosovo. I would especially like to note Skendaj's (2015) and Visoka's (2017) comprehensive summaries of the post-war international intervention and its effects. That I critique them often is only a reflection of how profitable engagement is. Visoka, in that work and elsewhere (especially Visoka 2019) also specifically addresses the building support for LVV, rightfully arguing that it is because of the unpopular behaviour of the elites.

The crucial point this formulation misses is that the old guard were not inevitably going to de-legitimate themselves. In other contexts, rebel victors who have emerged as the representatives of ideologies—here, Albanian nationalism—have used this ideational power to secure political-economic power until there is no credible, alternative site of legitimacy (see Lyons 2016, pp.1028-1030). In other words, the old guard are discussed in terms of their problems and not in terms of their strengths. LVV do not *represent* an automatic up-swelling of resistance,

they created that resistance. Discontent was a resource but LVV's agency mobilised it.

Further, the emphasis of analysis tends to focus on ideas or economics. Analysis of the KLA has focused on their illicit commercial activity (e.g. Dziedzic, Mercean and Skendaj 2016) rather than their ideological impetus, while LVV's rhetoric against the international community and the old guard (Schwandner-Sievers 2013a) has attracted more attention than their economic policy, which many say is the most important element in their success (Ahmeti Interview 2021). Explaining either the position of the KLA or the popularity of LVV needs both approaches.

My account, based on Legitimating Claim theory, is able to plug these gaps. I explicate the ways in which LVV mobilised their interpretation of social ideas to highlight and exacerbate the tensions between those social ideas and the old guard regime's behaviour. It was a campaign of deliberate de-legitimation, as much the cause of the old guard's illegitimacy as the effect. Legitimating Claim theory lets agency back into the picture without diminishing the significance of ideology. The use of widely popular social ideas is essential to their success. Legitimating Claim theory, unlike Grounded Legitimacy theory, can explain why LVV's interpretations of social ideas came to be more persuasive than the old guard's. Additionally, that clarifies the nature of LVV's challenge. It is from within the legitimating narrative of the political settlement—that is, an independent Kosovar Albanian state—and an attempt to make it cohere more closely to the founding principle rather than an attempt to overthrow it. All their major policy platforms fit into this nationalst paradigm. LVV have elucidated a powerful anti-old guard storyline on top of, and using, a shared storyline of self-determination.

Legitimating Claim theory also helps emphasise the constitutiveness of power and legitimacy, the growth of the two together, from both the old guard and LVV. In doing so, it brings together the strands of the literature focusing on ideas and those on political economy. The old guard parties came to dominate thanks to the mutual support of material and ideational power. Similarly, LVV's strength and persuasiveness have emerged together; not as the result of a single rupture point, but as a painstakingly relational process whereby their rhetoric has garnered votes which in turn has made their legitimating claims more credible and thus garnered further votes.

The chapter is structured around three claims, all from Albin Kurti, the high-profile leader of LVV—some even say LVV is really his personal project, though he would deny it (Ahmetaj Interview 2020). In the first section, I expound LVV's place within a political culture characterised by nationalist social ideas. The legacy of the conflicts of the 1990s are the bedrock of a metanarrative about independence, though they themselves reference older social ideas, and the LDK-PDK parties emerged from it. Their legitimacy and power were born simultaneously. LVV have not sought to challenge this metanarrative. Rather,

they have de-legitimated the old guard by using its terms. The second section explores the ways in which LVV have attacked the tensions between the practice of the political settlement and its ideational underpinnings, particularly through their democratic interpretation of nationalism. Finally, the chapter turns to how the repeated failures of the old guard to deliver on the economic promises of nationhood has reduced their credibility, while LVV's social democratic economic response has resonated. This section also discusses how LVV have also built up their own credibility as an electoral party.

Claim One: 'We therefore also fight in the name of the nation'

Back in 2016, LVV, then the third-largest party, made a splash in world media with their tear-gas stunt in the Kosovan Assembly, made in protest to the 2015 Brussels Agreement that mandated the creation of a Serbian Association of Municipalities inside Kosovo. POLITICO interviewed Albin Kurti on the subject, and he explained how LVV were resisting what they saw as 'capitulation to an imperialist power'. The interviewer naturally enough asked if this was a nationalist cause, to which Mr. Kurti replied:

> 'Well, it is a sovereignty issue, a liberation issue, an anti-colonialist issue and the resistance is still not over. We therefore also fight in the name of the nation. But not some kind of right-wing nationalism. If you see some nationalistic tendencies in our movement, they are of the [anti-colonialist campaigner] Frantz Fanon kind, not the Charles de Gaulle kind.' (Von Laffert 2016)

We will return to the left-wing style of nationalism in the final section. The important point here is that LVV have explicitly and positively oriented within the (Kosovo) Albanian nationalist storyline, shared with the other major political parties, and on which the legitimacy of the *state* rests.

The storyline, or 'metanarrative', is the series of social ideas around the theme of *self-determination as independence* (Ingimundarson 2007, pp.98-9). Narratives of identity rely on the construction of the past (Luci and Gucia 2019, p.144) and in this sense collective memory can act as an 'ideological framework'—which elites may try to instrumentalise for their purposes (Ingimundarson 2007, p.96). For all their novelty and challenges to the old order, LVV is playing the same game on the terms of that storyline. In other words, they fundamentally share the key social ideas of the Albanian political culture of Kosovo. The fight is over their interpretation.

The Legacy of the War

'The war' is absolutely critical to the legitimating metanarrative of Kosovo's state among Kosovar Albanians—the critical juncture moment. Visoka (2017, pp.80-2) is right to emphasise how the state is seen to be founded on a victor's peace. We

have 'peace as statehood' and a sense of 'majoritarian entitlement'. Fulfilling the vision of a Kosovar Albanian state might mean effective stateness, recognition of independence, the Albanian character of the state, the leadership of war heroes, or majoritarian democracy, all of which will be discussed in this chapter. It also entails a positive orientation toward America and Europe, who are seen to have helped liberate Kosovo; the US has traditionally been above criticism in Kosovo political culture while their nationalist rhetoric is strongly pro-EU integration (Participant 5 Interview 2020).

If the West are the 'good guys', Serbia is seen as the 'bad'. Albanian nationalism means resisting Serbia's claims to ownership of Kosovo and seeking redress for the injustices of the 1990s. The Kosovo Liberation Army (KLA) is lionised as the group that fought a just war against Serbian repression (Hehir 2019, p.276). There is consequently a great deal of popular resentment and resistance to the indictments of soldiers and commanders for criminal acts during that war (Ahmetaj Interview 2020). There remains a perception, meanwhile, of threat from Serbian interference, especially as status is contested and borders are unclear (ibid.). At the time of independence international guarantees against such interference were very welcome (Gashi Interview 2020). Dealing with the legacy of the war is an 'open wound' between the Albanians and Serbs of Kosovo (Hehir Interview 2021), whose shadow lies on both sides even as they do business with each other (Ahmetaj Interview 2020). This intensifies and prioritises the credibility of claims to political and ethnic distinctiveness between the Serbs, in and out of Kosovo, and the Kosovar Albanians.

The Albanian metanarrative of independence and majoritarian entitlement based on a just war is a fixed feature of Kosovo politics. Majoritarian entitlement also suggests a democratic element to Kosovar Albanian nationalism. It is a levelling, uniting force that binds all members of a political community as partners with claims on each other's assistance. Historians of the emergence of nationalism in the 18th and 19th centuries will be familiar with this association (McBride 2005, p.250), as may students of other modern secessionist movements (see for instance Caspersen 2011, p.337). From the Albanian nationalist standpoint, then, the state ought to represent the people who compose it, who are in the main the Albanians.

All of these social ideas are explicable by the legacy of the war. In the 1990s, the discourse of ethnic self-determination as independence became dominant (Vulaj 2015), following the the rise of Slobodan Milošević to head of the Serb Republic within Yugoslavia (Ingimundarson 2007, pp.98-9). There was very little Kosovar Albanian political engagement in commmunist Yugoslavia at all until a serious external threat became apparent (Duijzings 2000, pp.6-7). The subsequent violence, atrocities, resistance and NATO's military intervention—led by America —are naturally hugely important to the psychology and identity of the older generation of Albanians living today, those who remember these events, but the stories of the time render them hugely significant to younger Kosovar Albanians

too (Ahmetaj Interview 2020). It is a story of resistance, liberation and self-determination. As for democracy, Skendaj (2015, p.153) sketches how Kosovar Albanians forged a homogenous political identity in the context of the war. It was a time of mass democratic action, like the strikes before 1991 and the secret referendum on independence in November that year—a reasonable estimate of turnout is 89% of the Albanian adult population. Leaders also styled themselves as democratic, in part thanks to the need for international allies (ibid., p.154). The events of this period formulated the key social idea of a homogenous Kosovar Albanian identity that ought to be represented by their own, independent state.

How did inter-ethnic relations reach such a point? The precise history of rising tensions between Serb and Albanian within the former Yugoslavia need not detain us, but we need to understand that the experience of multi-ethnic Yugoslavia did not erase the significance of ethnic identities. Although the official vision of the Yugoslav state was a unified whole based on a common rhetoric of communist wartime liberation, the lived perception was one of division by nationality (Wilmer 2002, p.180). Yugoslavia was a place of 'parallel societies' (Duijzings 2000, p.1) where, although the territory of Kosovo was highly multi-ethnic, villages tended to be mono-ethnic and cities were more or less divided into ethnic quarters or *mahale* (ibid., p.10). Throughout the communist period Albanians had felt like second class citizens, boxed into their autonomous entity within Serbia, itself a constituent republic of Yugoslavia. Although they had very extensive devolution after the 1974 constitution they not only lacked full Republic status but suffered chronic unemployment and relative underdevelopment, which led to a general resentment against the Yugoslav system (Vickers 1998, generally pp.145-220). A sense of distinction pervaded, then, making claims of division more, and those of unity less, credible.

Kosovar Albanian social ideas developed in the 1980s and 1990s re-mobilised older Albanian nationalist ideas. These also help explain the separate Albanian identity generally. Albanian nationalist historiography establishes Albanians as their own nation and Kosovo as Albanian land. One important theme here is the Illyrian descent thesis, which has it that all Albanians descend from ancient precursors who were the inhabitants of the region since at least Roman times (Vickers 1998, pp.1-2); this is reflected in the popular 'autochthonous' slogan. So, the long presence of the Serbs in Kosovo—since the 13th century when the Nemanjić princes more or less wrested control over Kosovo and its people from the Byzantines (ibid., pp.6-8)—has been interpreted as the beginning of an occupation of rightful Albanian land and an unbroken history of violence toward Albanian inhabitants (Duijzings 2000, p.9). Hence Albanians can be seen to have re-settled their former home in the 1400s when they populated the abandoned land of Serbs who moved north in response to Ottoman expansion (Vickers 1998, p.17), though Albanians would not form a clear majority until the 1870s (ibid., p.50). Historians tend to put the beginning of a recognisable Albanian national consciousness around that time and it is well known by Albanians as the

Rilindja (roughly, renaissance) era. This is the period on which Albanian nationalist narratives primarily concentrate—remarkably modern in comparison to the medieval preoccupations of other Balkan ethnic groups (Ingimundarson 2009, p.96). Albanian versions of history still heavily feature the wars of the late 19th century (Ahmetaj Interview 2020). Serbs, too, began to define Albanians as a separate ethnic identity and consequently as a threat to the Serb state (Duijzings 2000, p.8). In 1878, Albanian intellectuals formed the famous League of Prizren to protect what they now saw as distinctively Albanian interests (Vickers 1998, pp.42-44). But it was not so simple to get all Albanians to identify with that history.

Nationalist historiography has successfully linked ethnicity to political identity, but this is largely because of the success of intellectuals in overcoming a major challenge: the religious division. There was, and remains, a three-fold religious divide between Orthodox, Catholic and Muslim Albanians. Further, the Muslim category elides the substantial differences between the Bekhtashi order and the rest. This has meant Albanian nationalists have been keen to secularise their ideology. Therefore, nationalists have tried to popularise a version of history that played down Albanian religious divisions and intra-ethnic discord between Albanians (Duijzings 2000, pp.161-2), instead focusing on their common ethnic-linguistic identity. The *Rilindja* included a large number of writers who lamented this confessional divide as a significant obstacle to the kind of mass mobilisation they wanted and hence tried to downplay or ignore it (ibid., pp.158-61). The Bekhtashis are a particularly inclusive form of Islam, and there was no Church associated with Albanians as there is for Serbs, so there was relatively little opposition from the religious establishment (Judah 2008, pp.8-9). Famous nationalist poets even secularised religious myths. Naim Frashëri, for example, used the Shi'ite Battle of Karbala cycle to rally mass opposition to the Sunni Ottomans—apparently taking direct inspiration from the Serb Battle of Kosovo myth to which we will refer in the next chapter (ibid., pp.171-2). Their success manifested in the independence of Albania as the first thoroughgoing secular state in the modern Balkans (ibid., p.175) and religion would thereafter play little role in Albanian political mobilisations (ibid., p.160). Albanian intersectional solidarity has been a feature through contemporary struggles (Vickers 1998, pp.24-5). One striking example is the popular understanding of the Kanun of Lekë Dukagjini, as a symbol of Albanian national culture (Joireman 2014, p.241). As always, what people *think* it says is more important than what is written in it. This fifteenth century codification of Albanian customary law begins with an extensive discussion proper role of the (Catholic) Church in society when the vast majority of Kosovo Albanians are Muslims (ibid.), but that element has been largely forgotten and few remember that the Kanun was thought to be in conflict with the tenants of Islam when the Albanians settled the Kosovo plain in the 1400s (Vickers 1998, pp.19-20). All of this to say: Albanian nationalist historiography has defined a distinctive, separate Albanian nation for the Albanian people. The relationship between Albanian nationalism and specifically Kosovar Albanian nationalism will be touched on later. For now, the point is that

the nationalist political culture of Kosovo is supported by these ideas and which is supported by them in turn.

The Old Guard

The story of post-war Kosovo was, for a time, a classic example of hegemonic political-economic system established by the victors of an ideological struggle, as the literature on rebel victory would predict (Lyons 2016, pp.1028-1030). At every stage, the ideational and the material supported one another to put the old guard in a position from which they have been hard to dislodge. The exact functioning and its limitations are a matter for the next section. Here, I will demonstrate that the rise of the old guard must be explained through the positive relational interactions of an ideational cause—the independence of Kosovo—and access to the means of power.

Until very recently, the two most important *dramatis personae* in Kosovo's electoral life were the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK). Consequently, I group together the PDK and LDK as the old guard. This is not meant to undermine their individual significance or to elide the distinctions between them. After all, keeping an intra-ethnic peace between the LDK and people who would become the PDK was perhaps the most immediate issue during the early days of the international intervention (Dziedzic, Mercean and Skendaj, 2016 pp.157-8). Since then, nonetheless, the two have been elements in the same *status quo,* dominating elections in great part thanks to their patronage systems. That system is what LVV have railed against.

The LDK rose to notability in the early 1990s through mobilising civil non-cooperation resistance against Milošević's Yugoslav administration. Their behaviour was predicated on their ideological core: Kosovo's self-determination. It was they who organised the independence referendum in September 1991—which garnered a 89% turnout and 99% support for independence (Skendaj 2015, p.153)—and the first elections of their (internationally unrecognised) new Republic. Later, the LDK would be the driving force behind the creation of a 'parallel' state to serve Albanians when they were excluded from official institutions (Vickers 1998, p.250). Their popularity was damaged by the exclusion of any provisions for Kosovo in the 1995 Dayton Accords that ended the Bosnian War, for this suggested that the reasonably non-violent strategy of drawing international attention to the plight of Albanians was not working, and by various ignoble activities their leader, Ibrahim Rugova, was forced to undertake, especially appearing on television with Milošević and fleeing to Italy (Ingimundarson, pp.101-2). Still, in the first elections of post-war Kosovo they swept the floor. Their main competitors in the KLA legacy parties—of whom more in a moment—had split into two and their fighters were widely condemned for their thuggish behaviour during the Yugoslav retreat (Mustafa 2019 pp.163-4). Additionally, there was substantial international support for the supposedly more moderate LDK (Judah 2000, p.300). Rugova was seen by many internationals as

weak and eccentric, and hence treated rather ambivalently, but they accepted him as a necessary partner nonetheless (Ingimundarson 2007, pp.102-3). Rugova had by this time attained symbolic importance as a sort of national 'spiritual father' (ibid., pp.100-1). Thus, both international and domestic audiences normatively accepted the LDK's leadership position within the new political settlement characterised by a Kosovar Albanian state. They went on to receive a plurality of votes in every election until 2007 and to be part of every government until 2010 (Skendaj 2015, p.136). Ideology was fundamental to the LDK's reason to be and its legitimacy from the beginning.

Meanwhile, the PDK could also make that claim. Here I am referring to the PDK and other parties founded from the personnel of the KLA, like the AAK and NISMA, though the PDK is easily the most prominent. The KLA itself became more than a footnote when two surprise events occurred in the mid-1990s. Firstly, their violent approach to the liberation of Kosovo became more popular after the Dayton Accords, whose damage to the LDK's pacific approach we have mentioned. Then, very soon after, that strategy became more feasible when the Republic of Albania's institutions collapsed and its arsenals opened (Jonsson 2014, p.180). Somewhere in the region of two million small arms became available on the market (Bellamy 2002, pp.63-4). The group was only around 150 members strong in 1997 (Jonsson 2014, p.179), yet it soon successfully monopolised Albanian violent resistance, especially after the LDK's military wing was decapitated by the Yugoslav Army and the KLA forcibly integrated the remainder (ibid., pp.182-3). Their public goal was the independence of Kosovo, though they have also been accused of attempting to 'ethnically cleanse' the region of all but Albanians (Mikulan and Thomas 2006, p.47). While their role in the military defeat of Milošević was limited, during the 1998-9 NATO intervention they were very keen to present themselves as a partner in the conflict (Jonsson 2014, p.184). This portrayal is the most important part.

The post-war successors of the KLA sought to establish their reputation as soldier heroes. They espoused a discourse of 'struggle, sacrifice, victory' to the domestic audience and heavily emphasised a (somewhat dubious) interpretation of the Jashari family massacre as a sacred milestone in the story of national liberation (Ingimundarson 2007, p.104). This construction of the Jashari massacre has been so effective that international academics tend to assume a simple close association between the head of the Jashari family and the KLA (see for example Jonsson 2014, p.182). Further, KLA legates have sought to 'monopolize representations not only of military but also of civilian victims' through public ceremonies of remembrance and sites of memory. They are certainly 'leading' representations of war suffering even if they have not been totally successful in dominating them (Ingimundarson 2007, pp.104-5). These are performances to claim the status as wartime liberators and to be legitimate representatives of the nation as a result. Indeed, the question of who gets to be the 'authentic heirs' of the KLA remains a significant theme in post-war politics (Schwandner-Sievers 2013, p.953). The KLA was officially entirely disbanded

after the war but its spokesman, Hashim Thaçi, formed the PDK while prominent commander Ramush Haradinaj went on to create the AAK (Jonsson 2014, pp.186-8). The PDK joined the LDK as the two largest parties in the Assembly and dominated it after independence in 2008 (Mustafa 2019, p.167)—until, of course, LVV's victory in 2019. As with the LDK, national liberation is an essential element of the PDK's identity and post-war strategy of legitimation.

After the war, those who had led the ideological struggle were in the best position to consolidate control of the economy. The LDK were in effective control of government patronage until 2007 (Ahmeti Interview 2021), at which point the PDK also gained a strong influence. They maintained a wide-scale system of patronage (Dziedzic, Mercean and Skendaj 2016, pp.190-1). As of 2015, there are 50% more employees in central administration proportionally than the Central and East European average, far too many more to merely be explained by Kosovo's high unemployment rate, and attempts to reduce this have been very seriously resisted (Skendaj 2015, pp.67-9). In fact, Kosovo spends nearly a quarter of its annual budget on central administration, in stark contrast to the new EU member-state average of 13% (ibid.). It should be noted that this patronage economy was not unpopular at its foundation. By 1998, unemployment among Kosovoar Albanians was above 70%. It is estimated that 10% of all money earned came from legal employment while 60% came from some kind of illegal source (Bellamy 2002, p.10) and at least some of the patronage was used to alleviate economic need (Dziedzic, Mercean and Skendaj 2016, p.151). Criticism is certainly warranted here, but my point is that the political-economic power the old guard obtained is bound up with their ideational power.

As part of their campaign against Serbia, the KLA had already established a patronage system. Smuggling was the primary vector for enrichment in the KLA's early years. Thanks to the terrain, Kosovo has been something of a hotspot for smuggling since Ottoman times, at the level of enterprising individuals and that of large-scale organised networks (Proksik 2018, p.405). This would prove a boon for the KLA. Proceeds of smuggling had been used even in the mid-1980s for explicitly nationalistic purposes; the idea was to buy up Serb lands for Albanian families, driving demographic change (Vickers 1998, pp.224-6). During the war the KLA became a key player in this smuggling, especially in the 'drugs for arms' trade, whereby Albanians would help transport illegal substances like heroin to West Europe in exchange for small arms (Dziedzic, Mercean and Skendaj 2016, p.161). This trafficking blossomed with the rise of the Albanian diaspora in other parts of Europe (Proksik 2018, pp.406-7). Importantly, the nationalist and group objectives are bound together here. The KLA does not make sense without its platform: an ideological struggle. To pursue the cause and enrich and empower themselves went hand in hand.

Post-KLA parties have maintained these illegal sources of income. The evidence for the continued involvement of ex-KLA associates in organised crime is

overwhelming (Jonsson 2014, pp.189-90), even if the international intervention was very slow to recognise this (Dziedzic, Mercean and Skendaj 2016, pp.185-6). Smuggling has increased, in part thanks to President Koštunica of Serbia's exemption of all businesses in Kosovo from the 18% VAT rate (Proksik 2018, pp.405-6). In 2004, UNMIK estimated that 80% of Western European heroin came through Kosovo and substantial marijuana and cocaine also passed through (ibid., p.407). Ex-KLA fighters also intimidated Serbs into signing over property rights to them (Dziedzic, Mercean and Skendaj 2016, pp.162-3), a clear continuity with earlier strategies. There was also an explosion of forced prostitution as demand spiked with the arrival of a large number of international personnel (Proksik 2018, pp.403-4). Although people trafficking has substantially decreased since the war, in 2016 Kosovo was still a 'source and destination country' for sex trafficking and at the time of writing has not met USDOS' 'minimum standards' for the elimination of sex trafficking (ibid., pp.404-5). Since 2007, illegal migrant trafficking has compounded this (ibid., p.407). To the time of writing, much of Kosovo's economy remains highly informal and manipulated by organised crime with links to the PDK (Dziedzic, Mercean and Skendaj 2016 pp.190-1, Proksik 2018 pp.407-8, Jonsson 2014 pp.94-6).

It may seem reasonable therefore to characterise the PDK as a 'criminalised power structure' as Dziedzic, Mercean and Skendaj (2016, p.162) do. However, this behaviour is both enabled and justified by the KLA's ideological position, and it does not always fit easily into the category of crime. In the immediate post-war world, after all, the KLA was the de facto government in many parts of the country (Proksik 2018, p.408). The 2012 Council of Europe report—better known as the Dick Marty report—shows how the operational zones of the KLA transformed neatly into organised patronage networks, funded by smuggling operations. Albanian clans affiliated with the operational leaders would receive cash from them (Dziedzic, Mercean and Skendaj 2016, p.151). Clans themselves retain a substantial significance to organising life in rural Kosovo (Duijzings 2000, p.6). Both before and after the war, the heads of clans would pledge loyalty to the prominent KLA commander in their region, such as Thaçi in Drenica and Haradinaj in Dukagin, in return for patronage (Dziedzic, Mercean and Skendaj 2016, p.159). This collaboration was not in any sense official but simply based on inter-personal links between clan and commander (Jonsson 2014, p.183). Still, just because it is not official does not mean it is not part of the political settlement. We have seen that the Kosovo state is legitimated by a narrative of self-determination and the KLA was a key participant in that struggle, so their special, normative position translated into leadership of clans and patronage both during and after the war. None of this is to say that greed is not an important element in the KLA parties' actions, only that they cannot be reduced to them.

Economic power has enabled the old guard to maintain their position as the only credible sources of political power. Elites were able to use the privatisation

process to enrich themselves and the reliance on public employment to establish a clientelist system. Electoral choice, therefore, has customarily been based on patronage rather than platforms (Visoka 2017, pp.101-3). Indeed, the direct beneficiaries of PDK patronage are enough to make up 35% of all PDK votes (Mustafa 2019, p.168). Between 2008 and 2016, during which time they led every government, the PDK doubled the sale of public enterprises—mainly benefitting party members who bought them below market price—and increased average civil service salaries by 184% when the *maximum* private sector increase was 37%. Meanwhile, they did not extend any non-war veteran related social protection programmes (ibid., pp.167-9). In short, the traditional forms of racketeering have been replaced by a 'kleptocracy' that emphasises 'fraud, grand corruption and "white-collar organized crime"' including 'procurement fraud', facilitated by a pervasive state-crime nexus of connections between officials and criminals (Proksik 2018, p.408). Jonsson (2014, pp.186-9) details the post-war criminal careers of a number of prominent former commanders and the overwhelming evidence for how this network extends to the highest levels. Of course such a 'mafia state' (Proksik 2018, p.411) would not be possible if the rule of law was strong. Happily for the mafiosos, it is not. Skendaj (2015, pp.72-3) lays out the charges. First, there have been no (domestic-led) trials for corruption since 2012 and no minister has ever been indicted since 1999, despite all the evidence. There were only five indictments for organised crime between 2007 and 2009. Second, politicians pressure judges as a matter of course. Finally, citizens have little faith that reporting corruption is worthwhile. Now entrenched in control of the means of income, then, the old guard can maintain the position that they were in at the end of the war, the legates of the ideological struggle transformed into peacetime political patronage networks.

Unsurprisingly, the result is that the great democratic mobilisation of the early 90s has been reversed. LDK-PDK power-holders used their dominance to marginalise opposition and suppress discussion of socio-economic issues (Skendaj 2015, pp,155-6). There is obviously no statistical data about Albanian opinions in the 1990s but it is certainly probable that people cared deeply about the intra-Albanian human rights abuses and massive unemployment, but such concerns were quashed in public discourses. Two examples: the LDK suppressed a story about the dismissal of three pregnant minors from a school they operated and the KLA intimidated those who opposed Albanian reprisals against Serbs as the Yugoslav armed forces retreated in 1999 (ibid., pp.157-8). There is more data from after the war, and indeed 'unemployment, poverty and corruption' were ranked in general population surveys of similar or even higher urgency than status (ibid., p.159). That there was a democratic turnout drop of 40% between 2000 and 2010 (ibid., pp.141-2) may well reflect an increasing disillusionment with the LDK-PDK claim to represent ethnic self-determination. Given their power and histories, criticism of the political class was common enough in private but not widespread in public (ibid., pp.159-60, referencing an interview with the sociologist Fehmi in 2007). This private kind of criticism could 'be observed in rumours, gossip, folktales, songs, gestures, jokes and

theatre' (Rrustemi 2019, pp.109) but could not present any kind of counter-claim that would threaten the political-economic dominance of the old guard.

The old guard were able to establish their legitimacy thanks to their ideational and material position at the end of the war. They emerged as legitimate authorities thanks to their role in the independence struggle then used that position to establish themselves as the only possible credible leadership.

LVV: the real nationalists?

LVV claim that they represent the legacy of the KLA. After their dramatic entry into parliament in 2010, LVV denounced the then leadership as war profiteers and international puppets as opposed to true nationalist fighters (Schwander-Sievers 2013, pp.961-2). The movement has:

> 'made explicit use of specific historical and cultural references' in their performances; they celebrate flag day under the red and black Skanderbeg banner on the 28th of November, the date of independence of the first Albanian republic, also associated with the legends of Skanderbeg, and the supposed birthday of Adem Jashari...' (Schwandner-Sievers 2013a, 102-3)

Furthermore, their discourse emphasises Albin Kurti's personal connections to one of the great figures of resistance, Adem Demaçi (ibid., p.106) while prominent members pay their respects at KLA commemoration ceremonies and reference the oath of the fighters (ibid., pp.103-4). The PDK, meanwhile, is branded with having betrayed the values of the KLA (ibid.). Tinka Kurti (no relation as far as I am aware), a member of the presidency of LVV, told me that 'we truly believe in KLA values' (Kurti, T. Interview, 2021). Whether or not anyone can be said to be the 'real' successors, what is important to her is that LVV continues the KLA's struggle. Other opposition parties in post-war contexts also frame their struggle as a kind of continuation or renewal of the good fight (Caspersen 2011, p.345). One angle here is LVV's more participatory, democratic style of governance, a theme to which we shall return in the next section. All of this goes to show that however much LVV criticises the old guard, they are very much working within the same ideational framework and resonating with the same social ideas.

Kosovo's political culture is a thoroughly nationalistic one. All major parties in Kosovo's political landscape are nationalist. Because nationalism is so key to Kosovar political identity, as we have seen, it is not something that wins votes directly, but a necessary condition of success (Participant 5 Interview 2020). Rhetoric around the war remains vital. Every party uses KLA insignia, promotes former KLA members (ibid.) and, while maintaining separate 'fora of remembrance', glorifies those victims of Serbian oppression and those who died fighting to end it (Ingimundarson 2007, p.116). These memorial actions, and associated promises to survivors, are certainly targeted to win votes (Ahmetaj

Interview 2020). This is the meta-narrative of Kosovar Albanian independence in action and LVV is part of it.

In the sense that its identity is a nationalist one, LVV is not so very different to the other parties. They have sometimes been singled out as a nationalist party, but the distinction is in the relationship to internationals rather than a lack of nationalism in the other parties (Participant 5 Interview 2020). Similarly, Visoka's (2017, see particularly pp.126-9) focus on the anti-international angle of LVV's platform—of which more in the next section—leads him to assert that they take only a 'negative' stance on issues (ibid., p.134). This may be accurate to a degree in context, but it is not true in the very important sense that LVV is thoroughly, positively *for* the metanarrative of Kosovar Albanian self-determination and *for* a political settlement characterised by majoritarian democracy. LVV does not seek to challenge the state and its legitimating social ideas. On the contrary, its discourse is one of fulfilling them. Their claim is that they, not the old guard, represent the nation.

It is worth pausing on the distinction between Albanian and Kosovar Albanian nationalism. There is potentially a contradiction in pursuing the self-determination of the Albanian nation as a whole and building up a strong Kosovo state separately to the Republic of Albania. After all, support of unity between Kosovo and Albania is one of LVV's long-held positions, albeit not a high priority one of late (Kurti, T. Interview 2021). Albanians, like many groups in the Balkans, do not live neatly within modern borders (Judah 2008, p.1). Indeed, the recent history of Kosovo strongly reflects that fact. There is certainly a Kosovo Albanian identity, but the extent to which it is national or regional is ambiguous (ibid., pp.118-9), especially in the context of defence of independence. The problem asks difficult questions of the relationship between nation and state. Thankfully, it is not our job to answer them. Regardless of any tension, LVV are working toward unification with the Republic of Albania, including by using the state (Kurti, T. 2021). Building up the state helps to protect Kosovar Albanians against Serbian revanchism, demonstrates to the world Kosovo's effective independence, helps enable the possibility of a successful unification in the future, and improves the lives of Kosovar Albanians here and now (ibid.). Nationalism is about building up the lives of Kosovar Albanians as well as wider geopolitical questions. The most significant principle is self-determination: LVV policy is that people should be free to exercise whatever they democratically demand, including joining Albania (Von Laffert 2016).

LVV's identity and discourse are based on social ideas firmly embedded into Kosovar Albanian political culture and this is crucial to their resonance. We now must address how LVV made their claims more resonant than their competitors.

Claim Two: "We are the only independent institution in Kosovo"

LVV's 2016 tear-gas stunt was not the first and nor would it be the last. Two years later, throughout the parliamentary session of the 21st of March, 2018, LVV Assembly members let off canisters—supposedly ones captured from the police during protests—to delay a vote on the border agreement with Montenegro. It was a key condition to fulfil in order to get the EU to extend visa liberalisation to Kosovo. Albin Kurti condemned it as 'losing 8,200 hectares' of Kosovar land at the insistence of foreign powers. He saw it as a blatant surrender to international pressure by the other political parties. The MPs somewhat farcically moved between rooms as they tried to proceed despite the disruption and eventually managed to pass it anyway. In the aftermath, Kurti told the media "we are the only independent institution in Kosovo'' (Balkan Insight 2018). This claim succinctly captures LVV's anti-international intervention rhetoric, whereby they frame the old guard as stooges of interfering foreigners, wilfully selling Kosovo's sovereignty to international interests despite the wishes of the people. LVV has constructed a powerful storyline of the betrayal of the democratic promise of independence.

Visoka (2017, pp.115-6) and others rightly see Kosovar Albanian grievances with such interference as important to LVV's success. There were and are a series of problems that engendered a backlash. Visoka (ibid., p.113) summarises it thus:

> A number of practices contributed to local dissatisfaction: incompatible political agendas between local and international actors; unfair political and aid conditionality; and the undemocratic and unaccountable practices of the international presence in Kosovo. These issues, against a backdrop of fragmented ethnic relations and protracted underdevelopment, gave rise to local resistance to international governance in Kosovo.

All of this is certainly true but the existence of grievances do not, on their own, account for the successful de-legitimation of a regime. I seek to demonstrate here that these grievances were effectively mobilised by LVV to destabilise the kind of legitimation the old guard and their international allies had created.

LVV's Democratic Nationalism

In the last section, we dwelled on some of the key similarities between LVV and the other major parties. Here let us emphasise the differences. LVV makes a commitment to democracy central to its policy and identity. This part outlines that claim to be the vehicle *for* the execution of democracy, to accept the decisions of the majority of people, the national will. Of course, this claim is also *against* the old guard and the international community.

The idea of ethnic democracy, the association of nationalism and democracy, is 'often a pragmatic compromise' between self-determination and democracy in un- or partially-recognised states (Caspersen 2011, p.250), but for LVV it is a deeply-held principle. There is an intuitive link between democracy as the will of

the people and the people as a nation, a philosophy that goes at least as far back as Rousseau and is maintained by some theorists to the present (Moore 2001, pp.2-3). Social democratic nationalist parties are certainly not unknown, like Sinn Fein (Fazliu 2018) or the Scottish National Party from my own islands. LVV claims the legacy of collective mobilisation, vis-à-vis the imposed civil society designed by the internationals (Schwandner-Sievers 2013a, p.96), and its wartime antecedent. They style themselves as a 'movement' rather than a 'party', for the reason that they intend to be a platform for constant political participation rather than just voting on election day (Kurti, A. 2011, p.93). It sets itself up as the voice of the people against the authoritarian practices of the international community and established politicians (Visoka 2017, pp.117-8).

Those people are the Kosovar Albanians. Said Albin Kurti, using the Albanian term for Kosovo (2011, p.96): 'The governance of Kosova must change—not only for the sake of changing those in power, but for the sake of changing the character of the state.' That does not mean breaking up the fundamental idea of the state as the representative and partner of the Kosovar Albanians. It means reinforcing it. LVV is for a specifically Albanian state (Visoka 2017, pp.126-9) where the majority of people—who are Albanians—are free to decide the destiny of their country without outside interference. This could include joining the Republic of Albania (Von Laffert 2016). From a nationalist standpoint, they claim that the will of the people must be respected. LVV's alternative, then, is to fulfil the social idea of independence by reducing international involvement, centralising institutions, and rendering politicians properly accountable to the people of the nation. The pertinent distinction is not that they are nationalist but that they have endeavoured to explicitly mobilise the democratic social ideas embedded in the nationalist metanarrative. In fact, they have used this angle to criticise the old guard for failing to live up to the principle of nationalism: LVV sets itself up as the voice of the mass of people against the establishment politicians and the impositions of the international community (Visoka 2017, pp.117-8).

The question arises: is LVV anti-Serb? LVV's platform states that they are not against Serbs, but against the internationally imposed structures of power-sharing. There is a distinction between Serbs and Serbia, too, in that the latter is responsible for the war and relations cannot be neighbourly until Kosovo receives an apology (ibid.), which is partly why they reject Serbia as a negotiation partner and have stated that *Srpska Lista*—a Serb party considered close to Belgrade—will not be welcome in any LVV coalition government (Kurti, A. 2011, p.93). This stance proved rather problematic after the 2019 election because (basically) a number of Serbs are constitutionally required to form a government and *Srpska Lista* dominated the Serb seats (Robinson 2019). Regardless, Visoka (2019a, pp.31-2) is right to point out that, in practice, LVV has not respected minority rights and acted in an exclusionary manner. Most importantly, from the perspective of minorities like the Serbs, 'by invoking a discourse of abolishing ethnic identity and creating a new, common, civic

identity, LVV implicity tried to deny the rights of minorities' (ibid.). Defining Kosovo as 'a state of Albanians and all other citizens' may not seem entirely innocuous to those 'other citizens', which includes not only the Serbs but also the large Roma, Ashkali and Egyptian community, the Gorani, the Bosniaks, and others. There is, then, contention over whether LVV's Kosovar Albanian nationalism is respectful of minorities and if the multi-ethnic character of Kosovo's population undermines their democratic credentials. The point for our purposes is that these issues arise precisely because LVV is an explicitly Kosovar Albanian nationalist party.

The Legitimacy of Transactional Compliance

Kosovo's *ancien regime* has often been discussed in terms of its problems. Consider Visoka's *précis* quoted in the introduction to this section, where the focus is on the grievances that the illegitimate aspects of the old regime produced. There were certainly conspicuous tensions. However, they were not lethal until they were weaponised. My argument is that the old guard had more or less strong means of legitimation embedded in the system they dominated. This system I call transactional compliance for the ways in which the domestic elite—that is, the old guard—cooperated with the international presence in return for their own benefit.

Some context is necessary. In June 1999, Yugoslavia effectively capitulated after months of NATO airstrikes and withdrew forces from Kosovo. The United Nations Mission in Kosovo, UNMIK, was created by section 10 of UN Security Council Resolution 1244 to administer the territory upon this withdrawal. It was given extraordinarily broad powers. Section 10 reads:

> '10. <u>Authorizes</u> the Secretary-General, with the assistance of relevant international organizations, to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.' (UN 1999)

In sum, it was the institution for the direct international rule of Kosovo, or administrative intervention (Visoka 2017, pp.37-8). Unlike the international mission in Bosnia and Herzegovina, UNMIK was designed to be a centralised body with a single structure and commander—the Special Representative of the Secretary-General. Consequently UNMIK had both legal and financial autonomy from its backers. In the event it would disburse €3.5 billion in aid between 1999 and 2008 (Skendaj 2015, p.52). The task it set itself was proportionally enormous. Kosovo in 1999 has been described as a statebuilding *tabula rasa*. In the case of the judiciary alone there was no functional legal framework,

nevermind judges or detention facilities (Bucaj 2019, pp.86-7). Although its significance has been very limited since 2008 (Visoka 2017, p.49), and its legacy is problematic to say the least, the role of UNMIK to events in post-war Kosovo is hard to overestimate.

The primary role shifted from the UN to the EU after independence, and from UNMIK to EULEX. This new organisation had 'corrective powers' to ensure legislative compliance with international demands (Visoka 2017, pp.50-1). Technically, the government of the newly independent Kosovo, declared unilaterally in 2008, invited EULEX to assist them; in fact, it was a condition of recognition on the part of several countries (ibid.). The mandate was primarily one of 'monitoring, mentoring and advising' (MMA) but it did have special executive powers to independently prosecute war criminals and those involved in organised crime (Gippert 2017, p.330). Judges were considered in need of MMA given a general lack of qualifications, lack of independence from political and social pressure, and inadequate salaries (ibid., p.331), so 'strengthening'—as the department was named after 2012—focused on the reduction of political interference, and to monitor cases of particular concern, including organised crime (Proksik 2018, pp.411-2). In 2014 EULEX stopped taking on new cases except for 'extraordinary circumstances' (ibid.) and in 2018 their executive section scaled down yet further (EULEX 2018), effectively marking the end of EULEX's formal power. Additionally to EULEX, the EU attaches integration conditionalities to the ongoing EU mediated negotiations between Kosovo and Serbia on a final status agreement—indeed these conditionalities have been credited with facilitating its successes (Bergmann and Newman 2015, pp.944-5). To this day, then, the EU remains a significant actor in Kosovo politics. How did domestic elites initially establish any kind of independent power in a situation of such dominance? To begin answering this question, we need to look at how the international intervention failed to legitimate itself both before and after independence.

Lemay-Hébert (2013a, p.92) notes how UNMIK is sometimes considered the best managed of the post-war UN interventions and how it achieved stability and reduced violent crime substantially in a short time yet nonetheless saw its approval rate drop to a mere 22% by 2008. This is in stark contrast to UNMIK's popularity, higher than either the LDK or PDK, immediately after the war (Skendaj 2015, p.55). Lemay-Hébert (2013a, pp.94-7) goes on to stress that the violent riots of 2004, which Western media framed as a case of ethnic tension, not only coincided with high frustrations about UNMIK's stance on independence but were presaged by attempted attacks on UNMIK assets. Indeed, after the fact most Kosovans (Serb and Albanian alike) blamed UNMIK for causing the riots (ibid.). What happened?

Simply put, the international community left the question of independence ambiguous and thereby created tension between themselves and nationalist social ideas. The way UNMIK studiously avoided the subject of independence

contributed to the atmosphere of 'uncertain sovereignty' and associated anxiety that both prolonged international intervention and led to 'confrontation' between internationals and Kosovar society (Visoka 2017, p.42). This generated substantial Albanian resistance and helped de-legitimate the whole intervention. This policy, or perhaps lack thereof, was the result of the disagreements between the USA, UK, France, Germany, Italy and Russia—the Balkans Contact Group—on the question of Kosovo's final status after the Yugoslav withdrawal (ibid., p.39). Consequently, a political culture of extremely high sensitivity to status emerged, in which legislation had to be framed in such a way as to *imply* independent status without specifying it, while domestic elites adopted a strategy of trading 'rights and protection to minorities in exchange for consolidating symbolic and material aspects of statehood' (ibid., pp.84-6). After initial enthusiastic cooperation with the intervention, therefore, Albanians began to respond with open resistance to the increasing evidence that the international community would neither accept Kosovo's full independence nor transfer more power to the domestic institutions expeditiously. Internationals predictably framed these protestors as 'peace spoilers' and mistrust was further heightened (ibid., pp.82-4). Delegitimation was the result. Ingimundarson (2007, pp.111-2) argues that the international silence on the issue of independence not only delegitimated UNMIK and the OSCE but also reinforced Albanian nationalism. Albanians were fearful that the international community would cave in to Serb demands for autonomy within Serbia so they beat the drum of independence all the harder. This claim was obviously unsuccessful at changing social ideas, it only served to create tensions and imperil the position of UNMIK. Here is yet another example of the significance of legitimacy, this time in impacting the efficacy of the institutions of international intervention.

In this context, the international confederates of the 2008 independence declaration stopped avoiding the question and, instead, made an explicit counterclaim: Kosovo would be a non-ethnic, purely civic entity. While they made this route out as a purely legalistic process of fulfilling their mandates, the claim is of course inherently political. They sought to engineer 'multi-ethnicity as Kosovo's collective identity' (Visoka and Musliu 2019, p.23). The internationally choreographed independence in 2008 resulted in a constitution based on the 'Comprehensive Proposal for Kosovo Status Settlement', better known as the Ahtisaari plan. The Ahtisaari plan provided for such a civic constitution where the inherently 'multi-ethnic character' is reflected in official symbols that make no reference to any common state identity beyond the geography of Kosovo—including a national anthem without words, as not to prejudice one language above another (Bucaj 2019, p.88). Effectively, this was meant to reconfigure Kosovar Albanians as civic Kosovans. Any rejection of that has been decried as nationalistic (Rrustemi 2019, p.112).

This move put them in direct contradiction with social ideas. Ingimundarson (2009, pp.97-8) says it best: the international community tried to act as 'identity entrepreneurs' to change 'deep-seated' ideas about identity. In other

words, 'Kosovo's statebuilding has been conditioned on the erasure of national-based narratives and historical experience' (Luci and Gucia 2019, p.134), suppressing issues related to the collective memory of the war as part of this attempted reconfiguration (ibid., pp.139-40). A constitution is not only a legal document but a symbolic embodiment of 'the relationship, the political bond, between the people and their government' (Bucaj 2019, p.87). The Ahtisaari constitution is not the one the Albanians would have made for themselves and, consequently, it embodies an 'artificial and therefore ultimately unsustainable Kosovar identity' (Rrustemi 2019, p.113). Beljinac (2015, pp.377-8) discusses how the international community tried to establish constitutional patriotism as a 'universal remedy' to the ethnic divisions of Kosovo society, ignoring 'political culture' in favour of 'norms, values and procedures'. What this does, as Beljinac is correct to argue, is get the cart before the horse. Constitutional patriotism requires 'civic affiliation' as a prerequisite, it cannot itself create a sense of common purpose and belonging (ibid., p.381). It is a philosophy of legitimation that relies on the pre-existing legitimacy of that which is supposed to be legitimated. Liberal theory may predict that the democratic state that was providing services would be legitimated (see Chapter 3), but perceptions of governance are shaped by ideas in their context, too. Albanians rejected this framing of their constitution.

Perhaps the most important example is the unpopularity of internationally-backed inter-ethnic reconciliation—which we will refer to simply as reconciliation hereafter. Importantly, reconciliation did not become unpopular as a result of its poor execution. It may have been poorly executed but it was unpopular before it was tried. The reconciliation aspect of international intervention was something the domestic leadership were willing to accept in exchange for the higher goals of stateness and independence, even though it was never well received (Visoka 2017, p.14, pp.80-2). Elites consequently paid much 'lip service' to the question of the Serb minority, and accepted (almost) all provisions for minorities in the 2008 status talks (ibid., p.85). Prospects for reconciliation, however, were seen to be in Serbia's hands. The Albanians continued to see themselves as the primarily aggrieved party and hence reconciliation would require an official apology for the repression of Albanians in the 1990s, finding those who remain missing (including the exhumation of secret graves) and the recognition of Kosovo's independence (ibid., pp.81-2). There was never, then, a serious internal constituency for reconciliation, so the focus on reconciliation—this external idea of peace at odds with the opinions of most Albanians—generated substantial opposition. Indeed, bowing to the demands of peacebuilding came to be seen as a sign of weakness and those who actively promoted reconciliation were sometimes shamed (ibid., pp.98-9).

The same can be said for the related transitional justice process. For most Kosovar Albanians, only Serbs are at fault, and hence transitional justice for the Albanians is not justified (Ingimundarson 2007, pp.108-10). The Kosovo Specialist Chambers (KSC) have also been deeply resented. They were founded

by the Assembly in August 2015 to investigate war crimes undertaken by the KLA during 1998-9, pursuant to the famous Council of Europe ('Dick Marty') report that made such allegations (Hehir 2019, pp.267-70). That foundation, however, was done in the teeth of strident domestic opposition, only in response to a threat from the UNSC that they would found an international tribunal if it were not established by Kosovo. The KSC is staffed almost entirely by internationals and headquartered outside of the country—and it is paid for by the EU, too (ibid.). Predictably, it has been criticised as being an international creature without local legitimacy (Bucaj 2019, p.95). The upshot is that any prosecutions will 'provoke outrage' (Hehir 2019, p.282). This degree of hostility is easily explained in reference to Kosovar Albanian social ideas. How can people accept criminal convictions for those who led a just war against oppression and for self-determination?

There are other illustrations of this rejection. 'Flag Day' was touted as a celebration of multi-ethnicity by the Americans. Naturally, it continues to be dominated by Albanian nationalist sentiment (Ingimundarson 2007, pp.112-3). The Kosovo flag has become more popular since Kosovo's successes in international football (Bancroft 2020, pp.16-7), though this more implies an acceptance of the Ahtisaari symbols as their own than an acceptance of the state as inherently non-ethnic. Further, powers that are given to minority parties in the legislature—the Assembly—have had the result that governments have been able to shore up awkward majorities using the disproportionately well-represented minority parties (ibid., p.96). Add to this the way that minority MPs have been able to sabotage the passage of popular policies, like the foundation of a military, through the Assembly (Bucaj 2019, p.88) and it can be understood why not only the parliamentary structure but the minority parties themselves have become unpopular among many Albanians. A final dynamic to note here is that the internationals have also undermined their own claim to a purely civic identity thanks to the tension between the focus on multi-ethnicity and the idea that ethnicity is not important. Rrustemi (2019 pp.110-2) notes precisely this when she comments on the contradiction between multi-ethnic rhetoric and maintaining, even strengthening, ethnic divisions on the ground by creating special provisions for minority communities. Ethnonationalist collective memory in Kosovo is recent and powerful and has only been reinforced by the reality of segregation on the ground (Ingimundarson 2007, pp.113-4). Not only did the claims not resonate, then, but they were also not credible. Despite all their resources, the international community could not engineer a new legitimating narrative for institutions that so contradicted nationalist social ideas.

This is the crumbling empire in which the domestic elites carved out their part. Domestic elites deliberately used the failures of international attempts to legitimate Kosovo in their own image. First, they associated themselves with resentments against internationals in order to reinforce their position as representatives of the Albanian aspiration to statehood. Ex-KLA commanders used their credentials to accuse those who charged them with malpractices as

being part of a 'foreign conspiracy' to undermine Kosovo's victory (Jonsson 2014, pp.190-1). Nationalist slogans were used to discredit external influence and brand those who do not fall in behind their leaders as traitors (Skendaj 2015, p.73). Perhaps in part as a consequence, citizens have reportedly been 'confused' as to whether corruption in a particular instance is indeed a problem or is in fact just 'patriotism' (ibid.). Similarly, war crimes trials against those associated with the KLA generate a strong popular backlash against the prosecutors and indeed often increase the popularity of the politician on trial (Visoka 2017, p.100). There are various potential benefits to the indicted elites here. It reinforces their image as nationalist fighters by their conflict with the international community, it suppresses voices who might seek to criticise their post-war policies, and, most importantly, it repeatedly associates current politicians with the legacy of liberation. In sum, war crimes trials help elites to rally support. Liberal institutional features thus undermined their own legitimacy rather than engendered it.

However, the other form of legitimation was reliant on internationals. This is where transactional compliance comes in. Where the international community pursued policies that could be in line with social ideas and in the interests of elites, they were happy to comply. The cost of this was the acceptance of unpopular, internationally-mandated policies, like reconciliation provisions, in exchange for the higher goals of stateness and independence, even though it was never well received (Visoka 2017, p.14, pp.80-2). There emerged, as a result, a chimaera of behaviours among elites that combined subservience with manipulation. Making the state a reality was of high importance to Albanians after the war (ibid., p.2), so cooperation with statebuilding followed. Besides, almost the very first thing that UNMIK did was dismantle the LDK and KLA parallel institutions and incorporate them into the new administration (Skendaj 2015, p.55), which kept the leading personnel very close to the internationals in the early days (Dziedzic, Mercean and Skendaj 2016, pp.166-7). Within these internationally-administered structures, the LDK and, later, the PDK were taught how to build institutions, which they could then use to create jobs—and thereby expand the patronage system (Gashi Interview 2020). The LDK in particular benefited from the privatisation programme which began in earnest around 2004. Many public assets ended up in LDK hands or the hands of their clients (Ahmeti interview 2021). The LDK and PDK maintained a kind of subservience to international tutelage. They did not express their disagreement with internationals but silently accepted unpopular international policies (Rrustemi 2019, pp.108-9). This silence, however, should not be taken to mean that there was no resistance to international claims.

It cannot be stressed enough that, through all their compromises, the Kosovar Albanian political elite has never accepted attempts by UNMIK (and the international community more generally) to make 'multi-ethnicity' the defining political identity of Kosovars (Ingimundarson 2009, pp.97-8). Rather, statebuilding was used all the while in the cause of independence, to

demonstrate that their state was strong and could stand up on its own, while elites never ceased with 'nationalist calls for independence' to the domestic audience—which in turn 'helped them gain popular legitimacy, which ultimately resulted in consolidating their power for the foreseeable future' (Visoka 2017, p.72). Janus-esque, elites would show the face of 'modernising discourse' to internationals while always presenting a more ethno-nationalist one to their constituents (Ingimundarson 2007, pp.105-6). This continues now the EU has effectively replaced UNMIK. Albanian elites have committed to the EU mediated dialogue in order to reduce barriers to recognition, but they use the EU's discourse of 'technicality' to downplay the political implications of agreements with Serbia. They have appropriated the EU's diplomatic 'constructive ambiguity' to frame the agreements to the public in terms of practical improvements to everyday lives rather than peacebuilding, reconciliation or multi-ethnicity (Visoka 2017, pp.190-2). That is how domestic elites managed to placate both internationals and their Albanian subjects, all the while building up their own strength. The greatest achievement of this transactional compliance was, of course, independence. We have already mentioned how aspects of the independence agreement were imposed on the Kosovars by external forces despite their unpopularity. The old guard accepted (almost) all provisions for minorities in the 2008 status talks and paid lip-service to the international insistence of multi-ethnicity and so forth (Visoka 2017, p.85). Despite the imposed constitution and continued international supervision, however, there was a great euphoria from Kosovar Albanians when it was finally declared (Kosovo 2.0 2017). After all, a flawed independence was better than no independence at all, and it was by making sacrifices to the interests of their international partners that Kosovo's elite achieved it.

One can frame all this as a positive story from the point of view of Kosovar Albanian social ideas: the scions of the liberation struggle negotiated with Kosovo's international allies to achieve independence and statehood. A partial independence and a statehood undermined by its over-indulgence of minorities, according to this story, but independence and statehood nonetheless. In fact, Grounded Legitimacy theory would predict that this kind of compromise between international and local ideas embodied in the old guard's political settlement would be stable. That said, the problems are also relevant. Ideational contradictions in the settlement may not have meant the inevitable collapse of the old guard regime, but they were the resources used by LVV in their campaign of de-legitimation.

The De-legimating Claim

Schwandner-Sievers (2013a, p.96) writes: 'The movement thereby exposed, widened and made political use of the legitimacy gap faced by the international administration in Kosovo.' 'Made political use of' is important here. What LVV has done is not simply react to the tensions in the old guard regime but proactively push a de-legitimating narrative. This is not passive or an automatic response to

oppression, but an active strategy. Visoka (2019a, pp.24-5) does recognise this at one point, where he talks about LVV's deliberate 'delegitimation' of the international intervention by framing their instruments of intervention as necessarily bad. Here I bring to the forefront this weaponisation of tensions in the political settlement.

LVV's de-legitimating claims frame Kosovo as having a democratic deficit maintained by a cabal of politicians in league with the international community. Put another way, there is an 'international ruling protectorate' which sponsors an autocracy in exchange for stability (von Laffert 2016). LVV has 'regarded all international policies in post-conflict Kosovo as tools for undermining democracy, self-determination and social emancipation' (Visoka 2019, p.22)—or at least it has criticised them in those terms. As we have seen, Kosovo's non-ethnic institutions 'have been unable to secure local legitimacy' and, LVV argues, this is a result of a post-conflict narrative which the international community uses to justify their rule and devalue local views (ibid., p.29). Albin Kurti (2011, p.90) has accused the international community of framing Kosovo as a state in crisis in order to excuse their control. LVV has characterised the intervention as entirely undemocratic and unaccountable.

Broadly, the argument runs that UNMIK, protected by the NATO peacekeeping forces, had used statebuilding to ensure the loyalty of its clients. UNMIK is, by this account, the source of the corruption at the highest levels of Kosovo political life. International financial aid has, meanwhile, only served to make Kosovo dependent on the leaders of the intervention (ibid., pp.25-6). Elections have been condemned as attempts by UNMIK to guide the political process, statebuilding as the message that the population are not ready to rule themselves, and the police as international enforcers with only a veneer of local ownership (ibid.). All this culminated in LVV's rejection of the declaration of independence (2008) in light of the international collaboration, continued supervision by the International Civilian Office, the lack of membership in international organisations, and the *sui generis* legal designation of Kosovo's independence. After all, asked LVV, why should it not be established in reference to the universal right of self-determination (ibid., pp.27-8)? Criticism of the internationals may not have been consistently so exhaustive, and it has not always been effective, but LVV has repeatedly and explicitly mobilised democratic majoritarian ideas to publicly display their resistance to the international community's claims. This extends to a critique of international legitimating claims for the Kosovo state. LVV have challenged the positive claim that the Ahtisaari plan ensures a reasonable power-sharing mechanism between the country's ethnicities, and the negative claim that Kosovo's independence is ambiguous. In terms of the positive claim, Kurti (2011, p.91-2) lambasts how identity politics is used by the international community to distract from and delay the resolution of 'sovereignty, politics, economy, and social and public issues'. The narrative of multi-ethnicity, he says, 'promotes diversity at the cost of solidarity' by fixing people as their ethnicities (ibid., p.96). They have

consequently attacked the 'social engineering of multi-ethnicity' by the international community, by which they mean the decentralisation and ethnic power-sharing mechanisms (Visoka 2019, pp.29-30), as well as the rather bland symbolism of the new state (Fazliu 2018). The Ahtisaari plan, then, has meant effective partition.

LVV has stressed the need for homogenous, universal rights above minority rights and a centralised rather than consociational state—though they equally stress that multi-ethnicity is not at all incompatible with these principles (Visoka 2017, pp.126-9). Rather, it is that democratic majoritarianism is a better model for governance than fragmentary cantonisation. That such a state would guarantee the dominance of Albanian voters is only to be expected, for they make up the vast majority of the people of Kosovo. Keeping to this democratic vein, LVV also rejects the 'normalisation' process of the EU-mediated Brussels Dialogue. This I take as the next stage in the international community's attempt to circumvent the question of formal independence. In 2013, LVV put the much touted Serbia-Kosovo agreement before the Kosovan constitutional court. It had been adopted unilaterally, they argued, by the executive without reference to the parliamentary process (Behe 2016, pp.308-10). Further, they attacked it for surrendering state control of the Serb north (ibid.). This is emblematic of LVV's strong resistance to the dialogue with Serbia. To them, the whole process is based on an illegitimate UN resolution (1244) that defines Kosovo as part of Serbia and, regardless, the dialogue opens up the possibility of more interference by Serbia in Kosovo's sovereign affairs (Visoka 2019, pp.26-8). LVV wants to avoid the 'legalisation of parallel Serb structures in Kosovo and the sanctioning of Serbia's direct interference'. To them, such a thing is neocolonialism and in any case a blockage to the genuine integration of Kosovo's Serb community (ibid., pp.30-1). Not only is the normalisation process against sovereignty and centralisation, then, but also against the will of the people. According to LVV, a popular referendum is enough to declare independence from Serbia, without need for dialogue (ibid., pp.26-7). Instead, we have elites negotiating behind closed doors with a foreign state and the international community over these crucial issues (Visoka 2017, p.124). Thus have LVV taken to task international claims about the character of Kosovo.

Just as these attacks highlighted and problematised the legitimacy of the old guard, the way in which they have been made has also served to widen the legitimacy gap. Their many protests have been used to provoke the establishment into de-legitimating action as much as to draw public attention to LVV's claims. Visoka (2017, pp.131) argues that LVV deliberately created a self-sustaining cycle of protests: there would be a protest at the beginning of the year, consequences of the protest would ensue, and then they would protest those very consequences. Regarding these protests, Schwandner-Sievers (2013a, p.108) perceptively notes that defiance works when rulers show themselves to be oppressive, so it should be no surprise that Albin Kurti decried the 2016 arrest of several veteran protestors on the eve of a major

demonstration as 'fascist methods' (Balkan Insight 2016). This fits well into my argument that LVV have not simply exploited a legitimacy gap but created one through their actions.

This section has discussed how LVV mobilised social ideas, especially democratic nationalism, to de-legitimate the old guard regime. Now we will turn to how they constructed themselves as a credible alternative. Before, it is necessary to mention that these de-legitimating claims against the old guard and the countervailing legitimating claims for LVV really did resonate. If they did resonate, as opposed to simply being a protest vote, we would expect LVV to receive active and enthusiastic reception. Many interviewees corroborated this view. LVV do not only represent the possibility of ousting unpopular politicians, but hope for the future (Participant 5 Interview 2020). Generally, there is a great deal of despair among the electorate, but LVV has come to represent a way out (Gashi Interview 2020). At no small personal risk, even many who are reliant on the elite patronage networks have been voting for LVV (Participant 5 Interview 2020). One interviewee even spoke about 'dancing in the streets' after LVV's electoral victory in 2019 (Hehir Interview 2021). The LDK and PDK may have been the leaders of Kosovo, but they increasingly lost the moral leadership of the self-determination project. Voters have shifted that authority onto the shoulders of LVV.

Claim Three: 'Kosova should change from a state which is in the service of foreign merchants and neoliberal privatization into a state which supports domestic producers and local development.'

I have been unable to find much response to Albin Kurti's interview in the Journal of Intervention and Statebuilding back in 2011, but I imagine it was moving to the community of scholars who scrolled through it. With academic flourish, Kurti damns the manner and effect of international intervention in Kosovo, banging the drum against the liberal peacebuilding paradigm and, especially, its neoliberal economics. There is no ambiguity in his denunciation of 'a state of contraband and corruption' (Kurti, A. 2011). LVV have consistently emphasised the social democratic angle of their nationalism. These are not contradictory or even competing strands. Rather, theirs is a coherent ideology of development for the people.

This economic agenda is vital to explaining how LVV, having de-legitimated the old guard, have legitimated themselves as the alternative. Another Albin Kurti claim I might have used for this subheading: 'Vetëvendosje is a chance for change, for a change in Kosovo.' (Fazliu 2017). He argues in the interview that this is because LVV is an 'infrastructure' through which any who are seeking change might work, rather than a party where priorities are imposed from the top down. Whether or not this is true, it is indicative of how LVV sets itself up as the platform for general opposition to the old order. LVV has become the established alternative to the status quo. In this way, they have broken down

the great advantage of credibility that an already existing system, no matter how flawed, will have. LVV is credible as a party that might reform the economic life of Kosovo for the better.

While international institutions and authors have mainly been concerned with questions of transitional justice and regional dialogue, Kosovar Albanians care much more about employment (Gashi Interview 2020). Linking up identity and ideology issues with economic counterparts is therefore an important step—and something my theory enables.

In-Credible Corruption

The emphasis on LVV's successes in this chapter does risk implying that grievances with the old guard were not at all independent of LVV discourse and actions. Just as LVV mobilised pre-existing tensions in the old guard's regime, they have also been substantially aided by the old guard themselves, who have consistently undermined their own claims through their corrupt practices. LVV has certainly had a role in bringing this to light but in and of themselves these practices have made the old guard's claims less credible. Initially, the patronage economy was well-received by a wartorn country (see first section) but lack of progress since then has eroded trust.

Polls show that unemployment is consistently the highest priority among Kosovar Albanian voters (Gashi Interview 2020). Customarily, the old guard parties have offered straightforward numbers of jobs to be created in their manifestos. Experience of failure has undermined the credibility of such offers (ibid., Ahmetaj Interview 2020). There is no strategy on utilising the economic potential of Kosovo's very young population (Gashi Interview 2020). There are no expat reinvestment policies or solutions to professional shortages, as with nurses. Rather, outward migration is not discussed for fear of admitting failure. 100 000+ people left between 2014 and 2015 alone, including many who were earning about average wages (ibid.). It is not only a case, then, of demanding jobs, but demanding an economic environment in which people can have fulfilling careers. Meanwhile, inequality is the highest in Europe, yet PDK governments between independence and 2019 made no effort to extend new social protection programmes or non-war related benefits (Mustafa 2019, pp,169-70). These issues are the most relevant to the lives of most Kosovars (Ahmetaj Interview 2020).

Indeed, this increasing scepticism is a major difficulty for the old guard, because their political playbook has always been based on their position as patrons. In order to change, they would have to undergo massive and painful internal reform that detaches them from the patronage political culture. They have, consequently, little response to LVV's more substantive platform (Participant 5 Interview 2020), which we shall detail shortly, except the rather weak assertion that the new state needs more time (Skendaj 2015, pp.161-2). In light of LVV's

recent successes, the old guard parties have taken 'small steps' but they are mostly symbolic protests, on the assumption that LVV won because they protested, not because they protested about the right things (Kurti, T. Interview 2021).

Independence in 2008 revealed elite claims about the economy to be empty. Public satisfaction with politicians had been reasonably high before 2008, for the simple reason that most people accepted that ultimate responsibility for policy lay with UNMIK, not their representatives (Skendaj 2015, p.63). Further, before independence 'Kosovo's politicians promoted the idea that, because they were focusing on independence, they should not be criticized [sic] for a lack of attention to socioeconomic issues' (ibid.). Questions of economic development and anti-corruption had very little answer in the platforms of either party—which were in any case much the same—and it seems to have been implied that economic growth would simply flow naturally from independence (ibid., pp.142-3). In fact, the issue of status was used to deliberately quash economic concerns, for example with the assertion that foreign direct investment could only occur post-independence (ibid., p.159). My interviewees disagreed on whether 'huge' promises were made at independence (Hehir Interview 2021), including EU membership within ten years (Participant 5 Interview 2020), or if the narrative was simply 'it's in our hands now' after a long time without competencies (Gashi Interview 2020). In either case, there was a wave of optimism that dampened resentments built up since 1999 immediately after independence (Participant 5 Interview 2020) but, by 2015, this had become frustration that the expected positive developments were not taking place (ibid., Gashi Interview 2020, Hehir Interview 2021). In fact, the situation continued (and continues) to look rather bleak. Even the celebrations of Independence Day have come to be overshadowed by economic disappointments and difficulties (Luci 2017).

Internationals have aided and abetted this patronage political culture. They protected those already in positions of power in exchange for their compliance. UNMIK interfered to protect their clients against prosecution and integrated those it knew to be involved in organised crime into the new institutions of state. They 'co-opted' organised crime for the pursuit of 'peace and stability' (Dziedzic, Mercean and Skendaj 2016 p.182, Jonsson 2014 p.185, Proksik 2018 pp.410-11). The operational planning group explicitly put certain figures on a list that rendered them untouchable by prosecution, in part as a response to pressure from Western capitals who wanted to keep their particular 'partners' on side (ibid., p.411). Politicians would also seek protection from international governments whose companies they were hiring to undertake public works projects. In 2010, for example, the American ambassador protected Fatmir Limaj from EULEX because the US company Bechtel was building a Kosovo-Albanian highway (Skendaj 2015, pp.86-7).Internationals even supported politicians in their claim that socio-economic problems would be resolved after

independence and condemned protests as interfering with the resolution of status (ibid., p.164).

Also, the intervening institutions occasionally *accidentally* strengthened elites as a result of their policies. At one point, the AAK used a British model of civil service reform funded by DFID to institute political appointees as their permanent secretaries, only for the PDK to later reverse that by using an American-funded reform project with a different model to replace them with their own clients (ibid., p.86). Here is not only an example of poor international coordination but of how UNMIK's policy making could be used by domestic elites for their own purposes. Similarly, Kosovo's politicians are more accountable to international organisations than their voters. Skendaj (ibid., p.165) conducted a survey of parliamentary representatives and high officials, in which the vast majority of respondents ranked internationals far higher than locals in holding them to account. A common perception among these elites is that if you fall out of favour with the American embassy, you will lose your office, and hence you have to comply with American requests (ibid., p.167). Surveys of the rest of the population reinforce this message: the general public think that internationals have the most influence over politicians and that voters have the least (ibid., pp.165-6). It is perhaps unsurprising, then, that many Kosovars blame the international community for empowering a corrupt elite (Visoka 2017, p.98). The tide is turning against even America, who as mentioned are traditionally above criticism in Kosovo political culture thanks to their predominant role in the war (Participant 5 Interview 2020).

EULEX, too, has seen antipathy build up against it. It was, also like UNMIK, popular with the Albanian community initially. Its 'strong statements' regarding corruption and the rule of law were positively received; in August 2009 it had an approval rating of 55% (Gippert 2017, pp.330-1). EULEX's mandate was associated with the narrative of statebuilding, of creating an effective state for independent Kosovo (Visoka 2017, pp.51-2), which we have seen was embraced by the elite and population. This is distinct from the narrative of peacebuilding, to which we will return in a moment. Fairly quickly, however, its clear failings de-legitimated it. EULEX created high expectations for its executive functions that it then let down thanks to technical difficulties or political interference (Bucaj 2019, pp.93-4). For instance, while EULEX punished some high-profile offenders the process was slow and the numbers insignificant. It did not end 'the culture of impunity' (Gippert 2017, pp.331-2). Its record overall is fairly unimpressive (see Dziedzic, Mercean and Skendaj 2016, pp.180-1), especially in light of the massive resources and sweeping powers it had, as Jonsson (2014, pp.195-6) points out. Despite EULEX, post-independence Kosovo has been marred by international compliance with corruption (Participant 5 2020). While not inherently illegitimate like the mechanisms of transitional justice, EULEX has *become* illegitimate thanks to its failure to adequately fulfil what is perceived as its legitimating principle. Something similar might be said for UNMIK.

LVV's Egalitarian Nationalism

Against all this, LVV's policy discourse has come to emphasise precisely the issue of economic growth. Nationalistic slogans have retreated, though never disappeared, in favour of economic concerns (Ahmetaj Interview 2020), especially development and anti-corruption (Participant 5 Interview 2020). Hence, 'jobs and justice' have become the two key pillars of the manifesto (Ahmeti Interview 2021). Anti-corruption, the justice angle, is absolutely vital because a successful economy is seen to be dependent on tackling patrimonial practices (ibid.). Enforcing lawful recruitment systems, to be secured by a reformed judiciary, is the strategy to break the personalised political culture. Their 2017 manifesto promised an introduction of an 'Anti-Mafia law' against those who have 'usurped, stolen, mismanaged public property and money' (Kosovo 2.0 2017a). For the 2019 elections, LVV stood on a platform of anti-corruption (BBC 2019) and, following their victory, put it as one of their highest priorities in coalition talks (Prishtina Insight 2019). Their insistence on tackling corruption is made more believable by LVV's lack of internal corruption (Ahmeti Interview 2021). Meanwhile, they offer an analytical approach to job creation rather than simple numbers, an approach that is seen as worth trying given the failures of others (Gashi Interview 2020). Visoka (2017, p.115) argues that LVV was popularised when they successfully combined 'nationalism with social concerns'. Economic development is vital but there are other social concerns such as worker's rights and women's empowerment that LVV also addresses (Kurti, T. Interview 2021). Of course, all these issues are deeply interrelated, and one of the appeals of LVV is that it presents a holistic programme where all of them are addressed (ibid.). This is supported by Skendaj's (2015, p.143) analysis of Shpend Ahmeti's victory in the 2013 Pristina mayoral elections. Shpend Ahmeti was then with LVV, and Skendaj claims he won on a programme 'water, child care and public transport' rather than on nationalism. Visoka's comment makes explicit the connection of LVV's economic and ideological programme. The two are not separable. It is not so much a case of changing values as priorities. Jobs and justice are urgent, whereas issues pertaining to nationhood can wait (Ahmeti Interview 2021).

Nationalism has not disappeared from LVV's platform and neither have identity issues been replaced by economics; rather, their economic policy is nationalistic. Let us consider the link between democratic majoritarianism and development. The party has always included social democratic economics in their policy platform (Participant 5 2020), They have long considered that respecting and strengthening the human rights of the people of Kosovo involves economic development (Von Laffert 2016)—there are, after all, several economic provisions in the UN Declaration. Privatisation as an ideological principle is not the way to achieve prosperity for the people of Kosovo (LVV Newsletter 2010), especially as they accuse the international intervention of undemocratically enforcing it upon Kosovo to enrich themselves at the expense of the locals (Visoka 2017, p.122). They instead espouse a more socialist agenda (ibid.

p.118) and a 'developmental state' in contrast to neoliberal doctrine (Nosan 2012). Survey data suggests Kosovars themselves are well inclined to this conflation of human rights and job creation (Skendaj 2015, pp.144-5). Democratic majoritarianism, an aspect of LVV's nationalism, is embodied by their economic policy. It reminds us that economic policy is itself deeply political and cannot remain unconnected from broader platforms for long. I put this to Tinka Kurti (Interview 2021), who stated that LVV does want the country to be more equal and fairer for the benefit of its citizens, and in that way you 'can relate the economy to nationalism'. These two strands most obviously intersect on the issue of international support for domestic elites. For instance, Albin Kurti (2011, p.92) has lampooned the old guard as 'international locals', benefiting economically from their positions and beholden to the international community, who in return will not prosecute their clients for any corruption.

The (Only) Alternative

To complete the puzzle, we must explain why LVV have been able to make these claims, and make them credibly. They need to have been in the position for their de-legitimating claims to be received by Kosovar Albanians and, moreover, seem a genuinely feasible alternative to replace the old guard. It is not so hard to imagine a situation in which people felt they must continue to vote for the old guard, despite any problems, in order to have a chance at accessing the only economic opportunities available to them: the patronage system. We mentioned this was the case earlier in Kosovo's history. It is also present in other situations of entrenched patrimonial rule, as for instance in Tajikistan (Heathershaw 2009, p.113). What LVV did is successfully present themselves as the possible replacement, and the only possible replacement at that.

LVV has repeatedly adapted. They have successfully managed a transition from a protest party to a party with a governmental platform.Their foreign affairs chief, current at the time of writing, described to me how LVV has 'evolved' as a result of its electoral successes, how the experience of working in parliament has 'broadened and deepened knowledge and identity' (Ahmeti Interview 2021). LVV saw its popularity slump around 2008, following their denial that independence would occur, but they re-articulated their position and managed to enter parliament in 2010 (Gashi Interview 2020). After a split in 2017, many predicted their decline and irrelevance, but the increasingly respectable, professional-seeming branch of the party continued to grow its support (Hehir Interview 2021). One of my interviewees noted the substantial reduction in anti-colonial rhetoric and associations since then (Participant 5 2020). Visoka (2017, pp.130-3) reinforces this tendency when he notes how LVV moved from concentrating on criticising the international intervention to socio-economic issues, but he is equally correct to caveat that LVV retained some of their extra-institutional resistance while sitting in parliament. For instance, when their attempts to get parliamentary oversight of the Brussels dialogue failed, LVV led street protests. He calls the combination 'fluid resistance'. This clearly played a major role in how LVV expanded and popularised itself.

Another important factor is the breadth of their constituency. They have made an electoral coalition of the intellectual elite, many poorer people, the urban middle class and students, as well as a large number of ex-KLA members (Participant 5 Interview 2020). Women's voices, too, are a key part of the plurality that makes them strong (Hehir Interview 2021). This marks LVV out from the many civil society initiative parties who have relied on too small a base (Participant 5 2020). Further, the length of time they have spent building this support network—around twenty years at this point—has enabled them to establish and ensconce their own networks separate to those of the old guard parties (Ahmetaj Interview 2020). LVV has become dominant in every major city except Pristina, the capital. The diaspora, who are more autonomous from the PDK-LDK patronage networks, also heavily favour LVV (ibid.). All of this means

that LVV has been able to look like a party that can successfully fight elections. It is a virtuous cycle of victory.

We must also consider that LVV is not just one credible alternative but *the* credible alternative. LVV has effectively positioned itself as the single voice of opposition. Visoka (2019, pp.32-5) criticises them for monopolising the space of resistance, in addition to condemning their authoritarian practices and use of violence while claiming to be non-violent. He also argues that their discourse on the question of the minority communities is rather vague and no replacement for concrete measures for reconciliation (Visoka 2018, pp.134-6). While such criticism may be fair, I wish to emphasise that positioning themselves as the vanguard of resistance has helped LVV's credibility. They have become strong by being the (only) locus of various aspects of Albanian society who have grievances with the old guard. Thus they have brought together the alliance they needed to win seats from the dominant old guard. Indeed, such monopolisation may have been necessary to their success.

These three factors are key to the process whereby LVV became credible: first, LVV successfully negotiated the transition from a protest party to a more substantive one; secondly, LVV has gradually, even painstakingly, combined various constituencies into its electoral base; finally, LVV has positioned itself as the primary, if not the only, vehicle for combating the dominance of the LDK and ex-KLA parties. By way of conclusion, I would add that without the reasonably free and fair electoral system (see Skendaj 2015, pp.151-2), these tactics could not have succeeded. It is too much of a counterfactual to argue that it would not exist without sustained international oversight and it is certainly true that the internationals have been deeply complicit in extra-democratic attempts to hinder LVV (Hehir Interview 2021). Nonetheless, LVV's credibility has in no small part been enabled by Kosovo's democracy and that democracy has been aided and supported by interventional interventions.

Within the context of the dominance of the old guard parties, LVV have succeeded where others have failed in becoming a credible voice of resistance, a party whose (de-)legitimating claims can be taken seriously.

Conclusion

In short, the platform of LVV has offered a wide-ranging set of policies that address all manner of problems from corruption to unemployment to the design of the flag. LVV's nationalism is democratic and socialist but no less nationalist for it. They have framed two key betrayals of independence, the democratic and economic promises, to de-legitimate the old guard. This platform has resonated with social ideas among Kosovar Albanians. Credibility and resonance have positively influenced each other to the point that LVV has swept to victory. This account unites ideational and economic factors to explain the rise of LVV within

the state and the parameters of its legitimation social ideas; why and how they were able to defeat the old guard in the end.

I have stressed throughout that the LDK-PDK dominated Assembly and the methods of transactional compliance were not doomed to de-legitimation. LVV had to take an active role as deliberate agents in order to achieve the effects they did. Agency plays an important role in the story and that has so far not been sufficiently recognised. Of course, they could not have built anything without resources, and those resources absolutely were the possibility of using social ideas to attack the methods and practices of the old guard and their international backers. Both of these things, tensions and agency, needed to be in place. The point is that tensions on their own are not enough.

LVV's regime will have its own contradictions. Having catapulted to credibility by subsuming (perhaps even silencing) other opposition voices, they can be accused of contradicting their claims to democratic principles. This will only be more apparent in office. As one of my interviewees pointed out, the question is now how they will treat those parties in the same position as they once were (Participant 5 Interview 2020). Equally, they have created high expectations for reform and will struggle to fulfil them (Gashi Interview 2020). That will be especially true if they cleave to their opposition to internationals who still maintain a high degree of power and are unlikely to relinquish it at LVV's request. There are already signs of pragmatic negotiation with internationals (Participant 5 Interview 2020), which we might call transactional compliance. Naturally, all that opens up LVV to the criticism of betraying their cause.

Regimes will necessarily have such difficulties, as discussed in Chapter 4. Essentially, it is a messy, multifarious world. If the condition of legitimacy were that there are no, or at least few, tensions between claims and practice, I am confident in saying that no government would ever fulfil it. The real question is whether those fissures can be used. Who wants to, what methods will work, and why their counter-claims—in particular—are to be believed.

Finally, I would like to reiterate the undercurrent of constitutiveness evinced through these arguments. The KLA and LDK originally legitimated themselves by fighting—in their different ways—for the popular cause of independence. By the very process of doing so, they built networks and institutions until they seemed to be the natural representatives of the cause and, after the war, political-economic authority. Legitimacy helped them make institutions and institutions gave them legitimacy. LVV's trajectory is similar in the sense that their ideology and organisation need each other. Their claims had to be made credible and the non-credibility of those of the old guard highlighted in public, and thus even more so. That required the painstaking process of building up their organisation, public image, and voters. Equally, that could only happen by attracting votes with appealing claims. Both elements were vital to creating a virtuous circle of success and neither can be defined as prior or causal to the other. In both cases,

old guard and LVV, they made their legitimacy claims credible by changing institutions, while simultaneously making their institutions legitimate through claims.

Chapter 6:
Against the State: Sustaining the Claim Among Kosovo Serbs

'Whatever does not spring from a man's free choice, or is only the result of instruction and guidance, does not enter into his very being, but still remains alien to his true nature; he does not perform it with truly human energies, but merely with mechanical exactness.'
Wilhelm von Humboldt (1854 [1792])

Introduction

The case of the Kosovo Serbs is one of continuity. Claims formulated particularly in the 1980s—though referencing older social ideas—have become ingrained assumptions embedded into the political economic institutions that structure the lives of Kosovo Serbs. As a result, no storyline that reinterprets the relationship between them and the Kosovo or Serbian states has, or can, emerge. An independent Kosovo will remain illegitimate to the Serbs who live within its borders.

The fraught politics of ownership create some terminological difficulties discussing this question. In an effort to reduce confusion I mostly tried to use Belgrade and Pristina as a short-hand for the governments of the Republic of Serbia and those in Kosovo who see themselves as ruling an independent Republic respectively. Nonetheless, I refer to the Republic of Kosovo as a *de facto* entity on occasion, but I do not imply anything about its status in doing so. I use the term 'Kosovan' to refer to its formal, ostensibly non-ethnic institutions of the (so-called) Republic of Kosovo. Finally, those Serbs who live in Kosovo I call Kosovo Serbs—and occasionally this is extended to other Serbs with some close connection to Kosovo. Thanks to the very general terms I allow myself here, the period in question covers from the end of the war in 1999 to the parliamentary elections of 2021 where *Srpska Lista* (SL) once again dominated in a low-turnout election. It is a convenient bracket to show the continuity of trends we are about to explore.

It is not controversial to say that the Kosovo Serbs consider an independent Kosovo state illegitimate. My added value is in the explanation of how perceptions have remained relatively fixed despite changes in circumstances. Social ideas are not immutable dictators that absolutely determine behaviour, they can be challenged and reformulated. Here I argue that the structures of Kosovo Serb life and the performances enacted within it not only reflect social ideas but constitute them, constantly reaffirming and blocking off any alternative. Not only are the ideas a foundation for the parapolitics, but the parapolitics gives life to the ideas. That is how old claims about legitimacy, made before and during the Kosovo war, have been sustained up to the time of writing. What this does is unite two strands in the literature that have been broadly separate: ideas and political economy.

There has been a wealth of study of the former in terms of the character of Serbian nationalism generally (e.g. Mazower 2000) and some more particularly on the policy of Serbia toward Kosovo (e.g. Jovanović 2019) and ethnography of the Kosovo Serbs (especially Duijzings 2000). Following Judah (1997, pp.74-5), I am against the 1990s liberal dogma that history has nothing to do with modern conflict. Ideas, developed over history, are an essential component. The problem is that there is nothing inevitable about it; inter-ethnic antagonism is by no means the *necessary* outcome of these social ideas. What needs to be understood is how they have been maintained. Part of the answer lies in political economy. Scholars like Gusic (2020) have focused on the continued dominance of Belgrade-directed 'parapolitics' in the rule of Serbs in Kosovo, despite certain kinds of integration (Balkans Group 2015). Others have addressed the ways in which the diplomatic process that kick-started this limited integration, the Brussels Dialogue, has not challenged attitudes but has enabled even more control of the Kosovo Serbs from Belgrade (e.g. Visoka 2017, pp.201-2). What remains to be done is articulate the inter-penetration between the ideas and the institutions.

This interrelation is perfectly obvious to those who know the context and indeed it was such insights that pushed me to develop my model in the way I have, to push it to the front of thinking about post-war developments. My theory allows us to systematically present this mutual reliance of ideas and institutions, in this case especially through the concept of credibility.

Belgrade has managed to maintain itself as the only credible claim-maker over this period. Social ideas that reject the independence of the Republic of Kosovo and attach Serbs to the state of Serbia are institutionalised into a patrimonial system, directed from Belgrade, that organises the everyday lives of Kosovo Serbs. It is a system that explains and constitutes the relationship between Kosovo Serbs and their governance. Increasing integration with the institutions of Kosovo, therefore, are not interpreted as increasing its legitimacy. No claim that might re-interpret these legitimacy relationships can emerge within this tightly controlled system and Belgrade jealously defends its hegemony over claims. I also add that fear of Pristina actively enables these conditions and fit the results of the Brussels Dialogue into the picture. One implication of the extension of Belgrade's power over southern Kosovo Serb is the foreclosure of alternative claims.

Far from undermining the role of ideas, the link to political-economic structures makes their influence concrete. The question is not just of their existence but of maintenance. In this conception ideas are not static and behaviour is not just a reflection. Actions confirm the perception of separateness and thus maintains its validity even in a context of considerable participation in Kosovan institutions. A clear example are the Serb representatives who attend the assembly but take

symbolic actions that undermine its self-perception as the legislature of an independent state (Lončar 2019, p.123).

None of this is to say that the Kosovo Serbs would formulate claims that legitimated the Republic of Kosovo if they only could. The legacy of ethnic antagonism, social ideas from both Serbs and a hostile Kosovan government, make that highly implausible. However, despite everything, there have been glimpses of possible adaptation of social ideas in the face of new conditions, particularly by southern Kosovo Serb parliamentarians (ibid., pp.126-7) and outspoken voices like Oliver Ivanović (Zivanovic and Rudic 2019). Belgrade has silenced both, in Ivanović's case by murder (Participant 1 2020). This demonstrates that there are alternative claims to be made and that Belgrade is afraid of them. They may not radically shift toward embracing the Republic of Kosovo but, in any case, we cannot know precisely because Belgrade has ensured its position as the only credible claim-maker.

The first section will present the pertinent social ideas drawn from the literature and my interviews; that Serbian ethnic identity is represented by the state of Serbia, that Kosovo is a crucial element of that identity and state, and that Kosovo must be fought for. Additionally, I demonstrate the relevance of each social idea to contemporary dynamics. The second section deals with Belgrade's monopoly of credible claim-making, how Pristina reinforces it, and how practical integration has not altered attitudes as a result. Finally, we look to the Brussels Dialogue and its inadvertent reinforcement of Belgrade's hegemony over the Kosovo Serbs.

Gravitational Pull: the Strength of Social Ideas

In the mid-1980s, amidst a context of increasing alarm among Serbs that the identity of Kosovo was becoming Albanian, a draft of a memorandum of the Serbian Academy of Arts and Sciences was leaked. It has gone down in history as the quintessential manifestation of Serbian nationalist fears for Kosovo (Haliti 2019, pp.128-9). Over the next fifteen years, as is well known, Yugoslavia broke up in a series of ethnic wars, culminating in the one for Kosovo. An excerpt of the memorandum runs:

> 'The physical, political, legal and cultural genocide perpetrated against the Serbian population of Kosovo and Metohija is the greatest defeat suffered by Serbia in the wars of liberation she waged between Orašac in 1804 and the uprising of 1941' (SANU 1986).

Unpacked, this statement embodies the three, interlinked claims that are fundamental to the general Serb outlook on Kosovo's recent history. The sentence 'genocide perpetrated against the Serbian population of Kosovo and Metohija is the greatest defeat suffered by Serbia' firstly implies strongly that all Serbs, wherever they are, belong to the state of Serbia and secondly that Kosovo matters profoundly to that state. Further, the reference to the wars of liberation refers to the sense of threat, to how Serbs must fight for themselves,

including for Kosovo. This section will consider these three claims in more detail; in doing so, it will also explain in more detail the context in which this memorandum was published and the historical connections between events like Orašac and 1941.

The three social ideas reference each other. Kosovo Serbs belong in Serbia, Kosovo is part of Serbia, and Serbs must fight for Kosovo. The elements combine to support and confirm each other. They thereby build a strong, coherent sounding board of ideas with which any claims to political legitimacy in Kosovo, or over the Kosovo Serbs, must resonate. Although we are primarily interested in the Kosovo Serbs, because they and Kosovo itself are both deeply ingrained in wider Serb historiography, it will be necessary to make reference to Serbs more generally here.

In September 2018, President Vučić of Serbia said of Serbia's wartime president, Slobodan Milošević, that he was 'a great Serbian leader whose intentions were certainly for the best, but our results were very poor… Because of that, we paid the largest and most severe price. We haven't become bigger' (Ciric 2018). The article points out that anyone familiar with the context can find in this speech barely coded messages of ethnic divisiveness and commitment to nationalist hopes, based on the ideology developed in the 1980s and 1990s, that were dashed by the end of the wars (ibid.). In other words, claims are still made on social ideas that have endured. I argue in the following that the social ideas under discussion remain highly relevant to this day.

Social Idea 1: Serb Identity is with Serbia

Visoka (2017, p.101) puts it that, 'the hearts, minds and political loyalty of Serbs remain with the kin state of Serbia', a conclusion reinforced by my interviewees (Participants 2 and 4 Interviews 2020, Rakić Interview 2020, Andrić Interview 2021). The Balkans Group (2015, p.5) reports: 'Almost to a man [sic], northerners reject Kosovo's separation from Serbia and consider Pristina's right to govern them illegitimate.' The term northerners here refers to the Serb inhabitants of the municipalities in the north, a phenomenon we will discuss in the next section. In short, the Serbian state, not a Kosovo independent from it, is the legitimate political representative of the Kosovo Serbs.

The first social idea, then, is that identity as a Serb, an ethnic group, necessitates loyalty to Serbia, a political entity. That Serbs are politically associated with Serbia wherever they live is not unique in the Balkans, where ethnicities and nations are habitually conflated (Lazarević Interview 2021). Equally, it is the political nation of Serbia that matters. A modern-style Serbian state gradually emerged over the 19th century as it gained increasing levels of independence from the Ottoman Empire. That process can be put as a triumph, as the resurgence of an ancient people through creation and expansion of their state. Stanoje Stanojević, one of the famous Serbian historians, did in his

influential book *The History of the Serbian People* (1922). He writes of *hajduk* (partisan) uprisings against 'the Turks' by the nation of the Serbs to 'regain freedom' (ibid., pp.27-8). The famous rebellions of Karađorđe ('Black George') and Miloš Obrenović in the early 19th century are characterised in the terms of heroic freedom-fighters (ibid., pp.31-6). One celebrated event of this time is the Orašac Assembly, where Serbian leaders used the three-finger salute (Von Ranke 1847, p.124). Modern historiography, in contrast, emphasises that the Balkan states of the first half of the 1800s were as much autonomous Christian principalities within the Ottoman framework as germs for nation-states (Mazower 2000, p.90). Serbia developed into an independent nation, Samos did not. In fact, Karađorđe initially rebelled, at least rhetorically, in support of the Ottoman Empire against disobedient local officials overreaching their office (Hobsbawm 1962, p.173). Conventional armies and great power politics were also more important than the irregular *hajduks* (Mazower 2000, p.111). Nonetheless, if the early Serb state had to construct and formulate a modern, political nation (ibid., p.96) that only increases the association of ethnic and national identity. There are clear continuities between medieval Serbdom and the modern state too, as we will discuss below. From that perspective it is certainly easy to construe the 19th century as a triumphal rise of a nation-state, whatever historians may think.

The Serbian state has gone through many names over the course of its autonomy, independence, incorporation into one Yugoslavia, the convulsions of the Nazi occupation, a second Yugoslavia and disintegration, but as long as the identity of the entity as Serbian remains, then it may assume the loyalty of Serbs throughout the region (Andrić Interview 2021). That ethnic identity remains strong. One of my participants (4 Interview 2020) put it stridently: 'we cannot change who we are'. There is a sense of belonging to an ancient culture, dating back to the cultural sphere of the Eastern Roman ('Byzantine') Empire and most particularly to the foundation of the autocephalous Serbian Orthodox Church in the 1200s, that unites and defines all Serbs (ibid.). That identity and political association are not contingent on the popularity of the current personnel of the Serbian government (Lazarević Interview 2021). The point is that only Serbia has the right to govern the Serbs, wherever they live. When, on his 2015 trip to Štrpce, President (then PM) Vučić referred to SL as 'my people' and guaranteed continued support from Belgrade (Hajar 2015), he was reinforcing that very claim: Kosovo Serbs belong in Serbia.

Social Idea 2: Kosovo is part of Serb Identity

Kosovo is key to Serb identity. The story about what it means to Serbian, wherever that Serb finds themselves, heavily features Kosovo. The Kosovo cycle is a set of stories based on the historical event of the 1389 CE Battle of Kosovo Polje (Kosovo field) between the Ottoman Empire and an alliance of Serb principalities. From a military perspective, Serbian power had already been broken in the region by the Battle of Maritsa of 1371, and Kosovo Polje was effectively a tactical draw, but the myth grew very quickly after the events, as Serb monks tried to raise morale in the face of the Ottoman advance (Vickers 1998, pp.12-5). They depicted the slain Prince Lazar as an archetypal Christian martyr, reinvented the role of Vuk Branković as a Judas figure, and probably entirely fabricated the character of Miloš Obilić, the knight who slew the Ottoman Sultan (ibid.). Although initially aristocratic, the songs of the Kosovo cycle were embraced by the peasantry and the repertoire of the *guslari* (bards), after the dispossession of the Serbian nobility following the Ottoman conquest (Duijzings 2000, pp.183-4). In the 19th century—that is, 500 years later—the characteristics of the tale switched emphasis from the martyrdom of the Serbian kingdom to the 'destiny of the Serbian nation' to avenge and restore its losses (ibid.). Vuk Karadžić, most prominent of the early Serbian nationalist intellectuals, began a genre of representing Kosovo Polje as a centrepiece for political aspirations (ibid., pp.187-90). The independent Serbian kingdom of the late 19th century turned the day of the battle into a public holiday (ibid., p.191) and the first Balkan War (1912), in which Serbia conquered Kosovo from the Ottoman Empire, was framed as a reconquest of the historic land (Vickers 1998, p.76). There are even reports of sacral-nationalistic collective hallucinations among Serbian soldiers fighting in Kosovo (Judah 1997, p.71).

Of all the ways that the new developing Serbian nationalism explicitly connected itself to its antecedent in the Serb dynasties of the Middle Ages (ibid., p.58), Kosovo stands out. In 1846, Prince-Bishop Petar II Petrović-Njegoš of Montenegro wrote the 'Mountain Wreath', a paean to Miloš Obilić, the mythic sultan-slaying knight, to immediate effect. To him, the Battle of Kosovo represented an unavenged wrong that must be put right. Ljubomir Nenadović, a writer in the 1870s, commented on the generation of Serb nationalists the poem influenced, saying "When you talk to these people, you have the impression that the Battle of Kosovo took place yesterday." (ibid., pp.63-4). Even the infamous Gavrilo Princip was inspired by Obilić (Duijzings 2000, pp.191-2). These examples are cited to evidence how the myth of Kosovo Polje has a timeless quality, one that can be and has been repeatedly mobilised to respond to different causes at different times.

A striking physical manifestation of Serbian history in the area are its glorious monastic sites, founded by the medieval Kings, which contain their graves, and are linked to important ecclesiastical figures from that era (Ristanović Interview 2021); four, all south of the Ibar river, are UNESCO world heritage sites. They

were built, either from scratch or from Eastern Roman foundations, for the Serbian Orthodox Church, and they remain a part of it. As Sava Janjić (interview 2021), Hegemon of the monastery of Visoki Dečani, put it to me: "Our Church in Kosovo has a continuity which dates back centuries and we [the Serbian Orthodox Church] have always found a way of surviving through various governments even to the present day." The significance of monasteries to this area, in fact, is the source of the name *Metohija* (roughly: lands belonging to monasteries) for part of modern day Kosovo, though neither combining the term with Kosovo and defining the borders were not done until the wake of the Second World War (Ristanovič 2020). Monasteries are a key physical symbol for those who want to stress continuity between modern Serbia and its medieval antecedents; indeed, the 19th century Serbian state put great emphasis on their restoration (Judah 1997, p.61). The heritage of the Serbs in Kosovo is particularly powerfully symbolised by these famous monasteries (Janjić Interview 2021).

These attachments set the stage for Kosovo to become a political issue and have also been intensified by that politicisation. 'The Kosovo Issue', which is to say the fate of Kosovo as a sensitive political problem, dates back to the Great Eastern Crisis of 1875-6 (Ristanović Interview 2021). Firstly, it took on a more urgent importance. From the 1830s, with the increasing autonomy and eventual independence of a modern Serbian state, the idea of 'Old Serbia', the heartland of the medieval Empire, became popular and equated with the Kosovo *vilayet* still in Ottoman sovereignty (Jovanović 2019, p.39). 'New' Serbia, the area around Belgrade, was the core of the Serbian state as a result of the particular developments of settlement and rebellion (Judah 1997, pp.54-59). After the Great Eastern Crisis and the Congress of Berlin, the south was the only feasible direction of expansion (Pavlović 2019, pp.13-4, Djordjevic 1998, p.9). Old Serbia thereby became a legitimating narrative of territorial aggrandisement (Jovanović 2019, pp.41-2). This would not be the last time the policy priorities of the Serbian state directed and inflamed Serbian nationalism (Judah 1997, p.66); indeed it became increasingly competitive and aggressive toward other Balkan states as they fought over the partition of Ottoman territory (Djordjevic 1998, pp.8-9). Kosovo's physical territory and its metaphysical significance were bound up together and thrust into the centre of public discourse. 'The Kosovo Issue' therefore began as a primarily inter-state concern vis-a-vis the Ottoman Empire, nothing to do with ethnic hatreds, and indeed Albanians were, up until that time, more commonly represented in literature as fellow rebels (Pavlović 2019, p.4). We shall see in a moment how it morphed into an ethnic concern vis-a-vis the Albanian people.

This social idea, the cycle of passion evoked by Kosovo, has by no means gone away, it can be felt in much more recent history. Referring to the Mountain Wreath, Judah (1997, pp.74-5) states that it 'helps explain how the Serbian national consciousness has been moulded and how ideas of national liberation became inextricably intertwined with the act of killing your neighbour and

burning his village.' His view is reflected in other analyses that suggest that the experience of the past determines the present, such as the theory that communist rule has inculcated a deferential and passive attitude among Serbs (Rohde 2000).

Evidence suggests that the Serbian identity of the territory remains important to Serbs. There are other myths, some of which receive more attention from the education system in recent times (Andrić Interview 2021). Still, it remains the dominant story, and has long been a key aspect of the curriculum (ibid.). The Kosovo Polje myth has lasted for six hundred years. It is deeply ingrained enough in social ideas that there is little prospect of replacing or expunging were that to be attempted (Ristanović Interview 2021). A large survey of people in Central Serbia in 2019 found 75% of respondents would consider it a betrayal if Kosovo were to be recognised (KosSev 2019). Bancroft (2020, pp.56-7) notes a telling anecdote: Serb football enthusiasts used their gambling winnings to commission a mural to the Battle of Košare, where seven Serb men were killed during the Kosovo War. The eldest of these men would have been babies during the event. The 'long resistance, long memory' of the Serbs for Kosovo continues (Participant 4 Interview 2020).

Social Idea 3: Serbs must fight for Kosovo

If Kosovo is part of Serb identity, it cannot be anyone else's. We have not yet explicitly addressed what is clearly apparent: that there is seen to be rivalry between Serb and Albanians over the legitimate claim to the territory of Kosovo. Jovanović (2019, p.39) notes how the physical space of Kosovo has become interwoven with a *meta*physical space in Serbian nationalist imagination. The object of history becomes to prove that the physical space rightfully belongs to Serbs—and therefore, as we have seen, Serbia—on account of being part of the imagined nation. Thus we have the abstruse dispute over whether the Albanians are descended from the autochthonous Illyrians of Roman times or if they are only partially Illyrian, as Serbian historiography has it. In this version the Illyrians retreated from the arrival of the Slav peoples. Authentic Albanians only came in any numbers in the 1600s as the Serbs retreated (Vickers 1998, pp.2-3). In the late 1100s and early 1200s the Serbs under the Nemanjić dynasty conquered territory, including Kosovo, and established an Empire with a temporal heart in Prizren and a spiritual one at Peć (ibid., pp.6-11). Such narratives are asserted to give Serbs and Serbia a longer claim to the land than Albanians and accords the territory the status of the traditional heartland.

The Great Eastern Crisis of the late 19th century sparked an Albanian response as much as a Serb one. Just as the state of Serbia was embracing the discourse of Old Serbia, a group of Albanians within the Ottoman Empire came together in the League of Prizren, aiming to pursue the elf-conscious defence of ethnic Albanian unity as powers like Montenegro and Serbia conquered Albanian-majority territory (Vickers 1998, pp.42-4). Around the late 19th century, then,

the conditions were in place for Kosovo to be fiercely contested by Serbs and Albanians. This is precisely when the Serb nationalist discourse moved away from emphasising commonality with Albanians as anti-Ottoman allies (Pavlović 2019, p.4), to reiterate that such fierce rivalry was never inevitable. The dispute with Albanians over this claim intensified significantly in the 1980s and 1990s. While 'ancient differences', if not exactly hatreds, may have had more of an influence on inter-ethnic relations than elsewhere in Yugoslavia, 'the 1990s was something new' (Ristanović 2021). There had been circumstances, historically, in which popular literature was used to mobilise support for nationalist objectives (Duijzings 2000, pp.194-6), but in the 1980s mass media was used to an unprecedented extent to blend politics and culture (Wilmer 2002, pp.187-92). Epic historical imagery was used to frame and explain the Yugoslav war (Duijzings 2000, pp.196-201) while playing on stereotypes of Albanians as 'backwards' and 'illiterate' (Ristanović Interview 2021). The process of collapse over the 1980s and into the 1990s brought these interethnic issues to the fore (ibid.). We shall explore this more shortly.

Serbian policy has consequently repeatedly attempted to bolster the Serb identity of the territory. During the establishment of the Kingdom of Yugoslavia, following the First World War, there were attempts to define Kosovo and Macedonia as 'South Serbia' and to use administrative boundaries to keep Serb majorities there (Jovanović 2019. pp.43-5). Serbia also presented its claim to the area in the light of its historical significance (Vickers 1998, pp.97-8). In the early years of Yugoslavia there were repeated attempts to increase the Serb proportion of the population, through state inducements for Serb settlers (ibid., pp.105-117) and a major undertaking to resettle 'Turks' (many of whom were arguably Albanian) in Turkey (Jovanović 2019, pp.45-6). Another attempt at 'recolonisation' occurred in the early 1990s, by which time only 9% of the population was Serbian or Montenegrin (Vickers 1998, pp.262-3), including by resettling Serb refugees from the Krajina—from which they had been driven by the Croatian army in one of the *other* Yugoslav wars then occurring (ibid., p.285).

However, it is not enough to talk about the immediate concerns. Kosovo has achieved a sacral status thanks to no one single conflict but because it has come to represent the continual struggle and sacrifice of the Serbs. Perhaps Kosovo Polje's prime significance is as the beginning of an account of the Serbian Orthodox Church as a '*suffering* church' and, by extension, the Serbian people as a suffering nation (ibid., pp.178-9). Serbian Orthodoxy, that silver thread that runs all through the tapestry of Serbian history, was intimately bound up with the early Serb nationalist movement (ibid., pp.176-7). Medieval and early modern sufferings are rendered the losses of a trans-historical Serb religious nation (ibid., pp.181-2) and a special status as a chosen people who must suffer for their faith is, at the very least, implied (ibid., pp.192-3). Kosovo is in a sense the symbol of Serbian sacrifice as well as an objective for which it is worth fighting.

The history of Serbs in Kosovo can certainly be cast in such a light. During the Ottoman period the Christian Serb population suffered a lesser status than the majority Muslim Albanians who, among other things, had the right to bear arms (Ristanović Interview 2021). The 1600s saw many Serbs flee the province in fear of Ottoman retaliation after the Habsburg monarchy's armies reached as far as Skopje before being turned back (Vickers 1998, p.27) and they suffered from no state protection against privations (often from Albanians) toward the end of Ottoman rule (Duijzings 2000, p.7). The Second World War saw the Church suppressed by the Nazi occupation (ibid., p.179). The local Serbian Orthodox Bishop of Raška and Prizren, Seraphim Jovanović, was arrested by pro-Axis (or Nazi-sponsored) Albanian authorities in 1941 and the Serbian Orthodox Church was proclaimed Albanian (Janjić Interview 2021). Following the war and the establishment of Yugoslavia, the Serb proportion of the population declined as the Albanian population increased (Vickers 1998, p.170) and somewhere around 40% of the Serb population emigrated between the 1960s and 1990s (Ristanović Interview 2021). There were certainly abuses by the majority Albanian population of the minority Serbs during this time (Andrić Interview 2021) and movements to 'Albanise' the territory from the late 1960s, including by removing the designation of *Metohija* from the name (Ristanović 2020). Serbs dominated the administration before 1968—in part thanks to the better education of Serbs and the association of Albanians with Axis collaboration. However, after the transformation of Yugoslavia into an effective confederation during the 60s and 70s, the Kosovo administration became all but totally autonomous from Serbia and Albanians within the administration gained much more influence (ibid.). Even western media picked up on the increasing Serb emigration from Kosovo as a result of tensions with Albanians (see New York Times 1982). Kosovo's increasing Albinisation and the suppression of Orthodox traditions by the communist rulership has led some to characterise the Serbs as 'among the losers in Tito's Yugoslavia' (Dragnich 1998, p.88). This period saw the genesis of modern discourse about Serbian-Albanian relations.

1980s Serb nationalist historiography emphasised the centuries of Serb suffering after Kosovo Polje and characterised Serb-Albanian relations as 'inherently conflictual' (Duijzings 2000, pp.8-9). Kosovo Serbs began to organise against Albanian dominance in the 1980s (Ristanović Interview 2021) and a 'persecutionist' ideology began to explicitly link Serbian suffering to that of Jesus (Wilmer 2002, pp.202-4). The Serbian Academy of Sciences and Arts (SANU) Draft Memorandum of 1986 is often taken as the most demonstrative manifest of this view (Haliti 2019, pp.128-9). The political recommendations were linked to an interpretation of a broad sweep of history (ibid., p.136) that painted the Serbs as 'a picture of a humiliated nation' suffering expulsion from Kosovo at the hands of Albanians (Duijzings 2000, pp.180-1). The SANU Memorandum accused the Yugoslav federation of partitioning Serbs between four republics and deliberately weakening Serbia through the imposition of two autonomous provinces, Vojvodina and Kosovo. SANU was (and is) an organisation of

intellectuals, and such arguments were promulgated by the intellectual class, who had a major and self-conscious role in formulating a more muscular ethnic-political platform for Serbs (Draško 2019, p.143, Wilmer 2002, pp.185-7). Coincidentally mirroring the Kosovo Polje cycle, the stoking of ethnic antagonism toward Albanians was done through 'direct high institutional lines—mainly academic and political state-controlled institutions', but it was well received by the general public who began to push it from the bottom up (Ivković, Trifunović, and Prodanović 2013, p.92). This version of history captured the popular imagination, resonating with older nationalist ideas. In fact, Wilmer (2002, pp.130-142) cites a large number of interviews with Serbs in which Kosovo Polje is brought up in relation to Serb national identity and explanations of 'the war'.

'The war', which generally means the 1998-9 Kosovo Liberation Army (KLA) uprising and the NATO intervention, can be interpreted as a continuation of Serb historical suffering. NATO bombed Serbia and there were Albanian revenges against Serbs following the withdrawal of the Yugoslav army from Kosovo (Judah 2000, p.290). Indeed, the NATO intervention can be seen as one in a long line of anti-Serb decisions by the Great Powers (Judah 1997, pp.50-2). The notion that Serbs are, following 1999, a beleaguered minority whom the Albanians will never cease from trying to expel continues to the present day (Gusic 2020, p.155). Equally, that the NATO intervention was an unlawful invasion, not sanctioned by the UN, that stole the territory from Serbia by brute force and then created a separatist government there is also maintained (ibid.). Indeed, Serbs can be proud of their resistance to NATO in defending Serbian culture and territory against this unjust invasion, even if they have no love for Milošević and his policies (Participant 4 Interview 2020). There is naturally a great deal of resentment among Serbs over the 'double standards' of the international community in recognising Kosovo (Bancroft 2020, p.132). Even if Kosovo were entirely free from corruption, it is hard to see that Serbs—especially those who lived through the war—would consider it their country, given the whole edifice is predicated on (a perceived) injustice (Participant 3 Interview 2020). Another contemporary instance in this narrative is how the EU is seen to expect Serbia to give up its territory in Kosovo in order to accede, something that was not demanded of Cyprus despite its similar long-running secession dispute (Participant 4 2020).

Now the war manifests as survival. One of my interviewees (ibid.) compared the situation of the Kosovo Serbs to that of the early Church, those who kept the faith alive under Roman persecution. People are aware that they cannot impact the great geopolitical forces that have resulted in their situation. It is a question of endurance. It is a new link, added to the narrative chain of historical suffering. On the subject of religion, Fr. Janjić (Interview 2021) put it to me that: 'the Serbian Orthodox Church has survived for 700 years, through Ottomans, Nazis, and Communists. It would be absurd that our community disappears now when leading western countries are involved in finding a peaceful and sustainable settlement.' Further, there is a connection to the

sacredness of Kosovo, to notions of penance and redemption (Andrić Interview 2021). The ambiguity of Kosovo's legal status continues to allow hope among its Serbs for such a redemption (ibid.).

Equal and Opposite Reaction: Belgrade's Hegemony of Credibility

The question must now be answered: how have these social ideas been maintained, not much amended, for such a long period, in such changing circumstances? In other words, why has no new claim emerged among the Kosovo Serbs?

Theirs is a precarious situation. The Serbs of Kosovo number somewhere in the region of 150 000, with 43% in the northern municipalities ('beyond' or 'above' the Ibar river) and 57% in the Serb-majority municipalities and smaller communities scattered around the rest of Kosovo ('below' the Ibar) (Balkans Group 2015, p.4). Resolving the political-administrative relations between Kosovo above the Ibar and Kosovan institutions is sometimes framed as a 'panacea for its myriad problems' (Bancroft 2020, p.21), but it is neither the only problem, nor even the only one related to integrating the Serbs. The land beyond the Ibar is dominated by North Mitrovica, the 'only urban centre left to the Serb community in Kosovo', its 'decrepitude' notwithstanding (Balkans Group 2015, p.5). North Kosovo is home to a great deal of economically vital resources —including fresh water—and what is probably the best medical centre in the country (ibid.). It is also worth pointing out that the North was not always a Serb zone. The river Ibar happened to be where NATO set up checkpoints to 'stem Serbian refugees' and an effective population exchange resulted (Gusic 2020, pp.149-500). The Serbian Orthodox and Muslim cemetaries are now on the 'wrong' sides of the river. Below the Ibar, on the other hand, the Serbs of the six Serb-majority municipalities—dominated by Štrpce and Gračanica—live in such 'close proximity' as to make ignoring one another impossible (Balkans Group 2015, pp.7-8). This is even more true in the tiny Serb exclaves throughout the rest of the country. Here, much of the time, the only local Serbian institution is the post office (ibid., pp.9-11).

Bancroft (2020, pp.181-2) characterises it as a 'context of doubt and dependency', in which the material and social lives of the northern Serbs are permeated by the intersection of patronage and identity. It is an interlocking system of material and ideational factors that underpin everyday practices which continue to legitimate attachment to Serbia and de-legitimate the institutions of the Republic of Kosovo. The conditions keep the means of credible claim-making in the hands of Belgrade governments, they do not allow an alternative claim to the interpretation of social ideas to emerge.

Pristina: the Hard Place

Fear of Pristina is—as the abstract representative of the government and Albanian people of Kosovo— not something I found much commented upon in the literature, but my interviewees heavily stressed it. It is a key element in Belgrade's monopoly on claim-making that has, so far, been understated.

It is mentioned by Visoka (2017, pp.11-2), who comments how the Serb version of peace has been protection from Albanians, pursuing and accepting ethnic 'power sharing' agreements that create Serb dominated zones. These were institutionalised by the international administration in an attempt to mollify Serbia (ibid., p,2, pp.13-14). The result was an 'elite based endeavour', designed to prevent the recurrence of violence, at the cost of separating communities and enabling ethnic elites to consolidate power (ibid., p.75-6). Regardless of any evaluation of these decisions, that Serbs live with a feeling of insecurity vis-a-vis Pristina was reinforced by my Serb interviewees. Rakić (Interview 2020) memorably stated that the ability of Belgrade to command Kosovo Serbs is 'directly correlated' with their fear of Pristina.

They, my interviewees, repeatedly cited Albanian nationalism as a key issue. Rendering Kosovo as a distinctively Albanian state is prohibitive to Serbs identifying with Kosovan institutions (ibid.). The stereotype of the Albanian south among the northern Serbs remains a place ruled by KLA mafiosos, seething with anti-Serb sentiment, a tide of ethnic violence only held in check by internationals (Gusic 2020, pp.164-6). Some Serb discourse around the 2004 riots framed the Albanians as a people of primitive brutality (Draško 2019, pp.147-9) and, indeed, the terrifying events of that time are often cited by Serbs in the north as very significant to their feelings of insecurity (Bancroft 2020, pp.59-62). Importantly, that insecurity endures. The Albanian community is not seen as welcoming, and the government has not displayed a genuine desire to respect the minority rights enshrined in the constitution (Participant 2 Interview 2020). Albanian officials and politicians tend to see Serbian rights as unwarranted privileges and fail to implement them (Participant 3 Interview 2020). Indeed, there are actively unwelcoming policies. The Kosovan Parliament, in 2014, introduced a new electoral system that severely diminished the possibility of the Serbs—and other minorities—from winning more seats than those guaranteed for them under the constitution (Vučićević 2015, p.337). Many Serb personal property claims are ignored by Albanian institutions (Andrić Interview 2021). Fr. Janjić (Interview 2021) of Visoki Dečani, told me that most of the brothers there have found their attempts to get Kosovan documents impeded, which significantly complicates the everyday life of the community. A highway through Visoki Dečani's lands, disregarding its special protected zone, has even been proposed (Rakić Interview 2020). There are consequent fears for the cultural heritage and identity of the Serb community. After the end of the war there was a clear campaign to destroy monuments associated with Serbia (Janjić 2020). Gravestones in the South Mitrovica Orthodox cemetery, for example. have been smashed to pieces (Gusic 2020, p.166). Fr. Janjić (Interview 2021) sees a deliberate denial of identity by Kosovan authorities to the Kosovo Serbs, whose

heritage they have repeatedly attempted to appropriate, and whose institutions 'persistently fail' to respect the rights of the Orthodox Church, ignoring even Kosovan legal and judicial regulations and decisions. Fear of Pristina has remained throughout the period under discussion (Andrić Interview 2021) and has even increased since the declaration of independence in 2008, to the point where Serbs are forced to choose between ex-KLA nationalists and LVV nationalists (Janjić Interview 2021). On the one hand, men seen as war criminals with 'blood on their hands' dominate the PDK, LDK etc (Rakić Interview 2020); on the other, Serbs are fearful of LVV's policy of unification with Albania (Participant 3 Interview 2020). The institutions of the Kosovo state are still seen as 'fundamentally hostile' (Lončar 2019, pp.119-20).

Unsurprisingly, then, there is no trust between the majority of Serbs and the majority of Albanians, a situation we might call 'ethnic distance' (Rakić Interview 2020). Where there is such a pervasive lack of trust, any individual stranger could be a threat (ibid.). Albanians and Serbs do not share media (Lazarević Interview 2021) and Serb individuals who speak out are still commonly harassed in Albanian outlets (Participant 4 Interview 2020). Elites on both sides exacerbate the problem by using their channels to lay collective blame on peoples for the actions of individuals (Rakić Interview 2020). Serbs continue to rate the security situation poorly in the most recent NGO Aktiv's (2020, p.13) annual survey. Participants repeatedly mentioned the 2019 arrests in North Mitrovica and Zubin Potok as a reason why they are fearful for their safety.

For all the resentments of Belgrade (see next section), President Vučić's government is much more popular than Pristina (Participant 2 Interview 2020). Serbs are deeply anxious about their status within Kosovo, about the ways that institutions and individuals have ignored or threatened them. They must rely on Belgrade to protect them and their livelihoods. In this situation of fear, it is hard to make credible claims which reform the relationship of the Kosovo Serbs to either Pristina or Belgrade.

Beograd: the Rock

Belgrade led parapolitics endure and dominate in the Serb areas of Kosovo. The claims of attachment to Serbia and rejection of Kosovo are made practical and material by these parapolitical structures. Thereby, the interpretations of social ideas are embodied in the Belgrade-back institutions.

I take the term parapolitics from Visoka (2017. pp.74-5) as a useful way of describing the lived structures of power that exist alongside and behind the veneer of formal institutions. Gusic (2020, p.155) is right to stress that, from the Serb perspective, it is the formal institutions that are the illegal ones. The point is that their existence means the provision of services outside the direct control of Pristina and the open rejection of the legitimacy of the Republic of Kosovo (Visoka 2017, p.79).

They came about after the 2008 declaration of independence. Since the end of the war, there had been structures that sought to prevent the integration of Serbs into a separate Kosovan system. Serbian institutional infrastructure remained or was quickly revitalised during the early UNMIK period (Balkans Group, pp.18-9). The Democratic Party of Serbia effectively served as a 'community organisation' above the Ibar, undertaking, on a very tight budget, services like policing and education (ibid., p.6). Meanwhile, the infamous paramilitary Bridgewatchers were responsible for the worst attacks against UNMIK until 2004 (Dziedzic, Mercean and Skendaj 2016, pp.158-9). The constitution of 2008, based on the Ahtisaari plan, gave more formal powers to the Serb municipalities and community in general. They have ten guaranteed seats in the Assembly, with powers to veto certain legislation, to effectively veto constitutional amendments, and appoint two of nine supreme court judges (Balkans Group 2015, p.14). Issues pertaining to vital interests of communities —including municipal boundaries and the use of symbols—require both a parliamentary majority and a majority of a community's representatives (Lončar 2015, p.363). Additionally, there are reserved ministerial, assistant ministerial and commission positions (Limani 2015, pp.347-8) and special segmental authority within the municipalities on areas of cultural interest, like education (Lončar 2015, p.360). This decentralisation was meant to increase Serb support for the independence of Kosovo, but its 'vague, interpretive, and ad hoc power-sharing arrangements' have in practice enabled Serbs to live more or less outside of the control of the Pristina government (Rossi 2014, p.868) and resist attempts at integration.

Belgrade can step into—or rather, remain in—the gap. The EU estimates that €350 million per year is spent by Serbia on parallel institutions in Kosovo (Balkans Group 2015, pp.17-8). Around 22 000 draw a salary directly therefrom, though at least 50% live in (other parts of) Serbia (ibid.). In the north, institutions within the administrative system of Serbia operate the medical centre, the University, and the local government, which are by some margin the three largest employers in the area (ibid., pp.5-6). Teachers and doctors are also directly employed by Belgrade and earn about 150% of the salary of their Pristina employed counterparts (ibid., pp.41-3). These can't provide anywhere near enough employment, however, so Belgrade has restored to paying employees for non-functional institutions or needless jobs, at substantial cost to the Serbian treasury (Gusic 2020, p.155). Serbia also extends direct funding of schools (Rakić Interview 2020) and social protection payments (Mustafa 2019, p.171) to the south. Likewise they pay the wages of officials, many of whom work for both the Serbian and Kosovan administrations (Balkans Group 2015, pp.17-22). The net result is dependence on Belgrade.

There is no sustainable economy without Belgrade's support (Participant 4 Interview, 2020). In fact, successive Serbian governments have retained the policy of keeping it that way. Even before independence, Serbian initiatives tried

to undermine privatisation programmes with the aim of jeopardising economic development (Visoka 2017, pp.89-90). Nowadays, Serbian investment concentrates on welfare projects, like public housing, rather than private enterprise (Andrić Interview 2021). This is a double edged sword for the Serbs of Kosovo, one that keeps the economy afloat while simultaneously quashing the possibility of development (Participant 2 Interview 2020). There is no escape into the Kosovan system. Even disregarding the ideational rejection and fear of those institutions, Serbia is the most effective service provider (ibid.) with a more congenial European-style universal insurance healthcare system than the Kosovan US-style private insurance (Andrić Interview 2021). Were Kosovan institutions more effective, perhaps there might be a higher degree of acceptance for them (ibid.). As it is, the Belgrade-backed parapolitics unite the ideational position of resistance to independent Kosovo with the material conditions of subsistence. Gusic (2020, pp.157) puts it thus: 'the parallel institutions thus make sure that resisting integration and upholding division is not only about ideology or politics but also about choosing safer employments, higher wages, and better services'. It is a mutually reinforcing structure of resonant ideas and lived reality.

This enables political control by Belgrade. Mobilisation has become its preserve alone. It is a 'public secret' that people in Belgrade-supported workplaces are compelled to join in protests that Belgrade organises; informal structures extend this pressure to people in workplaces not directly reliant on Belgrade (Gusic 2020, pp.159-60). Public servants, who it will be remembered comprise a substantial majority of those Serbs employed in Kosovo, are even sent to polling stations in groups, at allotted times (Bancroft 2020, p.183). More indirectly, Serb politicians used employment patronage (and the threat of its withdrawal) to silence criticism in the early days after the war (Skendaj 2015, p.160), and the practice continues to this day (Participant 2, 2020). Plain clothes security personnel are not uncommon, and paramilitary groups like those that have arisen from the former Bridgewatchers maintain unofficial links to Belgrade (Gusic 2020, pp.156-7). During the 2017 elections, pointed vandalism targeted opposition figures, who quit in droves. For publicly resisting the land swap idea, individual members of the Serbian Orthodox Church were labelled traitors. Fr. Janjić (Interview 2021) stated that: 'I was personally attacked in tabloids as a traitor for opposing this idea. If the land swap happened the majority of Serbs would have been forced to leave Kosovo and the fate of our holy sites, most of which are south of the Ibar river, would have been at serious risk. The Assembly of Serbian Orthodox Church unanimously opposed this idea at three Synodal sessions'. Within this small and highly dependent community, there are a great many opportunities for blackmail from the authorities to the people. It is another public secret that the Serb politicians in Kosovo are acting as a criminal organisation (Participant 1 Interview, 2020). The assassination of Oliver Ivanović is perhaps the most brutal and tragic manifestation in recent times (ibid.). Ivanović had been an 'increasingly vocal critic' of Belgrade's Kosovo policy and, especially since his death, has become a symbol in Serbia proper for resistance

to Vucic and for Serb-Albanian tolerance (Zivanovic and Rudic 2019). His family have insisted that his name not be used in election material by the Belgrade-backed party in Kosovo—on whom more later—because they do not 'share the same values as Ivanović'. Perhaps Ivanović's dissension was a glimmer of alternative claim-making among Kosovo Serbs. Regardless, Belgrade has secured its monopoly.

Belgrade's monopoly of mobilisation is augmented by its pursuit of a monopoly over information. Serbian elites and their clients in North Kosovo dominate the media and suppress freedom of expression (Participant 2 Interview 2020, Participant 4 Interview 2020, Lazarević Interview 2021). Tatjana Lazarević (Interview 2021), the editor of one of north Kosovo's main independent media outlets, explained that there are high degrees of latent pressure on independent journalism that occasionally stray into direct threats. One likely consequence for those journalists the elites do not find congenial is to be frozen out of information and contact. As a result, there is a high degree of self-censorship, without which it is all but impossible to operate. This is true to an even greater extent below the Ibar, whose journalists Lazarević described as 'very silent, very cautious' (ibid.). Bancroft (2020, p.183) reinforces this point with his description of how journalists self-censored during the 2017 elections and how the political spots on TV channels were dominated by mocking the opposition. Further, representatives do not tend to talk to constituents about their rights—saving that for international and Albanian audiences—but focus on providing useful services, like administrative tasks in Pristina (Participant 1 Interview, 2020). There is, generally, little democratic education (Participant 4 Interview 2020).

The great consequence of all this is, for our purposes, that Belgrade retains hegemony over claim-making. It is a system where the elites can demand loyalty based on maintaining unity against the Albanians (Andrić Interview 2021), economically and socially ostracise those who do not obey, and, all in all, prevent any alternative claim from being made. What being a Serb patriot means is manipulated by elites and used as a tool. Lazarević's (Interview 2021) portal has been repeatedly targeted by social media, probably elite coordinated, who take the logo and a sentence out of context to brand them as traitors and false Serbs. 'In this system of ambiguous loyalties and everyday compromises, anyone can be a traitor', and elites can and do commonly demand renewed declarations of faith in the cause (Bancroft 2020, pp.188-9). Thus the elite defines what being a real Serb means. The extent of the control Belgrade possesses can be seen in how all ten heads of the Serb-majority municipalities signed an open letter, in 2018, stating that they would support whatever decision President Vučić made on the question of the land swap (Participant 2, 2020). There is only Belgrade's system. As Lazarević (Interview 2021) put it: 'everyone hates Vučić, but everyone wants to be Vučić.' Working within the patronage system is the only option. On the other hand, it is not well liked. This can be hard to discern but people on the ground do display support for Lazarević's portal by informing them, paying for their coffee in cafés, and other

such small acts (ibid.), while polling data shows that Serbs heavily mistrust their own media (NGO Aktiv 2020, p.34).

In my clumsy metaphor of the Serbs of Kosovo being trapped between the hard place of Pristina and the rock of Belgrade, Belgrade is certainly the rock. It is a rock in that sense of a crushing force, certainly, but it is also one in the sense of a support, a foundation. This uneasy tension between these two aspects of parapolitics, as an oppressive force and as the material and ideational basis for life, expresses just how embedded they are, and what a Sisyphean task hauling the rock away would prove.

Despite Integration, No New Claim

It is not an environment, then, conducive to the creation of alternative, credible claims. The contact between Serbs and Albanians, and the increasing integration of Serbs into the Kosovan administration after the landmark 2013 Brussels Agreement, has not inclined Kosovo Serbs more positively toward an independent Kosovo. Rather, the prevailing view that Kosovo is illegitimate actively undermines the possibility that integration might prove popular. Life might look increasingly 'Kosovan', but the Serb population continues to undertake performances which symbolically challenge the Republic's claims to independence. In doing so, they de-legitimate the state for their own community and thus sustain the validity of the parapolitical system and the ideas it embodies.

Living in such proximity, there is everyday contact between some Serbs and some Albanians. There are routes between north and south for those who live beyond the Ibar. Many hundreds of shopping trips by the citizens of North Mitrovica are made into the Albanian south of the city everyday, bypassing the symbolic bridge by using the one into North Towers instead (Bancroft 2020, pp.118-9). There is a sort of multi-ethnic neutral ground in the Bosniak Malhalla, where drivers switch their licence plates between Serbian and Kosovan (Gusic 2020, p.150)—though there are relatively few Bosniaks in the Malhalla anymore (Bancroft 2020, p.64). Organised smuggling rings are also responsible for a degree of inter-ethnic, economic contact (Dziedzic, Mercean and Skendaj 2016, p.159). In 2005, Belgrade inadvertently boosted smuggling when President Koštunica of Serbia exempted all businesses in Kosovo from the 18% VAT rate in an effort to encourage Serbs to stay. That meant mass smuggling of cheap goods from the north across the Ibar. Although the exemption was rescinded in 2011, the rings that were founded and expanded in that era remain a problem for law-enforcement (Proksik 2018, pp.405-6). Before 2013, there were also Pristina's 'local community offices' in the north, which got along well enough with the Serb institutions (Balkans Group 2015, p.7). The Serbs below the Ibar tend to live much closer to Albanians. There is, for the most part, peaceful coexistence in the six southern Serb-majority municipalities, and Serbs have long had no choice but to engage more frequently in Kosovan institutions (ibid.,

pp.7-8). All but two of those municipalities are genuinely multi-ethnic, they are frequently used as through routes without problem and political relations are generally 'constructive'—though forming coalitions for local authorities has always been troublesome (ibid.).

Integration increased enormously after the 2013 agreement between Belgrade and Pristina. One of my participants (3 Interview 2020) remembered that what happened then was inconceivable until it had happened. It helped mitigate ethnic tensions and has proven a 'fantastic instrument' for confidence-building between the communities (ibid.). Since 2013 there have been many more possibilities of reaching out to 'the Other', especially for younger people (Participant 2 Interview 2020), and interpersonal relations have improved on the ground (Rakić Interview 2020). The integration of courts and police officers, with Serbs personnel now in both, has greatly improved the feelings of security among the Serb community (Andrić Interview 2021). Despite predictions of violence following the Specialist Court indictments in 2020, nothing like that materialised (ibid.). Serb politicians have even been known to speak Albanian in public, as of 2014, which was truly unthinkable beforehand (Participant 1 Interview 2020). The Serb community is now 'very much integrated' into the administration, where they make tax payments to the Kosovan authorities and receive ID cards from them (Participant 2 Interview 2020). In fact, only 10% of Serbs do not have a Republic of Kosovo identity card (NGO Aktiv 2020, p.20). The south integrated sooner and faster. Their particular social exigencies meant they first participated in elections from 2010 rather than 2014 (Participant 2 Interview 2020). Still, the integration of all Serbs has much increased since 2013.

For all that, however, Serbs and Albanians maintain a highly segregated existence. The cooperation and integration mentioned does not substantively challenge social ideas or Belgrade's control. 50.6% of Albanians have no contact with Serbs in their day to day lives, and the same is true for a remarkable 35.9% of Serbs for Albanians (Jovic 2015, p.266). NGO Aktiv (2020, pp.44-5) reports that over 60% of Serbs rarely or never visit Albanian majority areas. Even below the Ibar the proportion is still 25%. Most Serbs surveyed in 2015 claimed that their views continued to be based on representations from the media rather than personal experiences (Gligorijević 2015, p,284). Although the police integration did well on the recruitment of minorities, deployments have meant Serbs police Serbs and Albanians Albanians (Skendaj 2015, pp.116-7). Freedom of movement remains, in practice, rather curtailed (Vučićević 2015, p.338). Gusic (2020, pp.168-8) discusses this dynamic in relation to the Serbs beyond the Ibar. He describes the mutual ethnic 'isolation', the parallel existence of political and social life, the interactions confined to the purely transactional. What interaction there is is done in a climate of anxiety. One follows known routes, keeps a low profile, fears the attention of the Other and the criticism of one's own (ibid., pp.171-2). The result is that people do not want to establish inter-ethnic relationships and, in the limited cases they do, there's little space to

do so (ibid.). In the south, Serbs live 'in physical proximity, yet worlds apart' from their Albanian neighbours, deliberately ignoring them and the Kosovo state (Lončar 2019, pp.122-3). Despite living in its midst, they do not form part of broader Kosovo society (Rakić Interview 2020). 'The perception of common political space… is entirely different', and consequently there is a 'lack of integrative ideology' (Beljinak 2015, p.379). Surlić (2015, p.324) argues that legitimacy among Serbs is required for the actual post-war implementation of institutions. While this may not be true administratively, it is certainly so normatively. In short, living together can still mean keeping separate. What interaction and integration there is does not undermine social ideas about attachment to Serbia and the illegitimacy of an independent Kosovo.

Jelena Lončar has studied this dynamic of symbolic resistance in detail through the case study of the Kosovo Assembly. While Kosovo Serbs reject the Republic of Kosovo, they nonetheless participate in its institutions (Lončar 2016, p.282). She argues that both silences and performances can display resistance to the system even as they operate within it. As regards performances, Serb parliamentarians make symbolic actions—such as using the Serb three finger salute and saying 'Kosovo and Metohija'—to show they do not deny Serbia's claim to the territory (Lončar 2019, p.123). (Serb journalists, similarly, are often keen to use 'Kosovo and Metohija' even in Kosovo's own broadcasting system [Lepaja 2020].) Parliamentarians also use the rhetoric of the liberal peace to jeopardise Albanian statehood. Even suggesting that both Serbs and Albanians share blame for the atrocities of the war, which gives internationals the impression that reconciliation is possible, undermines Albanian claims that theirs is a state founded on the liberation of the people after a just war (Lončar 2019, p.124). Silence, on the other hand, is an implicit rejection of the legitimacy of the Assembly and its policies. For instance, Lončar (2016, p.282) points to how Serb members did not vocally support a law on the protection of Orthodox religious sites in Kosovo—as they might be expected to—but stayed silent, de-legitimating the decision-making process by not engaging with it beyond what was absolutely necessary. Broadly, the strategy of silence within the Assembly allows Serbs to comply with international demands while rejecting Albanian claims about the nature of the Kosovo state (Lončar 2019, pp.124-5). It displays, in short, that the parliamentarians tolerate the situation for transactional benefit, without suggesting they 'embrace or recognise it' (ibid., p.126). Indeed, rather than meeting with their Albanian colleagues, much of the work of cooperation between parliamentarians is done using international institutions as an intermediary (Lončar 2015, p.366). This is an important microcosm that reflects the same dynamic discussed throughout this section: the institutions of the Kosovo state are used without legitimating them.

One of my interviewees (3 2020) described the attitude as 'practical acceptance', and practical acceptance does not increase trust or legitimacy outside of isolated instances. Similarly, Visoka (2017, p.92) argues integration is 'pragmatic'. Pragmatic participation has not meant conceding to the representative aspects of

the institutions (ibid., p.101). Individual relations have perhaps become more acceptable, but those with political-economic implications are still fraught (Gligorijević 2015, p.280). Parliamentarians, to expand on the above discussion, legitimate their participation with a discourse of practicality: the only reason for engagement is to resolve everyday issues and this is the only way, it is never because the Assembly might be a legitimate body (Lončar 2020, pp.12-3). In fact, Fr. Janjić (Interview 2021) stated that, to his great sadness, 'the communities have never been further apart'. The vast majority of Serb respondents to the latest NGO Aktiv survey (2020, pp.10-1), both beyond and beneath the Ibar, described the political situation as 'bad' or 'very bad'. Quoting the International Commission on the Balkans, Baliqi (2015, p.295) stresses that 'a multi-ethnic Kosovo does not exist except in the bureaucratic assessment of the international community'. Integration has been accepted out of necessity. It has not been embraced (Participant 2 Interview 2020, Participant 4 Interview 2020).

That is the heart of the matter. The reality of integration into the administration of the Republic of Kosovo has not, and does not have the potential to, undermine claims that reject its legitimacy, based on the social ideas that Kosovo ought not be recognised and Serbia ought to rule Serbs. Generally speaking, this perspective has jeopardised any possibility that integration might lead to a change in political relations. Integration and rejection have instead struck up an uneasy coexistence.

Constant Velocity: how the Brussels Agreement helps Belgrade

Belgrade has managed to avoid departing from the claims of the Republic of Kosovo's illegitimacy despite engaging in a long and even constructive dialogue with Pristina over 'normalising' relations between the two entities. In fact, it reveals how the process of integration of the Kosovo Serbs into Kosovan institutions has actually increased Belgrade's control over them, and hence their claim-making capacities. Belgrade has used this policy to increase its credibility as the only possible voice of the Kosovo Serbs.

In 2010, the mandate for peacebuilding switched to the EU from the UN (Visoka 2017, p.187). Serbia had submitted the legality of Kosovo's declaration of independence to the International Criminal Court, but the decision in 2008 only ruled on the declaration of independence itself, not its enactment, thus avoiding the major political question (ibid., pp.296-7). After that decision, the EU pressured Serbia into accepting a mediation over the issue—and to back a General Assembly resolution to that effect rather than releasing their own (Bieber 2015, pp.295-6). The EU seeks to respond to two outstanding issues: the non-recognition of Kosovo and the existence of Serbian parallel structures in its territory (Visoka 2017, p.186). Overall, the objective is for Serbia to *de facto* recognise the independence of Kosovo, if not *de jure*, and to remove those structures. The EU has made the accession of both countries conditional on the

success of the dialogue (ibid., p.187). There have undoubtedly been successes. 2011 saw a 'dramatic improvement' in bilateral relations, with an agreement over diploma recognition and demilitarisation of the border (Economides and Ker-Lindsay 2015, p.1027). After October 2012, the negotiations were 'upgraded' to Heads of Government, to address sensitive political issues. The conclusion was the Brussels Agreement of April 2013 (Visoka 2017, pp.193-5). Essentially, its terms required that the municipalities beyond the Ibar would be integrated into Kosovo by formalising an Association of Serb-Majority Municipalities (ZSO) and dismantling the alternative power structures. Only the Kosovan police and court would be recognised from now on, with the ZSO having some control over appointments. It also extended special competencies in higher education and secondary healthcare to North Mitrovica that do not exist in other municipalities (Beha 2015, p.306). The trade-off is clear: Pristina would accept North Mitrovica and its surrounds as an autonomous zone within the Kosovo state, and Belgrade would accept Kosovan institutions for Kosovo Serbs, provided they had Serb personnel (Gusic 2020, pp.152-3).

This rosy picture is only part of the story. What looks like success in the Brussels meeting room appears quite different on the streets of North Mitrovica. Implementation of the deal's 15 points had been significant by 2015 (Baliqi 2015, p.292), but important aspects, including substantive progress on the ZSO, remain unenforced at the time of writing (Visoka 2017, pp.195-6). Parallel political and judicial institutions continue to exist (Balkans Group 2015, pp.26-9) and politicians elected into Kosovan positions often maintain a Serbian equivalent too (Hajdar 2015). This indicates the lack of meaningful integration between the institutions of the Kosovo state and its Serb population. Diplomatic achievements, such as they are, have not translated into substantial shifts in attitudes. Kosovo Serbs are little closer to recognising as legitimate that Republic with which they have to live.

Negotiations: Agreements without Legitimation

Sensitivity to questions of Kosovo's status manifested itself long before the dialogue, as we would expect. Visoka (2017) argues for two distinct strategies from Belgrade to jeopardise any kind of independence. In the UNMIK period, they attempted to delay the question of independence by requiring ever higher standards before UNMIK could leave (ibid., pp.89-80). Eight standards were introduced in 2001, the fulfilment of which became UNMIK's primary concern, but there was no question of their achievement in the 'near future', much to the chagrin of the Albanians (ibid., p.43). Meanwhile, Belgrade insisted on framing legislation in such a way to imply the autonomy of a Kosovo province in Serbia (ibid., p.84). The second strategy—which Visoka divides into two, but for our purposes can be kept as one—was to use Kosovo Serbs as a bargaining chip in the status negotiations. By insisting they boycott the new institutions (and, we should add, providing them a reliable alternative), Belgrade helped de-legitimate the Kosovan system (ibid., p.14). At no point did Serbia relent on this. The

international strategy of offering internal autonomy for the Kosovo Serbs to buy Serbia's acceptance for independence did not work (ibid., p,45). After the declaration of independence in 2008, the strategy changed to non-participation while consolidating influence (ibid., pp.90-1). Belgrade remained friendly to the 'status neutral' international organisations, like UNMIK and the OSCE (ibid., p.48), while Serb customs officers left their employer (Skendaj 2015, p.124).

We can see 'normalisation' as a fourth strategy. Belgrade accepted the dialogue to formalise influence in Kosovo while moving forward with EU accession while taking advantage of 'constructive ambiguity' to downplay the substantive, political significance of the dialogue (Visoka 2017, pp.190-1). In other words, it is accepting certain practicalities of Kosovan statehood while evading legitimating it. This where the term normalisation comes in: a technical, jargonistic sounding word. It avoids the implication of some kind of final settlement that 'peace' does (ibid., pp.187-9), remaining ambiguous enough to avoid the symbolic or discursive recognition of any statehood for Kosovo. Both sides, in fact, have framed their participation in technical language, to 'downgrade the political significance of the talks', and all agreements are 'justified to improve people's everyday lives', rather than anything that touches on the great political divisions (ibid., pp.191-2). Consider the Freedom of Movement agreement (from before 2013). Here, Belgrade accepts the practical control over Pristina over the border between them, and consents to cooperate to curb smuggling (ibid., pp.192-3). However, it is framed as Freedom of Movement, and in the Serbian translation it is the 'inter-boundary' rather than 'inter-border' agreement. Doyle and Visoka (2016, p.867) summarise the dynamic: '[t]he ambiguous nature, technical language and transcendental meaning of agreements permitted progress on sensitive political issues, such as sovereignty and regional membership, without negatively affecting the self-interest and domestic legitimacy of parties'.

In the same trip to Štrpce (south of the Ibar) mentioned at the beginning of this chapter, Vučić told the residents: 'the government of Serbia, and Serbia itself, has not and will not forget the people in Štrpce and the rest in Kosovo and Metohija' (Hajdar 2015). Belgrade has not, then, begun to make more positive claims about the independence of Kosovo. On the contrary, 'discursive confrontations' in and around the dialogue continue to be used to legitimate elites in both Belgrade and Pristina (Visoka 2017, pp.197-8). Outcomes have always been interpreted as victories over the enemy. At home, the ruling Progressive Party in Serbia continues to maintain a narrative of non-recognition (Participant 1 Interview 2020). Meanwhile, anti-Albanian propaganda remains rife in Serb media (Participant 2 Interview 2020). Intellectual circles have developed another narrative about the victimisation of Serbia by the Great Powers since independence (Draško 2019, pp.149-50), resonant with ideas about Serb history discussed in the first section. Such sensitivity to the symbols of independence has perhaps reduced among the Serbs of Kosovo themselves, but people from (the rest of) Serbia still write in to media groups to complain

when terms like 'Kosovo border' are used without the appropriate caveats (Andrić Interview 2021). Economides and Ker-Lindsay (2015, pp.1037-8) are correct to conclude that the 'loss of Kosovo' has been accepted on economic, not normative, grounds. That means the extent of that acceptance is strictly limited. There are no plans to change the constitution of Serbia which locks in commitment to Kosovo (and Metohija) (Obradović-Wochnik & Wochnik 2012, p.1175). In this context it is unsurprising that the ZSO and other key pillars have still not been implemented, eight years on from the agreement (NGO Aktiv 2020, pp.26-7). The inherent ambiguity in the idea of normalisation may have got Pristina and Belgrade this far, but there are fundamental disagreements between them on the elusive conclusive agreement (Participant 3 Interview 2020). From a peacebuilding perspective, it seems as if the constructive ambiguity of the Brussels Dialogue, that imprecision of terminology that allows each party to present their negotiations in their own way, has been good for reaching agreements, but not so good for reconciliation; in other words, not so good for fulfilling the reasons for pursuing those agreements in the first place. If it has shifted Serbia toward recognising Kosovo—a dubious claim in itself—it certainly has not shifted Serbs toward legitimating it.

We can see a parallel between Kosovo Serbs' practical acceptance of Kosovan institutions, without legitimating them, and Belgrade's attitude. Serbia has made concessions that enable the system of the Republic of Kosovo to function more effectively in the territory it claims. However, Belgrade has emphatically not made a legitimating claim for Kosovo's independence. It is another case of acceptance without legitimation. This comparison is not a coincidence. The need for Serbs to integrate is the result of Belgrade's pressure following the agreements; they have allowed Belgrade to extend its control over claim-making for the Kosovo Serbs.

Consequences: Further Dominance over Claims

We discussed Belgrade's parapolitics, its material and ideational power, and the resulting hegemony over claim-making among Kosovo Serbs, as well as the increasing integration of Kosovo Serbs into the Kosovan system, in section 2. It is now time to consider how that hegemony and the particular manner of that integration were enabled by the 2013 agreement. The point is not to lament the lack of democratisation, though one certainly may, and many of those cited below do. Rather, it is to explain how Belgrade continues to be the only credible claim-maker for the Kosovo Serbs. By making a successful claim of legitimate representation to the international community, Belgrade has reified itself as the only claim-maker for Kosovo Serbs.

The process of negotiation has established Serbia as the representative of the Kosovo Serbs for the international community. European diplomats have accepted the exclusion of local voices and Belgrade's consolidation of influence, to the point that the EU obliged Belgrade by putting pressure on the then Kosovo

government to sack 'independent Serb political leaders' in its ranks (Visoka 2017, pp.201-2). The international community, especially the EU, has submitted to the narrative that the Kosovo Serbs are (a) homogenous and (b) 'under Belgrade's control', justifying why they almost exclusively deal with the government of Serbia (Lončar 2019, p.119). As a result, there is no longer an independent Serb voice in Kosovo.

This is not to say that conditions were especially democratic before 2013. The Democratic Party of Serbia (DSS) that dominated in that time was not genuinely popular (Participant 2 Interview 2020) and Serbs did not, on the whole, know or care how the new political system worked (Participant 1 Interview 2020)—an opinion held even by Serb parliamentarians! Those parliamentarians allowed some decisions to pass the Assembly that have certainly been awkward for the Sebr community. These include constitutional changes that removed the legal superiority of the Ahtisaari plan in cases of conflict with Kosovan law and a public broadcaster without an independent Serb branch (Andrić Interview 2021).

However, there was a nascent autonomy among the Serbs below the Ibar before 2013. Between 2010 and 2014, when the first Kosovan elections in which Serbs above the Ibar voted were held, the southern Kosovo Serbs integrated alone. Their representatives in the Assembly became part of Pristina life—including the corruption—and absolutely did not have the northern Serbs and their concerns on the agenda (Participant 1 Interview 2020). Lončar (2019, pp.126-7) persuasively describes how participation gave Serb communities, to some extent, a platform 'to raise their own voice', independently of Serbia. In doing so, the notion that one should work through Kosovan institutions to pursue Serb interests rather than rely on Serbia was engended. This, in turn, began to create a 'new understanding of betrayal and loyalty', which placed local solidarity and problem-solving above attachment to Belgrade (ibid., pp.127-8). Indeed, rhetoric between Belgrade and these representatives was quite hostile: the former accused the latter of being traitors while the latter distanced themselves (Participant 1 Interview 2020). Inclusion is constitutionally guaranteed, so cooperation is certainly possible, and this offers an incentive to engage with the state structure (Lončar 2015, p.369), During this time, many southern Serb representatives were well-known community figures and service providers like doctors (Participant 1 Interview 2020). It is too much to say that this was more than an inchoate possibility of formulating new, south Kosovo Serb legitimacy claims. Still, it was a possibility.

That possibility has gone. Belgrade has taken control over the political elite both north and south. Belgrade effectively founded the party *Srpska Lista* (Serbian List, SL) to organise its clients within the Kosovan institutions after the policy switch in 2013 (Visoka 2017, pp.92-3). They replaced people over whom they had no direct control with their own candidates, north and south, by using threats and intimidation (Balkans Group 2015, pp.12-4). Serb mayors, who had a reputation for mediating ethnic violence, have been sidelined (ibid., pp.6-7)

and decision-making for all Kosovo Serbs, including those below the Ibar, has been centralised in Mitrovica (Participant 2 Interview 2020). Belgrade dominates SL (ibid.) and SL dominates the electoral (Participant 1 Interview 2020) and economic (Rakić Interview 2020) landscape. There is little attempt to hide the connections. On that 2015 trip to Štrpce, Vučić publicly guaranteed continued support from Belgrade (Hajar 2015). SL representatives are indeed often members of the ruling Serbian political party and travel to Belgrade to discuss issues in Kosovo. For instance, Serbia strongly opposed the 2015 Trepča mine law, SL leaders went to Belgrade to discuss it, and SL boycotted the Assembly after they adopted it (Morina 2016). Lončar (Interview 2020) herself told me that the south Kosovo Serb political culture she wrote about is gone and unlikely to ever return.

The push to join institutions was not popular among Serbs. Belgrade did this by pressure with all the means at its disposal, including through criminal groups (Participant 2 Interview 2020), but also by observing a respectful rhetoric toward Pristina for a period between the Agreement and 2015 (Andrić Interview 2021). However, ID cards are easier to change than feelings. The dominant narrative from almost all sources before 2013 had been against integration (Participant 1 Interview 2020). A change from this course was, and remains, un-resonant with social ideas. During the UNMIK period, northerners had rallied around Belgrade, and now perceive the orders to integrate as a betrayal (Balkans Group 2015, p.7). There was very little enthusiasm to vote in the 2014 Kosovo elections and a great deal of pressure had to be applied to drive up turnout to even the paltry level managed (Participant 2 Interview 2020). Rakić (Interview 2020) argues that this has only increased because SL have improved their methods of persuasion. Without such methods, he thinks only about 25% of Kosovo Serbs would vote at all. A political scientist below the Ibar (Participant 4 Interview 2020) estimated that SL would receive about 5% of the Kosovo Serb vote in a genuinely free and fair election. In a recent survey, only one in seven respondents stated they trusted their representatives (NGO Aktiv 2020, p.18). SL is seen as a tool used by Belgrade to assure the EU it can deliver its promises on the ground (Participant 2 Interview 2020) and the EU is seen to accept this in the hope that Vučić will recognise Kosovo (Participant 4 Interview 2020). The policy switch, and subsequent integration, was 'successful but not legitimate' (Participant 2 Interview 2020). We have seen how this has worked out in practice, with Kosovo Serbs living in two worlds.

Regardless, there is no choice. This chapter has demonstrated that Serbia is the only credible claim-maker. Serbia has established itself as the definitive representative voice for Kosovo Serbs, both before the Serbs themselves and to the international community. Within this system, the Kosovo Serbs must 'fight for their own voice' (Lončar 2019, pp.120-1). They are not a large community, however, and have little independent capacity, not to mention the difficulties of overcoming the geographical divisions between the scattered communities (Andrić Interview 2021). Kosovo Serbs, including the Church, are reliant on

Belgrade to bring up their issues at the Brussels dialogue, though Fr. Janjić (Interview 2021) stressed to me that "Our Church understandably expects to be fully involved in discussions regarding the preservation and protection of our holy sites in Kosovo in the course of the dialogue." They cannot themselves bring such issues to the table.

Conclusion

Kosovo, as an independent state, is illegitimate in the eyes of its Serb population. This chapter has sought to show why that is the case and, in particular, why that is *still* the case. Social ideas and the political economic framework, exhibited in everyday behaviour, support and confirm each other. There are two things which I *do not* mean by this which speak to what I do mean.

First, as I mentioned in the introduction, there is no easy counterfactual where a change in conditions would result in claims that support the Kosovo state, much as many in the international community would perhaps like to believe. We have plainly seen the power of social ideas in the face of new events and that the Kosovo state is not hugely receptive, either. The point is that we do not know what even modest re-formulations would look like, save for hints from Oliver Ivanović and pre-Srpska Lista parliamentarians. Belgrade ensured they could never be more than that. Social ideas have been sustained *in the way they have* as a result of their institutionalisation into 'parapolitics'. That means that you cannot explain the current state of affairs without reference to the ideational and political-economic elements embedded within it. It also means alternative options do not look credible.

There is one option for individuals and their families: emigration. I heard over and over again about the apathy and disappointment of the Kosovo Serbs. 'Citizens feel as hostages', Lazarević (Interview 2021) told me, with disappointment and pessimism among civic minded people. No solution between Pristina and Belgrade looks attractive (Participant 1 Interview 2020) and only 20% of Serbs even support the continuation of the Brussels dialogue—with an enormous 60% having no opinion at all (NGO Aktiv 2020, p.23). The only vision for the future is emigration (Participant 2 Interview 2020), especially for the young, to 'remove the burden from the mind' (Participant 3 Interview 2020). The returns process is so small as to be in the rate of statistical error (ibid.) and over 50% of Serbs—70% among the younger than 29—do not see themselves in Kosovo in the next five years (NGO Aktiv, p.39). Such behaviour is not a challenge. That is the second point. Belgrade's unpopularity is not de-legitimating the mutually reliant economic-ideational network because it cannot be challenged discursively. Alternative modes of governance will not be publicly formulated. The result is that those within the system will continue to perform its existence and thus sustain the same ideas, indefinitely. Meanwhile, the Kosovo state will not become any more legitimate to its Serb people.

It is a limbo state for a small and ever diminishing population, an ambiguity that it seems can only resolve itself in the complete disappearance of the Kosovo Serbs. So long as conditions are as they are, that is. The world is changing around Kosovo. The great geostrategic forces do not stand still and new claims will, sooner or later, become possible again. Whatever they might be, their content will depend on new interpretation of old ideas.

Chapter 7:
Conclusion

‘What I have done up to this is nothing. I am only at the beginning of the course
I must run.’
Napoleon Bonaparte (de Melito 1881 [1796], p.9)

Summary

I conceived the notion that would become this PhD thesis on my first visit to
Kosovo in the winter of 2017. Interviewee after interviewee brought up the
significance of legitimacy to their area of concern, of the power of ideas, of
narratives and stories. It is also blindingly evident in the literature that making
post-war governance legitimate is a crucial aim—perhaps even the fundamental
aim—of intervention. Yet, despite my increasing preoccupation with the
question, I struggled to write anything about it. The literature gave me so little,
both in terms of framework and substantive analysis, that I retreated to more
conventional questions until I realised that if you want something discussing,
discuss it yourself.

My attempt to actually explain legitimation, though, quickly foundered on the
multiple possible directions of causality. I distinctly recall asking one of my
interview participants, back in 2017, whether they thought the right democratic
institutional conditions needed to come first in order for people to develop a
democratic political culture or whether the right democratic political culture was
necessary for democratic institutions to function. They replied, reasonably, that
it was a difficult question. As I was already aware at the time, non-democratic
mentalities and non-democratic political economies reinforce each other. Surely,
however, one of these things could change, and then change the other, or how
would there ever have been democratisation anywhere? That question morphed
into the following: how can the basis of a political system's legitimation change?

The project was founded on this question. As I put it in the introduction, the aim
of this thesis is to *model the processes whereby subjective opinion of
governance changes after war.* I use legitimacy in the sense of ‘a generalized
[sic] perception or assumption that the actions of an entity are desirable, proper,
appropriate within some socially constructed system of norms, values, beliefs,
and definitions’ (Suchman 1995. p.574). The precise object, then, has been to
develop a convincing theory of normative change that can be applied to the
fluid, contested, complicated, and vitally important post-war period. I propose
my claim-making model as such a theory.

In contrast to the prevailing methodological normativity in a field dominated by
liberal practitioners and emancipatory scholars, this is a major explanatory
project. Again, I do not claim that it is objective, merely that my attempt is

meant to explain legitimation rather than directly serve a programme of statebuilding. We will return to whether it can indirectly serve such a programme in a moment. The Legitimating Claim is not the only attempt to theorise legitimation after war that declares itself explanatory. However, there are flaws in the others that severely undermine their explanatory value, as I demonstrate in Chapter 3. Call's (2012) 'legitimacy-focused peacebuilding' remains a fundamentally normative project. The genuinely explanatory theories fall broadly into three camps. There are those of the critical strand, best represented by Ken Clements' (2008, 2014) Grounded Legitimacy theory, that contend that legitimate governance matches what I call social ideas and therefore that statebuilding interventions should be more sensitive to social ideas *vis à vis* liberal prescriptions. I argue that Grounded Legitimacy theory offers no solution to the problem of changing minds. Ideas are essentialised, an inherent characteristic of a group. It can therefore explain why existing governance is (il)legitimate, but not how it is (de-)legitimated. The second strand is liberal institutionalism, the explanatory argument I extract from implicit references in liberal scholarship. It is an interesting counterpoint in that it highlights how governance can change perceptions of itself, but it is much too simplistic and optimistic, blithely assuming that just because governance can legitimate itself, then liberal governance will. Rather than ideas shaping perceptions of institutions or vice-versa, the two are relational, acting on each other all the time. Finally, the fourth camp of illiberal peacebuilding and political settlements theory have yet to take legitimacy seriously enough. This critique acts as my literature review and my first contribution. To my knowledge, it is the most comprehensive review of legitimacy in the peacebuilding/statebuilding literature to date, addressing several theories that are not normally addressed together and highlighting novel uses of legitimation to theories. It is telling, for instance, that I draw out the implicit institutionalism of liberal statebuilding scholarship rather than anyone having yet pointed it out explicitly. I have tackled this large literature not only exhaustively but in a new way. However, this is hardly my only contribution, so let us return to relationality.

To make a relational model of legitimation, I propose three crucial elements: claims, resonance, and credibility. First, find the claim. Someone must make a legitimating claim for some political actor and their actions and/or proposals. There are innumerable means of how. What is important is that it needs to be made and that not just any claim will work.

Resonance and credibility are the conditions of success. Here I expand on and depart from the mechanism proposed by Saward (2010), to embed claim-making in the multiple and interacting processes of legitimation. I started with resonance. The claim must resonate with the audience, by which we mean its terms must be persuasive to those it is trying to persuade. What a claim must resonate against are, primarily, the social ideas in the context. These important ways of conceiving the social world that are popular, even dominant, often to the point of unspoken assumption. That does not mean that the same ideas are

repeated ad infinitum. Rather, social ideas are common themes. Claimants stress different aspects within them, extrapolate from them, or innovate on them, to make new claims. Stressing different aspects within social ideas is also crucial. If resonance refers to a background of social ideas, credibility refers to whether the legitimating claim is practicable. Those trying to obtain power need to be seen as a possible as well as desirable alternative to whatever power prevails. Consequently, political economy is vital. Can you provide a credible substitute for access to the means of subsistence? Credibility also relates to the popular dictum that it is not what you say but what you do that counts. Of course, claiming, often through saying, is relevant, but it is inseparable from doing: you claim to be able to do, and you will not be able to go on claiming what you are clearly not doing. As such, if you are enforcing policy, that needs to be commensurate with your legitimating claim. If action x is not commensurate with accepted claim y, x will be illegitimate, and, what is more, any future claims to not do x will seem less credible and will lack backing or support. Both short-term and long-term elements are crucial in legitimating claims. A claim is an event with immediacy, one that has the potential to reconfigure identities and interests, but its success is influenced by structures of relations between ideas and practices in the context in which it is made. Likewise, legitimacy simultaneously contains material and ideational factors.

Lest it seem too linear, the elements here are in constant interaction, as my relational, interactive reading of Beetham's principles requires. There is no predictable pattern of cause and effect because the causes impact each other. Our triumvirate of claims, social ideas, resonance and credibility are always colliding and mingling. The military theorist Carl von Clausewitz (2008, p.89) said much the same of the elements behind war. One should conceive of it as 'suspended between three magnets', each of which is 'variable in their relationship to another'. Legitimacy might be profitably understood as suspended between the trinity of claims, resonance and credibility. No factor remains something that can ever exist separately to the others for long. The question is a holistic one and isolating the concepts is merely a way to break them down analytically—their practical separation would most likely result in a breakdown of legitimacy.

Fundamentally, this is because the nature of a policy or institution and how that thing is perceived are reliant on each other. Perception shapes how the thing functions while the functioning of the thing shapes its perception. That is why legitimacy is such a hard knot to untangle. If we try to slice through it, though, we only destroy our hope of understanding how it was made. Better to accept the complexity and try to follow how it was, and is continuing to be, tied up.

The final chapters applied the model to the intricate knot of Kosovo. By examining both Albanian and Serb perspectives, we have seen just how tangled it can be. What is legitimate for the Albanians is very different to their Serb counterparts. Even then, it must be stressed that many more words ought to be

devoted to the different groups within the ethnic communities. I have used the space available to highlight important dynamics, not all of them. The 'value added' is mainly in demonstrating that my model works and can be useful. It can indeed make sense of the inter-tangled and dynamic elements that make up legitimation and demonstrate their relationality while retaining coherence. I do nonetheless make contributions to empirical understandings of Kosovo and the case did play a role in developing, as well as evidencing, my theory.

In the next sections, I bring out and underline the theoretical and empirical contributions this model makes to the field of statebuilding and Kosovo, then, as a coda, offer some suggestions for future research based on these insights.

Key Theoretical Contributions

It may seem that the model has departed some way from the concerns of statebuilding but that is not the case. Let us return to the question from the beginning and see how the Legitimating Claim answers it. So, how *does* governance become legitimate after war? I would like to divide the response into three, major generalisable implications for understanding legitimacy after war.

Immediately, the relationality of the approach demonstrates that legitimacy cannot be spoken of in simple terms. The problem of moving from point a, illegitimacy, to point b, legitimacy is intuitive but the terms cannot be sustained. 'Legitimacy' is not a definable end point with definable causes; recall that this is a how rather than a why argument, mapping a process, not listing set causal factors. Statebuilding must therefore move on from identifying causes and states of legitimacy. Instead, the focus should be on identifying different legitimating storylines, the various, dynamic processes of legitimation and de-legitimation in a context and their influence on each other. This will indeed clarify in general terms what kind of governance and services will be acceptable to different groups, a necessity to statebuilding generally and 'virtuous circle' approaches in particular. Nonetheless, looking at (de-)legitimating processes achieves this clarification without fixing social ideas and elevating them as an immutable condition for legitimacy. Social ideas are only one element, narratives are mutable and can be used by different actors in different ones. If we have to judge how legitimate a context is, it should be a qualitative examination of the strength of legitimating storylines.

The second implication is that storylines are bound up with the circumstances in which they find themselves. This is what I mean by intersubjectivity or an intersubjective environment. Populations do not just simply believe their governance to be legitimate or not but rather conditionally accept its legitimacy on the basis that it is the normatively best one available. This is Beetham's superseding of Weber. In practice, that means that changing circumstances may very well change the calculation of what is the normatively best governance. Analysis must therefore attend to how the legitimacy calculation—or

intersubjective environment—is formed and its necessary constituent elements. That in turn will enable a better understanding of what kind of policies or events will influence that environment. Strengthening institutions and service provision *can* indeed bolster the calculation, as statebuilding interventions hope, but do not do so unless they can be justified normatively in terms that the population accepts. Moreover, it will help establish what kind of shocks will seriously jeopardise such intersubjectivity, and thereby contribute to the 'early warning systems' that the stabilisation approach tries to establish. These are specific examples of the general point that understanding legitimacy as intersubjectivity will allow statebuilders to better evaluate how actions precipitate change.

Another implication of the ideational-material interaction is that it is not tenable to treat ideational and political-economic factors as fundamentally separate, isolatable items that then interact. 'Hard facts' of material power, as de Waal (2015) puts it, do need ideas. They do not spring out of holes in the ground. Even when access to power does in fact come out of a hole in the ground, like diamonds, anyone who wants to benefit from them needs to mobilise a workforce, pacify rivals, and so on. If material power is decisive, the history of gaining it invariably involves ideational factors, even if that is just manipulation. These in turn shape interests, the relationship of actors between each other. Likewise, ideology doesn't exist in an abstract dreamworld, it is deeply involved in material factors, as I've mentioned.
Conflict and political settlements analysis therefore requires a relational analysis of distribution of power in a context, genealogies of all the actors involved that explain how they got to hold the power they do. This is important in and of itself, for all statebuilders must evaluate the politics of the context and such analyses are the bread and butter for doing so. It also has more specific applications. For example, political settlements scholars often search for 'doorstep conditions' within a settlement that might provide for development (Cheng, Goodhand, and Meehan, 2018). More attention to the ways in which actors form their interests is necessary to find them.

I have mentioned specifics in the preceding summary, but I want to stress that all three points are relevant to and consistent with the concerns of all four schools. Any approach to statebuilding that seeks to create a legitimate state can and should take on board the dynamism of storylines, the dimensions of intersubjectivity, and the relationality of power. To those customarily less interested in legitimacy, it also highlights the relevance of legitimation to the factors on which they concentrate to those who are customarily less interested in it. The points are perhaps differently 'true' to the different schools, but nonetheless they are, vindicating my ambition to review all approaches rather than choose one.

Empirical Contributions

The primary purpose of my case study was to illustrate the relevance of the model and illuminate how these abstract ideas function in practice. For clarity, I will break this down into a series of points and give one example of each, though this should not imply that the analysis itself proceeded so schematically. Both chapters centre storylines, the claims that reference each other to create a view of the world. These enable very different relationships with the same institutions, as demonstrated by the 'practical acceptance' (Participant 1 2020) yet normative rejection of the Kosovo Serbs, who participate in the institutions of the *de facto* Kosovo state yet symbolically reject their legitimacy even as they do so. The case study also evinces the power of social ideas, in this case Kosovar Albanian and Serbian nationalism. These are broken down into elements, each related to a particular cultural-historical moment of shared memory. It can easily be seen that denigrating, ignoring or challenging those elements is a recipe for unpopularity. That is precisely what happened with the international attempt to re-write the meaning of Kosovo's statehood. Nonetheless, social ideas do not themselves produce relationships to governance, for that they need claims. We see the competing claims of the old guard and LVV invoking different elements, or the same elements differently, of the Kosovar Albanian nationalist body of ideas. New institutions do have a role to play here, as stressed in the counter-grounded legitimacy argument. The example of the KLA springs to mind, a new organisation to attach ideas of nationalist triumph onto. The point is not that institutions re-make beliefs wholesale—that's the mistake of liberal institutionalism—it is that they influence them in practice. Reinterpretations of social ideas need agency and resonance but they also need credibility. One significant reason why re-interpretations of social ideas have not emerged publicly among the Kosovo Serbs is because of the political-economic dominance of a narrow elite who brutally suppress any possibility of alternative claim-making. The dismantling of the former Kosovo Serb elite after the Brussels Agreement is one manifestation, the murder of Oliver Ivanović another. Finally, and perhaps most importantly, Legitimating Claims themselves can re-make perceptions of the material world (i.e. credibility) and opinions of the valid interpretations of social ideas (i.e. resonance). The chapter on LVV's rise repeats this several times: their active protests and discourse *made* the old guard's claims less credible. This is a brief summary of some of the ways the case study validates the model.

All that said, my research on Kosovo has more value than just supporting my theory. I lay out three substantive contributions to interpretation of post-war Kosovo's politics here and mention their implications for developing (not only evidencing) the Legitimating Claim model.

First, I subordinate grievances to agency. The focus of previous literature has been on grievances, including Visoka's (2017) magisterial synthesis of Kosovo's politics since 1999. I go against this grain—though in large part I can only do so thanks to Visoka's research. My contention is that there were functioning legitimating storylines for the old guard and they were not doomed to fail in the

face of their manifest failures. Rather than merely reflecting grievances, LVV mobilised and even exacerbated them through a storyline that jeopardised the old guard's legitimating narratives (or intersubjective environment). No such tectonic change exists to explain for the Kosovo Serbs, but my work throws light on the important question that begs: why the continuity? To understand why the Belgrade-dominated system remains legitimate despite very serious grievances with it, it is necessary to understand the means whereby the Serbian government maintains a monopoly of the means of claim-making. The theoretical implication here is that grievances alone do not challenge legitimating intersubjectivities. Legitimacy gaps do not exist *simpliciter*, they are created through discourses that can persuasively—i.e. resonantly and credibly—offer a better normative alternative. Empirically, it tells a new story about the rise of LVV.

It also suggests a different place and character of LVV, to stay with them for a moment. They are a nationalist party in a nationalist political culture, not either especially nationalist, as internationals have erroneously claimed (Participant 4 2020), nor only against things, a protest party without an alternative platform (Visoka 2017, p.134). Rather, they share Kosovar Albanian nationalist social ideas, the ones on which the settlement and its political culture are founded, but interpret them differently to the rebel victor parties. This does not challenge the ideology that underpins the conception of the settlement, but it does offer a strikingly different way of realising that settlement in practice. This is a generalisable conclusion, too: the character of political parties can be usefully compared in terms of the social ideas of which their discourses make use. These will reveal what relationship they have to the idea of the political settlement and, therefore, shed light on its possible trajectories. Redistribution is the classic concern of political settlements, exchanging power within the settlement without fundamentally changing it (e.g. De Waal 2015), and we can see it in the struggle between the LDK and PDK. Secession is also well known and very much present in the history of Kosovo. But so is what we might call fulfilment. This is where organisations seek to more fully implement the ideological underpinning of the settlement by reforming its institutions and political culture. We can therefore see a genuine, bottom-up commitment to that ideology, and the possibility of more centripetal force that will impose an effective, rules-based state and defang power exercised beyond those rules. Many Kosovar Albanians clearly look forward to that but we may be right to worry about the backlash too.

Finally, both chapters unite different research strands on political economy and nationalism. Using my model as the criteria for a full (enough) picture, I combine works on political economy, international intervention, and ethnographic studies of social ideas. These factors have generally been treated separately (cf. respectively Gusic 2020, Economides and Ker-Lindsay 2015, Duijzings 2000). By looking at claims, their resonance and their credibility, however, I am able to highlight their interactions. This theme runs throughout these chapters so I will draw attention to one from each. In the chapter on

Kosovo Serb perceptions of legitimacy, I use the legitimacy lens to turn Serbian nationalism, the Brussels dialogue, and the patronage-based economics run indirectly by the Serbian government into a coherent picture of a legitimate—though deeply flawed—system. The same is true of the historical development of the PDK in the Kosovar Albanian chapter. To take two archetypal examples, Ingimundarson's (2007) focus on the popularity of KLA ideology and Dziedzic, Mearcan and Skendaj's (2016) on the criminal sources of income and ruthless control are both true. These were necessary elements in creating the legitimating intersubjectivity in which the old guard thrived (for a time). The chapters are an example of the kind of relational analysis the model requires and develop it by providing concrete examples of the kind of elements that go into such an analysis.

Implications for Research Agendas

Perhaps the most obvious way forward is the application of my model to case studies. In my empirical chapters, I have attempted as much with the intention of showing how the issues can be usefully framed in the terms my theory lays out. The hope is that this has been convincing enough to inspire other scholars to do the same for their areas of expertise and push forward the study of their contexts. After all, the analysis has mentioned all kinds of contexts, from Sierra Leone to Colombia to Tajikistan. There is also certainly more to do on Kosovo. More fine-grained, specific attention to particular instances of claiming legitimation could enhance my broad sweep analysis. Regardless of whether those conclusions build on or overturn my own, it would help move away from institutional analyses, and elevate the role of ideas to their rightful place.

I have stressed that those cases must include those where illiberal peacebuilding and political settlements theories are perhaps more applicable than their counterparts. Legitimation is a relevant factor in the establishment and stability of an authoritarian peace and key to the formation, stability and future trajectories of political settlements. This means that illiberal peacebuilding, political settlements and their allies must start discussing it. Attempts to understand political processes in terms of actors negotiating spheres of power can benefit from more substantive engagement with the role of ideas. How enmities and alliances are constructed, how elites maintain and lose power over their constituencies, and, most of all, how the character of settlements are impacted by their legitimating principles are better explicable by reference to legitimacy. Likewise, analyses of stability following violent upheavals will benefit from close attention to how these regimes reassert their legitimacy. On the other hand, it means that students of legitimacy must think about illiberal forms. This, I hope, is the beginning of more exchange between, and new research avenues for, both.

At the very end of my work on my thesis, a friend introduced me to Project Cassandra, based in Tübingen, who were working on using a context's literature

to predict conflict there. The project was sadly discontinued in the winter of 2020. I like to think, however, that it indicates the same mood as that which inspired my own research. Research into social ideas and their interpretation needs to take on board the conclusions and methods of scholars of literature. The same is true of, say, archaeology, intellectual genealogy, religion, and monuments. On the one hand, the model needs such work to make it function; on the other, the theory can properly highlight the significance of such elements. Some of these are well-represented among scholars of post-war societies and the task is to combine their work with political-economic and institutionalist analysis as I have done in my case study chapters. Others need much more attention first. This thesis may be taken as a call to give them that. Furthermore, my theory is deeply reliant on history and, consequently, more interaction between the methods of the historian and those of the peacebuilder are required. The peacebuilding research agenda needs systematic inclusion of the literature on, among other things, historical state-building (and sociology), the formation of ideologies, and the history of nationalism. I intend for the legitimating claim model, and the argument that backs it up, as a call for more stress upon, and theorisation of, the power of ideational factors in post-war contexts.

Legitimating Claims theory additionally displays what can be gained from a closer engagement between peacebuilding scholarship and constructivist theory. Legitimacy is only one concept that we can usefully illuminate with the constructivist insight that the material world and how it is perceived interact dynamically to shape each other. How actors come to be, and to have the interests they have, is perhaps the most important principle peacebuilding theory seeks to establish. Constructivism has been asking that question for a long time. Legitimating Claims theory is inspired by Saward's Representative Claims theory and proceeds on quintessentially constructivist logic. Ruptures create the possibilities of new actors, new interests, or new scripts of behaviour. The identity-interest complex can change, even dramatically, during the breakdowns of war and its aftermath. On the other hand, older ideas about interest and identity are the soil from which these new shoots grow. Legitimacy claims theory embraces both aspects. Identity is ever-changing and ever-mutable. It is also influenced and entrenched by inheritances that can reach very far back into history. Legitimacy, then, is simultaneously a case of *histoire événementielle* and *longue durée*.

Constructivism has influenced both liberal and critical ideas about peacebuilding to the extent that it pioneered the re-imagining of identity as something fluid, something that the right factors can modify. Indeed, key early constructivist studies took it upon themselves to disprove the 'Ancient Hatreds' explanation of the Yugoslav Wars (see for instance Wilmer 2002). I do not deny any of this in emphasising that the construction of identities also references older ideas, ideas which make those particular constructions more or less possible. Those social ideas, as I call them, should be taken seriously; they cannot be reduced to elite

manipulation or the like. In the context of peacebuilding, constructivism's stress on fluidity has unduly diminished the importance of continuity. For constructivism, I stress a reconsideration of the longue durée aspect. For peacebuilders, my counsel is not one of despair, but it is one of caution.

Most of all, however, the impetus of all this was to unite political theory with peacebuilding, bringing the two together to open up novel ways of approaching old problems and applying old ideas to problems they do not usually consider. If my research has at all bridged that gap, or at least persuaded the reader that the bridge is one worth building, then I have achieved the most important goal.

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