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LEGITIMACY AND LEGITIMIZATION

By Eduardo Posada

“It may be sad to record,” wrote Ann Carrigan in the New York Times, “that there are no good guys in the picture in Colombia”. According to her, the guerrillas are not the cause of our problems but “a symptom of a national disease deeply rooted in political corruption”. Her conclusion is that “there is no legitimate partner for the United States in this conflict”¹

If Carrigan’s opinion had been no more than an isolated comment in a less prominent newspaper, it would perhaps not merit much attention. But these criticisms of the Colombian State – its political system, democratic regime and governors – has taken hold of several media in recent decades. And opinions of this kind are published by newspapers as influential as the New York Times. See, for example, a recent report in Time Magazine: “... Given the epic uselessness and corruption of the governing class in Colombia, many in Washington are asking whether the US is not wasting its money on that oligarchy.”²

It should be noted that what is being questioned in these judgments, made in such absolute terms, is not less than the legitimacy of the Colombian State – the validity of the exercise of power by those who hold it.³ This disavowal of the right to govern leaves messages which cannot be shrugged off: in the eyes of the world, this country is a pariah. There may be internal justifications to disobey the authorities, or for armed rebellion. But a claim that the armed rebellion is legitimate has no justification especially in the context of the barbaric practices of the guerrillas – their increasing adoption of terrorist methods – and their manifest lack of representation or popular support.

Those who adopt the position reflected in the reports quoted are accepting what Jesus Bejarano calls “the interplay of illegitimacies” in which the State and the guerrillas are placed on the same plane, an equivalence which Bejarano quite rightly rejects⁴. In other work I have shown how the words “illegitimate” and “illegitimacy”, if used to refer to the entire State, does not do justice to its complex structure or achievements or the successes of democracy throughout our history.⁵ It is difficult to see the dreadful effects of the abuse contained in such a generalized condemnation. The genuine reformers are discouraged, the country becomes isolated from the rest of the world, and implicitly the criminal actions of the enemies of the State are legitimized.

¹ Ana Carrigan “Looking for allies in Colombia” The New York Times, 10 March 2002

² “The technocrat of steel” Time, 10 June 2002

³ It should also be noted that judgments passed by the media abroad are echoing similar comments made by Colombian analysts. In a recent report a social researcher who asked to remain anonymous, said “Nobody doubts that the guerrillas have been defeated in political terms; but almost nobody says that the State has also been defeated in political terms.” “Quinto frente ¿ Y la relegitimación del Estado? El Tiempo, 18 August 2002

⁴ Jesus Antonio Bejarano, Una agenda para la Paz (Bogota 1995)

⁵ See my essay on the subject published in Carta Financiera (Bogota, ANIF 2001) and “Doing something in Colombia”, Inter-American dialogue working paper, August 2002

Most of the work that has been done on legitimacy approaches the problem from the acceptance in law and society of a specific political regime or of those in government. There is another aspect however, which has not received much attention but which may be of equal or even greater importance, systematically examined by Rodney Barker, a lecturer at the London School of Economics: the role of the authorities not as subjects but as objects of the legitimization process⁶.

According to Barker, who prefer “legitimization” to “legitimacy”, the central purpose of actions to legitimize power is not to convince their subjects or citizens but the governors themselves, of their own authority. Legitimization, he says, “is a self-justifying activity characteristic of those who govern, taken up with great intensity in the centre of government, whose principal consumers are those engaged in the business of government”.⁷ In graphic terms describing the rituals of power, “presidential palaces are built to impress the president and not the public”.

We can distinguish three audiences in the exercise of legitimization: the “prince”, or heads of government; his “cousins”, the secondary levels of government or those who surround the prince; and the “subjects” –the man in the street. Barker suggests that the “Prince”# is perhaps the most important, followed by the “cousins”. Contrary to popular belief, the “subjects” have less relevance as the receptacles of “legitimization” than the government itself.

Thus legitimization is a “private theatre for the governors in which they see their identities portrayed on stage, confirmed and justified”. A quotation from Inis Claude will be enough to illustrate this argument. “Those who hold power feel., like any other human being, a need to satisfy their own consciences ... they need a reason to convince themselves of the rights of their position”. More than anything, then, legitimization helps to “consolidate the governing classes and provide them with self-justification,. Such that the elites can recognize themselves as socially and governmentally legitimate”-.⁸

From this point of view, the failure of “self-legitimization” would have disastrous consequences. “When that fails, the government fails, and government in effect ceases to be government”. Barker notes that many of the studies of the collapse of the communist regimes in Eastern Europe find their central explanation in the lack of self-confidence “the lack of self justification of the governors”. The crumbling of the elites and the failure of internal machinery of authority, according to Paul Lewis, was probable the cause of the general collapse of Communist legitimacy.⁹

Barker also quotes a hypothesis of Marcus Olson; that uprisings are successful not because of the hostility of the insurgents but because of the problems, divisions and other weaknesses and internal fragmentation of the political regime. Barker’s conclusion is clear, “The most serious crises of legitimacy for any governing class are those which occur not

⁶ Barker, “Legitimizing identities” Cambridge 2001

⁷ idem p. 12

⁸ idem p. 50

⁹ idem p. 65

among their subjects but within their own ranks. They cannot survive a collapse of legitimization within the government.”¹⁰

I have though it worth spending some time on Barker’s thoughts because they seem to be directly related to recent experience in Colombia. .It is the loss of self-confidence in the governing class itself which has created problems of legitimization. We do not have to look far to identify expressions which openly or implicitly point to lack of conviction of the legitimacy of the State in the language of those who have governed us in recent years, in different areas of government. Two examples will suffice.

In 1996 the coordinator of the Peace Commissioner Daniel Garcia-Peña, wrote, “the crisis of legitimacy is general and affects all alike: the institutions, the parties, and the political system, the guerrillas, the sector associations, the unions ...¹¹”. Note the absolute equivalence given to the State, society and the guerillas. The expressions of a feeling of precarious rights to govern are sometimes quite subtle. On 23 August Trade Minister Jorge Humberto Botero said on a TV news broadcast that the administration had been elected to “restore legitimacy to the political institutions”¹². You can only restore something you no longer have.

“ If we lose the conviction of our own legitimacy, in the rightness of the State, the rest is impossible”, wrote the Spanish constitutionalist Francisco Tomás y Valiente. With the recent inauguration of the government of President Uribe, elected by an overwhelming majority in the first ballot, this would seem an appropriate moment to articulate and strengthen a discourse which will assert – or in some cases, restore- self confidence. In his speech accepting the result of the vote Uribe said that, “in a few days, the elections will be the least of it. What will make the government legitimate or not legitimate will be daily action, and in that the thousands of Colombians who helped us in all regions will be our collaborators and the judges of our actions”. But if Barker is right, the recognition and reassertion which the State needs for its own legitimacy will come not only from the man in the street or the marketplace. That recognition must more significantly come from those who govern, at every level.

¹⁰ idem p. 68

¹¹ “La guerra de los ocho mil días”. El Tiempo, 23 June 1996

¹² Caracol TV, 23 August 2002