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# Trajectories of Hybrid Governance: Legitimacy, Order and Leadership in India

Miriam Wenner

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## ABSTRACT

This article analyses the relationships between legitimacy, leadership and stability of hybrid orders in spaces of contested state authority. Complementing studies on public authority, the analysis builds on the observation that hybrid orders are often violent and unstable. The article goes beyond the one-sided views of legitimacy that focus on the legitimating registers of non-state governing authorities and which ignore for the most part the perceptions and evaluations of such strategies by the governed. It does so by conceptualizing legitimacy as a relational property, which emerges between governing authorities and the governed. Drawing on a case study from Darjeeling in West Bengal, India (where hybrid order appears in the domains of development and security), this article finds that non-state leaders tend to withdraw from hybrid agreements in order to regain legitimacy and trust when confronted with threats to their regional dominance. The stability of hybrid orders is not only dependent on the abilities of competing authorities to adapt to changing and conflicting normative and factual demands of their constituents, but is also an outcome of the struggle over the normative and moral bases of such evaluations.

## INTRODUCTION

Defying the Weberian ideal of a sovereign state exercising a monopoly of violence and control in a defined territory, Risse (2011: 4) notes that spaces of ‘limited statehood’ are characterized by overlapping and competing state and non-state authorities and represented by different actors aspiring to control resources and people. Research on ‘hybrid governance’ seeks to understand how — despite such blurred lines of control — governance functions in such spaces (Boege et al., 2009; Meagher, 2012; Menkhaus,

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2007; Raeymaekers et al., 2008). Contesting the ‘failed state’ discourse that evaluates states according to their (non-) achievement of an ideal Weberian monopoly over legitimate coercion (Hagmann and Péclard, 2010; Risse, 2011), research mainly in the African context has shown how non-state and state authorities enter complex arrangements of power sharing (Boege et al., 2009; Raeymaekers et al., 2008; Renders and Terlinden, 2010). Menkhaus (2007: 78) coined the term ‘mediated statehood’ for set-ups where a government with limited power relies on local authorities to provide basic functions of security and justice. Far from being a total breakdown of order, these arrangements are seen as providing stability since they involve socially embedded, customary orders, which are considered more legitimate than top-down state institutions (Boege et al., 2008, 2009; Menkhaus, 2007).

Yet, the ensuing governance structures often prove fragile and – at times – extremely violent (Goodfellow and Lindemann, 2013; Meagher, 2012; Naseemullah, 2014). These observations initiated some critique of the hybrid governance approach for not adequately identifying those persons who benefit from hybrid orders and those who suffer from them, or for failing to address those ‘chosen’ to enter such agreements. At the heart of the critique lies the observation that the approach omits the question of the local legitimacy of the concerned authorities (Meagher, 2012; Meagher et al., 2014; Weigand, 2017). Taking these shortcomings as a starting point, this article aims to explore the grounds of legitimacy of non-state authorities in hybrid orders and to provide a conceptual framework with which to study them.

As Meagher et al. (2014) note, there is a direct link between the trajectories of hybrid governance and the collaboration with (il)legitimate non-state institutions (ibid.: 5). Similarly, Podder (2013, 2014a) emphasizes the need to better understand the sources of rebel groups’ legitimacy before incorporating them into governance structures. Such views reflect the insight that legitimacy stabilizes order: if people perceive it as rightful, they ‘feel an obligation to obey and support it without having to be bribed or coerced into doing so’ (Beetham, 2013: xi). An authority must employ strategies to make people believe in its rule (Weber, 1972). Thus, addressing the question of local legitimacy of non-state authorities in hybrid orders leads to a better understanding of the trajectories of hybrid governance.

Although various authors stress the importance of legitimacy as one base of authority (Hagmann and Péclard, 2010; Lund, 2006; Titeca and Flynn, 2014), these same authors limit their analyses to an understanding of ‘repertoires’ of legitimation used by the governing authorities. To complement this one-sided analysis, this article attempts to relate these repertoires to the demands and perceptions of different groups amongst the governed. It approaches legitimacy as a relational property that emerges as a process between governing authorities and the governed (Beetham, 2013; Jeffrey et al., 2015; Karateke, 2005; Lentz, 1998). To operationalize governing authorities, the study places more emphasis on the role of political leaders who represent an order, and less on the order itself.

To explore the generation of legitimacy of governing authorities in a setting of contested statehood, this article draws on a case study from Darjeeling in north-east India. Here, a hybrid order in the form of autonomous councils for an ethnic group (seeking an administrative separation from its mother State)<sup>1</sup> regularly breaks down. The article suggests that key to understanding the trajectories of this order are the changes in the legitimacy of its local political representatives. These are triggered by imbalances between public expectations towards them and their failure to live up to those expectations. Firstly, the case underlines that declines in the local legitimacy of leaders leads to the instability of hybrid orders, since leaders are prone to revive autonomy demands and violent agitation to complement these losses and to regain dominance. Secondly, the case underscores the importance of shifting, situational and socially contested perceptions of 'rightful' governance. Thirdly, it points to the need for governing authorities to strike a balance between dynamic and often contradictory sources of legitimacy (including moral values, the state). Thus, legitimacy and the trajectories of hybrid order need to be contextualized in a dynamic three-fold relationship between (local) non-state authorities, their constituents and the state.

The next section reviews how the literature on hybrid governance addresses questions of public authority and legitimacy. It explicates the conceptual framework for studying legitimacy as a relational property emerging between governing authorities and the governed. This framework is then applied to the Darjeeling case study where an ethno-regional movement demands an administrative separation from the State of West Bengal and the creation of a new Union State 'Gorkhaland'. The case study not only demonstrates the controversial nature of the local embeddedness of leaders' authority but also shows the manipulation of legitimacy sources by the State government in order to transform these rebels into controllable mediators. The subsequent section discusses the findings from the empirical analysis in terms of legitimacy, leadership and stability. The article concludes with an evaluation of the framework and provides an outlook for research that situates discussions on authority in the broader context of morality and ambivalent notions and practices of politics.

## **AUTHORITY AND LEGITIMACY IN HYBRID GOVERNANCE**

### **Public Authority and Social Embeddedness**

To disentangle the complex organization of order in spaces of contested authority, many scholars draw on an understanding of public authority beyond simplifying oppositions such as state and non-state, or formal and informal.

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1. Here, State with a capital letter is used to refer to the administrative units, and state with a lower case 's' refers to the larger polity.

Authority in this reading is never stable, but rather a result of continuing negotiations of associations of actors, means and interests (Raeymaekers et al., 2008). For instance, in his study on government building in Somalia, Menkhaus (2007: 85) points at the ‘shaky’ coalitions of interest groups, including clan elders, intellectuals, businessmen or Muslim clergy that provide basic state functions such as security or predictability. Reflecting on such overlaps, Lund in his essay on ‘twilight institutions’ proposes to understand public authority as a blurred, ‘amalgamated’ result of state and non-state repertoires of power and legitimacy (Lund, 2006: 686; see also Raeymaekers et al., 2008).

Like authority, legitimacy also then becomes ‘ambiguous’ (Lund, 2006: 688) or ‘hybrid’ (Boege et al., 2008: 10) because it combines different sources, including both state (e.g. state symbols) and customary ones (e.g. customary law, indigenous knowledge, chieftaincy, witchcraft). Using a Weberian lens in their study on the Pacific islands, Boege et al. (2009) see hybrid orders based on traditional or charismatic authority, in addition to shared values like reciprocity or sharing (ibid.: 18). It is this ‘social’ or ‘local embeddedness’ into customary orders that undergirds the contention that hybrid orders are more legitimate (Boege et al., 2009; Menkhaus, 2007; Raeymaekers, 2014).

Yet, there are two main points of critique regarding this argument. First, Meagher (2012) points to the importance of distinguishing local order and legitimacy and highlights the violence inherent in hybrid order. Criticizing the optimism of the embeddedness argument which assumes that even violent forms of order will be tamed by local norms (ibid.: 1081), she calls for linking issues of order not just to ‘an analysis ... of embeddedness, but of the *social legitimacy* and sources of power behind non-state actors’ (ibid.: 1083, emphasis added).

The second point of critique relates to the observation that legitimacy grounded in different sources tends to be contradictory in itself. One reason for this is that non-state authorities are prone to losing their local legitimacy once they are recognized by the state — a recognition which very often angers their local constituents. For instance, Buur and Kyed (2006) demonstrate in their study on Mozambique how the recognition of traditional authorities and the delegation of power to them made them accountable to the state. As a result, these traditional authorities lost part of their local legitimacy since their constituents subsequently perceived them to be state agents. Similarly, Moe’s study on Somaliland demonstrates how members of the *guurti*, a council of customary authorities, lost their local legitimacy after they became official state representatives (Moe, 2011: 156). This indicates that the state’s recognition of traditional, ‘socially embedded’ authorities can risk – and not ensure – the stability of hybrid orders. This finding is complicated by the observation that local expectations are always in flux in terms of what counts as legitimate (ibid.: 167). As Meagher et al. (2014: 5) rightly point out: the ‘local legitimacy of non-state orders is often as contentious as that

of official orders'. In addition, non-state and customary authorities need to earn their legitimacy in order to survive (Podder, 2014b: 1629).

Despite its importance, legitimacy is rarely the focus of studies on hybrid governance. This is reflected in a lack of adequate conceptualizations of legitimacy (exceptions are Jeffrey et al., 2015; Weigand, 2015, 2017). While scholars do recognize legitimacy's importance for the creation of authority and order, empirically they tend to explore only the ways in which authorities try to justify themselves. Yet, as Weigand (2017) points out, they fail to compare these with the perceptions and aspirations of the ruled (see, e.g., Boege et al., 2009; Moe, 2011; Raeymaekers, 2014; South, 2018). Lund (2006: 695) and Hagmann and Péclard (2010: 547), for example, identify certain 'repertoires of legitimation' such as authorities' reference to history, autochthony, locality or the state, or to 'good governance', 'human rights', 'democracy', 'development', nationalism or ethnic identities. However, none of the cited authors inquire into how different groups amongst the governed actually *perceive* these repertoires.

Taking a more refined approach, Titeca and Flynn (2014: 73) treat legitimacy as a conflict-ridden process and an 'outcome of broader negotiations'. Looking at illegal border trade in West Nile and Panyimur, Uganda, these two authors show that different groups' evaluations of governance are based on idealized imaginations of a social contract between the state and its citizens, and the need for survival. But although they acknowledge the *relational properties* of legitimacy, they fail to offer a more refined approach to *conceptualizing* legitimacy, its sources and processes. To address these shortcomings, this article therefore proposes a conceptual framework that accounts for these relational aspects and varied bases of legitimacy while highlighting the voices of ordinary people in contested contexts (Podder, 2014b: 1630).

### **Legitimacy as a Relation**

Legitimacy, defined as the belief in the rightfulness of a ruler that is not based on coercion or financial benefits, is an important pillar of authority in both democratic and non-democratic systems (Beetham, 2013; Bunnell, 2006; Croissant and Wurster, 2013; Gerschewski, 2014; Kailitz, 2013; Pardo, 2000; Pardo and Prato, 2019; Weber, 1972). Understanding the interplay between different moralities and expectations towards a governmental system at the grassroots level, and the ways in which the government responds, can help us to understand political and legislative changes. In this sense, people's perceptions and expectations have a structuring effect (Pardo, 2000: 19).

To analyse legitimacy, it is necessary to understand how the belief in the rightfulness of a ruler or order emerges, and how people experience legitimacy (ibid.: 6). This not only concerns the question of how governing

authorities want to make their constituents believe that they are the rightful rulers ('legitimizing repertoires'), but also addresses the question of whom (or what) the ruled consider as rightful, why, and when. To answer these questions, this analysis combines the approach of historian Karateke (2005) with select inputs from social anthropology (Pardo, 2000) and discussions on leadership and reputation (Lentz, 1998; Price and Ruud, 2010).<sup>2</sup>

Like Pardo (2000), Karateke (2005) conceptualizes legitimacy as a relational property emerging between the governing and the governed. Following the Weberian tradition, Karateke (*ibid.*) defines legitimacy as the two-sided product of a demand side (public expectations towards a ruler), and a supply side (rulers' attempts to shape public expectations, and their actual deliveries) in his study on the Ottoman Empire. The more these sides are balanced the more legitimate a leader is perceived to be. Thus, legitimacy is not an either/or question, but it exists in degrees (Caspersen, 2015). As indicated above, studies on public authority have mostly focused on the supply side of legitimacy and less on its relationship with the demand side.

Karateke further distinguishes between 'normative' and 'factual' legitimacy. Normative legitimacy is derived from an exterior source or legal claims and relates to general, longer-term attitudes of the ruled towards the system, including beliefs, values and ideologies. Factual (also 'output') legitimacy concerns short-term public demands and the response takes the form of factual deliveries (e.g. welfare, patronage) (Burnell, 2006; Karateke, 2005; Schmidt, 2012).<sup>3</sup> This distinction sits well with socio-anthropological studies on leadership styles, which show how political leaders combine different styles in response to their respective audiences' or situational demands to invest themselves with certain reputations and thereby gain legitimacy (Price and Ruud, 2010), a point this article will return to in the case study.

What complicates any analyses of legitimacy is that demands and supplies differ across groups of persons and across time and space (Pardo, 2000; Pardo and Prato, 2019). Conflicting moral values play an important role in determining what kinds of governance, law or bureaucracy are permissible or tolerable to different groups of people. In her study on different leadership styles of 'big men' in Ghana, social anthropologist Lentz (1998: 62) coined the term 'moral communities' to underline the different personal or group-based moral norms and values in the evaluation

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2. Here I am only concerned with *de facto* legitimacy grounded in local perceptions and beliefs. I do not delve into discussions on abstract qualities, such as formal-legal legitimacy including the existence of democratic freedoms, free elections, judicial independence or the accordance of governance with the constitution (Beetham, 2001; Dogan, 2009; Peter, 2009).
  3. Similarly, Weigand (2017: 360) distinguishes between 'substantive' legitimacy (based on abstract norms and shared values) and 'instrumental' legitimacy (based on the delivery of short-term goods by the ruled such as safety, resources).

of leadership. Legitimacy attributed to a governing authority is therefore never unanimous. Rather, there are differing degrees of legitimacy that can be reflected in the range between active or passive support to active resistance (Dogan, 2009; Weigand, 2015: 16).

Furthermore, what might be considered ‘legitimate’ in one domain (e.g. politics) might be considered intolerable in others (e.g. family, religion) (Pardo, 2000; Parry, 2000). To complicate things further, individuals are continuously confronted with making choices between different moral values in their daily lives (Mattingly, 2013; Pardo, 2000; Wenner, 2018). This renders legitimacy a highly subjective, value-based and contested property. Like authority it is a process that needs to be continuously reproduced and re-negotiated (Alfonso et al., 2004; Lentz, 1998).

To analyse the legitimacy of order, it is therefore necessary to conduct a discursive investigation of the grounds on which claims to legitimacy are based, to examine the extent to which power holders conform to these claims in their rhetoric and practice, and to juxtapose this with the beliefs and expectations of those subject to the authority (Beetham, 2013). The distinctions between the supply and demand side of legitimacy, and between normative and factual legitimacy, show that changing perceptions of and expectations towards political leaders – and thus changing bases of legitimacy — are one important determinant for the stability of hybrid orders. As the case study will show, these changing perceptions are intertwined with changes in the relations between and amongst governing authorities (regional leaders, State government) and the governed. Following Pardo’s (2000) approach, this analysis pays special attention to moral values as reference points for evaluating the conduct of authorities (see also Byrne and Klem, 2015; Jeffrey et al., 2015: 180).

## **LEGITIMACY AND TRAJECTORIES OF HYBRID ORDER IN DARJEELING**

I now examine the relationship between the stability of hybrid order and the legitimacy of its representatives using a case study of Darjeeling in West Bengal, India.<sup>4</sup> After describing the dimensions of hybrid governance and dis/order in Darjeeling, I apply the introduced framework to study the relations between leaders’ legitimacy and regional dis/order.

The study is based on qualitative data generated during various field-site visits in Darjeeling between 2011 and 2013, and briefer field-site revisits up until summer 2017. To account for the supply side of legitimacy, I closely

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4. Darjeeling is a district in northern West Bengal, largely situated in the foothills of the Himalaya. When I refer to Darjeeling, I mean the district’s hilly regions of Kurseong, Darjeeling, Mirik and Kalimpong (a separate district since 2014), where the Gorkhas or the Nepali-speaking population are the majority. This excludes the plains areas of Siliguri that have a mixed population.



observed political leaders' rhetorical and practical repertoires of legitimation in the form of roles they play and their strategies to build up a reputation (Price and Ruud, 2010). Questions regarding the changing demands and aspirations towards leaders expressed by different groups and persons amongst the governed were employed to assess the demand side. Methods used included participant and non-participant observations of political rallies and meetings, and interviews and informal conversations with workers and residents of tea plantations (which are considered one important mass base for regional parties), with businesspersons in towns, with political leaders, and with journalists and lawyers. I also shadowed one higher-ranking political leader for three days during his political work in 2013. Audio and video records of political speeches prior to 2011 and newspaper articles as well as secondary literature complement the data. The research was mostly conducted in Nepali, the main language spoken in Darjeeling.

### Hybridity and Dis/order

Although India certainly does not qualify as a 'failed state', the government does lack a monopoly of sovereign violence in regions where its authority is contested by rebels or other groups. These include the 'red corridor', which is partly controlled by Maoist groups (Shah, 2006), with contested regions in the north-east of India (Barbora, 2009; Karlsson, 2011), or its borders (Jones, 2012). In Darjeeling, state authority is contested and order disrupted by a movement that demands autonomy in the form of a new Union State 'Gorkhaland'. These demands reflect the general apprehension of most of Darjeeling's population towards the West Bengal State government, which many believe is exploiting Darjeeling's riches (such as its tea or timber industries) and not compensating people in terms of development or political participation. In turn, the West Bengal government is intrinsically opposed to the idea of separate statehood, not only because it is proud to call this naturally beautiful place its own. Rather, the government wants to avoid a repeat of the events of 1905 and 1947 and risk another 'partition' of Bengal.<sup>5</sup> Any further territorial division would jeopardize the electoral performance of any political party in the State.

In the 1980s a series of unsuccessful petitions by different Gorkha representatives for an administrative separation of Darjeeling from West Bengal led to violent outbreaks and the emergence of a stronger movement under the leadership of Subash Ghisingh and the Gorkha National Liberation

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5. The division in 1905 between Muslim- and Hindu-dominated areas resulted in the creation of East Bengal, Assam and West Bengal. Following protests, East and West Bengal were reunified again in 1911. In 1947, after independence, the Muslim-dominated eastern areas were separated and became East Bengal (now Bangladesh) as a province of Pakistan. Both partitions were accompanied by communal strife, violence and social displacement.

Front (GNLF). Claiming that only the creation of ‘Gorkhaland’ could guarantee the mostly Nepali-speaking Gorkhas a recognized Indian ‘identity’, Ghisingh drew on the Gorkhas’s ‘anxieties of belonging’ (Middleton, 2013: 609) to mobilize the masses. The GNLF violently fought the government-supported members of the Communist Party of India (Marxist) (CPI-M) in Darjeeling. After two years of brutal civil war, Ghisingh entered an agreement with the Congress-led central government and CPI-M headed West Bengal government over the establishment of a semi-autonomous council, the Darjeeling Gorkha Hill Council (DGHC). Devoid of any legislative powers and financially dependent on the government, the council was supposed to channel development (e.g. infrastructure, education, health services) and thereby bring peace to the region. After winning election to the Council, Ghisingh transformed from a rebel to an elected chairperson who mediated between the West Bengal government and the local population. However, Ghisingh faced increasing criticism for his alleged involvement in corruption, the violent silencing of critical voices, and — after 2005 — his seeming replacement of the Gorkhaland demand with one for tribal autonomy.

Ghisingh’s rule came to an end in 2007–08, when his former trusted righthand- and muscle-man Bimal Gurung openly challenged him, revived the Gorkhaland movement under the Gorkha Janmukti Morcha (GJM), and thereby toppled the order under the DGHC. This initiated a phase of political instability, characterized by spontaneous general strikes, hunger strikes, protests, *gheraos* (surrounding by a human crowd) of public offices, and instances of political violence against alleged party rivals.

Once the GJM had affirmed its supremacy, it entered negotiations with the West Bengal and central governments. Eventually, in 2011, these talks resulted in an agreement on another semi-autonomous council, the Gorkhaland Territorial Administration (GTA), which held its first elections in 2012. Ending five years of unrest, the GTA seemed to promise stability. Yet, peace was disrupted twice through violent revivals of the Gorkhaland agitation in 2013 and 2017. These different phases are summarized in Table 1.

Menkhaus (2007: 78) shows how, in such situations of contested state authority, the government usually relies on ‘partnership ... with a diverse range of local intermediaries and rival sources of authority to provide core functions of public security, justice, and conflict management’. This is also the case in Darjeeling, where hybridity becomes visible in terms of developmental and security domains. Basic state functions are available and utilized by the citizens (such as a more-or-less functioning bureaucracy issuing birth, death or other certificates, civil courts, and public services such as health and education). However, since none of the block-level or local-level governance institutions have an elected counterpart, government-appointed bureaucrats need to cooperate with (non-elected) local party leaders in order to implement the various developmental programmes such as public employment schemes or larger infrastructure works. While the bureaucrats rely on these leaders to select sites for implementation and to recruit labour, the leaders

Table 1. Phases of dis/order in Darjeeling

Year	Phase
<b>1980-2007 – From violence to order, the Darjeeling Gorkha Hill Council (DGHC)</b>	
1980-5	Mobilization by the Gorkha National Liberation Front (GNLF) for Gorkhaland and rise of Subash Ghisingh
1986-8	Disorder, movement for Gorkhaland. Violent civil war between the GNLF and state-supported supporters of the CPI-M
1989-2007	Order through the establishment of the Darjeeling Gorkha Hill Council (DGHC) led by the GNLF
<b>2007/8 – Disorder and the Rise of the GJM</b>	
2007/8	Breakdown of order, rise of the Gorkha Janukti Morcha (GJM) and Bimal Gurung. Ghisingh ousted from Darjeeling hills
<b>2009-11 – Towards Conciliation</b>	
2009-11	Disorder, protests for Gorkhaland. GJM starts utilizing the DGHC with consent of the West Bengal government
<b>2012-17 – A New Order: The Gorkhaland Territorial Administration (GTA)</b>	
2012-17	Establishment of the Gorkhaland Territorial Administration (GTA)
<b>2013 and 2017 – Phases of Disorder</b>	
August 2013	Short-term revival of the Gorkhaland agitation in response to the creation of a new union state Telangana
June-September 2017	Breakdown of order after West Bengal government's announcement to make Bengali a compulsory school subject; three-months lasting general strike, widespread protests, violence between state-forces and Gorkhaland activists
After October 2017	Relative order, West Bengal government establishes Binay Tamang (GJM) as the new, un-elected Chief Executive of the GTA after Bimal Gurung went underground

Source: Author's own compilation

rely on the bureaucrats for the formal channelling of funds and paperwork. In some of the cases I observed, this has led to the exclusion of party rivals or the non-payment of workers.

Hybridity also becomes visible in the functioning of two autonomous councils, the DGHC (1988–2012) and the GTA (since 2012). These councils grant some power to govern mainly in developmental affairs to s/elected regionalist parties. Although these councils are formal and legal institutions, they were not always governed by elected members. Rather, bereft of elections, between 2005 and 2008 the West Bengal government had established Subhash Ghisingh as the unelected 'caretaker' of the DGHC. Between 2008 and 2012 (after Ghisingh's ousting), project applications had to be submitted to both the DGHC and to the GJM party office. Only those applications that were sanctioned by different layers of the party (and ultimately by Bimal Gurung) were 'recommended'<sup>6</sup> to the DGHC, which then channelled the funds to the respective projects. Thus, even though on paper the councils

6. Interview, Gurung, Darjeeling, 7 July 2012.

represent formal-legal institutions, their de facto functioning displays overlapping claims to authority and different logics of order (see Boege et al., 2009: 17) in the application and implementation of developmental projects. After the revival of agitation in 2017, the scheduled elections to the GTA's second term were not held. Instead, like the DGHC before it, the GTA is now headed by a government-appointed party leader. This underlines the failure of both councils to provide long-lasting stability to the region.

Alongside development, the government also relies on regional majority parties for the provision of security and peace. These parties have often demonstrated their power to disrupt order during phases of ethno-regionalist protest. Besides sporadic incidences of violence, prominent manifestations of such disorder are general strikes that shut down public as well as private life (including government offices, schools, transport), rendering the region in a temporary state of exception.<sup>7</sup>

To better understand how the trajectory of this hybrid order is intertwined with the increasing or decreasing legitimacy of its local representatives, I now review three examples that display the relations between rulers and the ruled in Darjeeling. These moments are chosen according to their significance in the temporal trajectory of order/disorder. They display the contested, different and dynamic aspects of the supply and demand sides of legitimacy. Guiding questions are: what do the governed expect from their leaders and the orders they represent? why do local dominant leaders win or lose legitimacy? and what are the consequences of a local leader's rise or fall for the stability of order in Darjeeling?

### **A King Dethroned: Subhas Ghisingh and the Indian Idol**

Subhas Ghisingh ruled over Darjeeling uncontested for nearly two decades (from 1989 to 2007). His authority rested not only on his identification with Gorkhaland, but also on a system of DGHC-sponsored patronage, corruption and violence towards those who dared to criticize him. In addition, he functioned as the sole link between the Darjeeling Gorkhas and the West Bengal and Indian governments. In 2005, Ghisingh bartered a new deal with the government to bring Darjeeling under the so-called Sixth Schedule of the Indian government, a provision made to ensure tribal autonomy.<sup>8</sup> Along with this, Ghisingh emphasized the tribal roots of the different Gorkha

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7. In Middletons's (2018) view, the region of Darjeeling has been an exceptional space since it became part of the British Empire in the 19th century. This was reflected in Darjeeling's status as a 'non-regulated area', 'scheduled district', 'backward tract' and 'partially excluded area' which meant that laws and regulations only applied to the region after the explicit permission of the governor of the Bengal Presidency (Samanta, 2000; Subba, 1992).

8. The Sixth Schedule guarantees constitutionally enshrined autonomy to areas with a tribal majority population. Since not all groups of the Gorkhas have 'tribal' status there was a fear that the unity of the Gorkhas would be divided.

subgroups. Realizing that Gorkhaland was a distant dream, various ethnic associations also re-focused their efforts to be recognized as ‘tribes’ by the government, a status that grants preferential treatment under government law such as quotas for government jobs (Chhetri, 2017; Middleton, 2016).

However, in 2007, in the middle of this tribalization movement, something rather unexpected happened. The participation of Prashant Tamang, a young police constable from Darjeeling, in the national television programme *Indian Idol* (the Indian equivalent to *American Idol*) sparked massive support amongst the Gorkhas in Darjeeling and elsewhere. As a symbol of their Gorkha identity, Prashant’s participation also reflected their longing for recognition of their Indianness. Various Prashant fan clubs began fundraising to help finance the phone calls needed to vote him to victory. However, Ghisingh’s indifference to Prashant (and the associated struggle for recognition) added to the impression that he had lost touch with his constituency. According to Middleton (2016: 196), this ‘hurt the people deeply — so much that just days before the show’s finale and with Ghisingh in Indonesia researching tribal tourism, posters went up in town warning that if Prashant did not win, Ghisingh would not be allowed to return to Darjeeling’. At the same time, Ghisingh’s Sixth Schedule plans were being criticized since people feared that the designation of some groups as ‘tribals’ might divide the Gorkhas.<sup>9</sup> In addition, the West Bengal government’s appointment of Ghisingh as the non-elected DGHC ‘caretaker chairman’ in March 2005 was a clear indication of its influence on Ghisingh and his reliance on government backing.

Disappointed with Ghisingh, many Prashant fans now turned to another GNLf leader, Bimal Gurung, for help. Gurung, well-known as Ghisingh’s righthand man, responsible for the intimidation of rivals, was himself the son of tea plantation workers and he came across as an accessible and helpful leader to sponsor the Prashant campaign. One activist, who joined the GJM immediately after its foundation, later recalled how impressed he and his friends were by Gurung’s kindness when they met him in Darjeeling.<sup>10</sup> Another Prashant activist, who later became a GJM leader, lauded Gurung as a ‘kind person who understands the feelings of the youth’, a person with a ‘big heart’ who ‘looks after the poor people’ and who is not ‘biased’.<sup>11</sup> Gurung not only capitalized on Prashant’s victory in the *Indian Idol* competition, but also used to his advantage people’s emotional outrage over the comment of a Delhi-based radio-jockey who described the Gorkhas as ‘watchmen’. When Gurung founded the GJM in October 2007, he revived the demand for Gorkhaland.

During a series of interviews conducted in Darjeeling in 2011 and 2012, many respondents recalled the spirit of the political change. While some

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9. Interview, intellectual, Darjeeling, 23 March 2012.

10. Interview, GJM activist, Takdah, 10 April 2012.

11. Interview, GJM leader, Takdah, 10 April 2012.

emphasized Gurung's reputation as a violent criminal, others viewed him as a strong, masculine and committed leader capable of challenging Ghisingh and the West Bengal government. In his initial speeches, Gurung won trust by distancing himself from the 'dirty' kind of politics associated with Ghisingh, while expressing his honest commitment to the land and people of Darjeeling. Claiming divine inspiration, he portrayed himself as the only person capable of leading a non-political and united movement for Gorkhaland.<sup>12</sup> Such announcements appealed to those who had been waiting for a new leader to liberate them from Ghisingh's ostensibly corrupt and violent rule. As one female shopkeeper recalled: 'And a young leader emerged, Bimal Gurung, young and full of energy. When he came out everybody was happy. This is because people believed that this Bimal Gurung would bring Gorkhaland, for sure. Because he is young, he is a right person, meaning a straight person, not tricky'.<sup>13</sup>

Yet, despite proclaiming itself a 'democratic and non-violent' movement,<sup>14</sup> the GJM was soon criticized for its alleged use of violence against rivals. Not only were former GNLF leaders physically assaulted and ousted from the Darjeeling hill areas, but in October 2008 the GJM enforced a 'dress code' in Darjeeling town, which required people to wear traditional Nepali attire as a sign of their ethnic distinctiveness from Bengal. Those who refused had their faces blackened with paint by GJM activists.

In sum, with his reputation for strength, violence, bravery, generosity and accessibility, Gurung appeared to offer the desired change from Ghisingh, who had apparently lost track of the Gorkhaland demand. Responding to the shifting balance of power and noticing Ghisingh's loss of legitimacy, the West Bengal government asked him to resign from his post as DGHC caretaker in February 2008. Bereft of his support, in July 2008 Ghisingh fled to the Darjeeling hills. The revived agitation for Gorkhaland under the GJM initiated a new phase of instability in Darjeeling, characterized by frequent general strikes and protests.

### **Bimal Gurung and a Contentious Welfare Campaign**

The second example takes us from 2007 to 2012. By this time, the GJM had fully established its rule over the Darjeeling hill areas, reflected in the organization's landslide victories in the 2009 national and 2011 West Bengal Assembly elections. Halting progress on the Gorkhaland issue, however, threatened to diminish the GJM's normative legitimacy. Despite Gurung's threat to commit suicide if Gorkhaland was not delivered by 10 March 2010 (as he had promised in 2008), the GJM began to negotiate on an 'interim

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12. Speeches, Bimal Gurung, Darjeeling, 7 October 2007 and Siliguri, 7 May 2008.

13. Interview, shopkeeper, Darjeeling, April 2012.

14. Speech, Bimal Gurung, Darjeeling, 7 October 2007.

set-up'. In addition, after his alleged involvement in the murder of a popular rival party leader in May 2010, Gurung not only had to respond to the huge public outcry over such brutal violence, but also to handle the perception that this criminal case gave the West Bengal government a means to control him. To prop up the GJM's legitimacy, Gurung emphasized his exclusive representation of the Gorkhaland cause,<sup>15</sup> but the GJM also increasingly relied on the provision of developmental patronage through the DGHC. Since 2008, a state-appointed bureaucrat had headed the largely defunct council. A former GJM insider recalled that initially Gurung had refused an offer by the West Bengal government to utilize the still-available financial resources but ultimately he decided to become the informal nodal point for funding applications to the DGHC.<sup>16</sup> One higher-ranking GJM leader underlined the importance of such patronage: 'To sustain our party we simply need something ... Why do people support us? If there is some improvement in our economic condition, if our roads are built, if we are given water .... If we bring these [schemes] people will be happy'.<sup>17</sup>

Gurung's attempts to lure members of a rival regional party, the Communist Party of Revolutionary Marxists (CPRM), into the GJM by distributing benefits, displayed the contested nature of such patronage as a strategy for legitimation. In June 2012, Gurung pitched his tents close to one of the few CPRM strongholds (and home of the CPRM party president) in a tea plantation. Besides distributing money to persons chosen by local party workers, he promised to build houses, to construct roads and community halls. In local newspapers, reports of Gurung's benevolent activities and CPRM defections were accompanied by the CPRM's complaints about the allegedly 'undemocratic' and 'political' practices of the GJM.

When I visited the place a few weeks shortly afterwards, in late June 2012, it became clear that Gurung had not only left behind various promises of development but had also upset and divided the local population. In response to Gurung's offers some CPRM members had decided to join the GJM. Others of a similar socio-economic background, however, refused. When asked why, some pointed at the majority relations in the largely CPRM-dominated village. Others unmasked Gurung's activities as a strategy for gaining political support. Local CPRM activists in particular pointed to his lack of formal legitimacy to initiate development since he was not an 'elected' representative of the DGHC.<sup>18</sup> Moreover, they believed that the GJM's patronage eventually resulted in the demise of the statehood demand, and they despised Gurung as a 'broker' (*dalal*) of the West Bengal government who 'sold the soil' for personal gain. In turn, they praised their

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15. Speech, Singmari, 30 May 2010.

16. Interview, former GJM insider, Darjeeling district, April 2012.

17. Interview, higher-ranking GJM leader, Darjeeling district, 10 April 2012.

18. Interviews, CPRM activists, Darjeeling district, June 2012.

own party president for sacrificing his former post as Member of Parliament for Gorkhaland, for his decency, and for his educated background.

Such accounts suggest the existence of different ‘moral communities’ (Lentz, 1998) or groups of people who evaluate a leader’s performance based on differing criteria and perceptions. While some praised Gurung as a generous social worker, others criticized him for being a selfish and uneducated traitor influenced by the West Bengal government. Interestingly, such accounts stemmed from persons with similar socio-economic backgrounds which suggests that class is not an important distinguishing criterion here. Rather, in this case study, a local ethics of loyalty to one’s party and its principles seemed to prevail which made some in the village immune to the GJM’s attempts at capture.

Furthermore, patronage made Gurung increasingly dependent on the very government in West Bengal that he publicly opposed. After four years of agitation, the GJM tried to stabilize its resource base by formalizing its relations with the government through an agreement on a new semi-autonomous council, the Gorkhaland Territorial Administration (GTA), which held its first elections in 2012. While the deal not only reflects the GJM’s realization that it had to deliver something factual in order to maintain its social contract with its supporters, it also risked being perceived as a compromise on the Gorkhaland agenda. Although the party tried to legitimize the council as a step towards Gorkhaland,<sup>19</sup> contrary to his initial announcement that he would ‘watch the council from the outside’,<sup>20</sup> Gurung himself became the elected chief executive of the council after the 2012 elections. He had now fully transformed from a rebel into a state mediator. After a phase of instability, the new council promised to provide not only a stable source of income for the GJM, enabling it to continue its patronage practices, but also a new peaceful order with a tamed GJM leader on top.

### **The Rise of the Trinamool Congress**

The final example shows the increasing influence of the West Bengal government on Darjeeling’s regional politics and on the legitimating bases of regional leaders. Although the GTA seemed to provide the GJM with a sufficient source to generate factual legitimacy through the distribution of patronage, the party soon began losing supporters to the Trinamool Congress (TMC), the party that since 2011 had been leading the West Bengal government and which clearly opposed the formation of Gorkhaland. In 2013, when I accompanied a GTA councillor to meetings with rival TMC followers in his constituency, one of them angrily asked: ‘What

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19. Speeches, Bimal Gurung and GJM General Secretary Roshan Giri, Darjeeling, 21 July 2011.

20. Speech, Bimal Gurung, Darjeeling, 21 July 2011.



does the GTA give to *us?*',<sup>21</sup> while emphasizing his sacrifice for the movement. Drawing on a mixture of social worker and big-man guises — with promises of development and intimidation — the GTA councillor managed to convince some of the defectors to return to the GJM, but by that time, the TMC had grown into a noticeable force in Darjeeling. Protected by police, other non-GJM outfits (including the GNLF) also regained visibility. In addition to their disappointment with the GTA, many of those interviewed who defected to the TMC expressed their anger at the behaviour of GJM leaders, which was perceived to be arrogant, and the lack of acknowledgement of their support. One former GJM activist even explained his switch to the TMC with his view that 'since there will be no Gorkhaland, it is time to take benefits from politics now'.<sup>22</sup> Others (amongst them loyal GNLF supporters) saw in the TMC a safe haven from which to oppose the GJM. Such statements indicate the diminishing importance of the statehood agenda as a basis for the legitimization of leaders.

Another constituency to which the West Bengal government catered were the ethnic associations in Darjeeling that now revived their demands for tribal status. The relationship between some of these groups and the GJM was already tense after the GJM's imposition of a dress code in 2008 (the Gorkha subgroups have their own distinctive ethnic dress). Some factions of the Lepcha, in particular, who are considered the original inhabitants of Darjeeling, had been wary of the whole statehood demand. Citing their ancient kingdom of 'Mayel Lyang', they promoted what they hold as their own, distinct culture. In the summer of 2013, when the GJM announced a short-term revival of the statehood agitation, the Indigenous Lepcha Tribal Association refused to participate and was promptly rewarded by West Bengal Chief Minister Mamata Banerjee with a Mayel Lyang Lepcha Development Board. Subsequently, other ethnic groups were also granted such boards, which provided an alternative avenue to accessing governmental finance that was independent from the GJM/GTA. Through this, the government not only manipulated the rules of access to patronage and thereby diminished one important source of (factual) legitimacy for the GJM; it also tried to decrease the importance of the potentially dangerous statehood agenda in favour of more easily manageable demands for tribal status, thereby directly influencing the trajectory of the Gorkhaland movement. By so doing, the government actively manipulated the requirements for normative legitimacy. Tired of years of agitation, others — mainly businesspeople — simply wanted peace. The GJM's decline is reflected in its electoral losses since 2016.

In sum, the GJM's failure to meet the expectations of its supporters (i.e. factual development, statehood and adequate acknowledgement of their sacrifices) resulted in an accelerating decline in support. At the same time,

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21. Meeting, TMC supporters, Takdah, 15 June 2013.

22. Interview, TMC supporter, in his village, 3 June 2013.

the West Bengal government established alternative ways to access funds and rewarded those attempts for recognition that the GJM was ill-equipped to promote. The revived statehood agitations in 2013 and especially in 2017 can thus be interpreted as an attempt by Bimal Gurung to regain his lost normative legitimacy by presenting himself as the brave and strong defender of the Gorkhas' rights.<sup>23</sup> In 2017, during a general strike that lasted 104 days and clashes that ensued between government forces and protestors, 13 people lost their lives. Such state violence and the death of GJM supporters spurred ethnic sentiment and motivated participation in the large-scale agitation for Gorkhaland. Furthermore, the attempts to frame the movement as a united 'people's movement' (*jana andolan*), and the participation of other regional parties lent legitimacy to the agitation. Unity beyond party political divisions was reflected in the frequent display of Indian, rather than GJM, flags during demonstrations. Some of the interviewed participants noticed the support of the 'public' beyond party-political agendas. This, and the fact that 'relief' for the strike-affected region (in the form of food deliveries) was largely organized by civil society (and less by the GJM) indicates that the GJM had lost its monopoly over the demand.

Yet, the 2017 agitation did not yield any progress in terms of a Gorkhaland. Despite earlier electoral alliances with the Bharatiya Janata Party (BJP), which has been leading the national government since 2014, Delhi did not support the agitation either.<sup>24</sup> Instead, after the strike ended, the West Bengal government tightened its grip by establishing Gurung's former vice-president Binay Tamang as the new (unelected) chairman of the GTA. Avoiding arrest, Gurung disappeared underground. The split in the GJM brought an end to the protests and provided some stability to the region through non-democratic means.

## LEGITIMACY, LEADERSHIP AND ORDER

The case study presented here sheds light on the relationship between the legitimacy of leaders and the stability of order in Darjeeling and its ethno-regional struggles. **First, the bases of leaders' legitimacy differ according to group and ethnic identity, individual needs and situation.** The case study shows how different groups amongst the governed form diverse 'moral communities' (Lentz, 1998: 62) with diverging expectations, needs and imaginations of 'good' leadership. Such communities became visible with regards to party membership (GJM versus CPRM) and

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23. The 2017 agitation was triggered by an announcement of the West Bengal government that made Bangla language a compulsory subject in schools.

24. Ahead of the 2009 and 2014 national elections, the BJP had promised to 'consider the long pending demands of the Gorkhas' (see the 2014 election manifesto, cited in the *Times of India*, 2014).

ethnicity (ethnic associations). For instance, while various GJM activists voiced their demands for patronage in the form of developmental contracts, CPRM supporters continued to emphasize the need for honesty and sacrifice in a leader, and declined offers of ‘development’ channelled through the ruling party as they saw it as a means of co-optation by the West Bengal government. Further, an ethics of loyalty to one’s local leader and the need for party-political unity became visible. Regarding ethnicity, various ethnic associations began privileging demands for tribal recognition above a (united) claim for Gorkhaland, when progress towards the latter stalled. This changed part of the normative bases for a leaders’ evaluation.

Furthermore, changing individual needs affect people’s evaluation of leaders. While at the initial phases of the revived statehood movement various respondents were attracted by Gurung’s shows of strength, honesty, generosity and sacrifice (which all catered to their aspiration for statehood), later they began demanding rewards for their participation in the form of developmental contracts. When such demands for acknowledgement were not met, former GJM workers even joined the anti-Gorkhaland TMC.

Despite such differences, values such as mutual respect, the acknowledgement of personal sacrifices, and the strength/capability of a leader prevailed throughout the different groups and at all times. This reflects a ‘social contract’ between leaders and followers, which is based on the expectation that leaders keep their promises (for development, statehood, sacrifice, honesty) in return for political support. Such findings align with the contention of Pardo (2000: 5) and Prato (2019) that the authority of leaders is based on reciprocal trust, credibility and their management of responsibility.

**Second, leaders’ attempts to adapt to the dynamic demands of their constituents highlight the trade-offs between bases of legitimacy.** The plenitude and dynamics of values, aspirations and needs shaping the demand side of legitimacy force leaders to wear different masks (such as social worker, rebel, strong-man) in order to respond to the demands of different groups. To build up a reputation as rebels, leaders had to challenge government authority, often using violence to do so; in contrast, the image as social worker required the GJM to expand its resource base which risked an increasing dependency on government money — and the perception that leaders were being ‘bought’ and controlled by the government. Thus, the bases of legitimacy (normatively charged statehood vis-à-vis factual delivery of development) can contradict each other.

Once regional leaders enter an agreement with the state (via the GTA or the DGHC), they must engage in what Jeffrey (2010: 135) aptly terms ‘double-dealing’. They have to strike a balance between upholding a reputation as trusted fighters for autonomy against the state and maintaining working relations with that very government. Their survival depends on how well they balance these contradictory relations with their local constituents, on the one hand, and to the state, on the other. This supports Podder’s (2014a) finding that sources of legitimacy which rebel groups drew on during

conflicts must also be maintained in post-conflict agreements. Local rebels' authority is, in this reading, combined from different sources in the 'twilight' (Lund, 2006) between state and non-state, the moral and instrumental, the violent and non-violent. Which of these is privileged depends on situational political needs.

**Third, the West Bengal government has considerable influence on the terms by which a leader is evaluated and thereby on his/her legitimacy.** The West Bengal government's establishment of various development boards for ethnic groups in Darjeeling not only offered an alternative source of developmental patronage (independent from the GJM's GTA), but also actively privileged tribal identity before Gorkha identity. This affected the demand side of legitimacy and thereby the normative bases from which the leaders were judged.

**Fourth, in response to the initial question of how the stability of hybrid order relates to the legitimacy of regional leaders, the case study suggests that attempts to gain and regain legitimacy cause an instability of hybrid order.** In the case presented here, the creation of disorder by reviving demands for statehood happened at three particular moments. First, the revival of the Gorkhaland demand helped leaders to gain legitimacy after the demise of a previous leader (as happened after 2007 and the fall of Ghisingh). Related to this, the creation of disorder was a means to gain recognition from the West Bengal government (as happened with the GJM in 2008). Third, regional leaders withdrew from hybrid orders as a means to regain legitimacy when they could not compensate for declines in normative legitimacy with factual deliveries or other means, as indicated by the renewed agitations in 2013 and 2017. The persistence of the ethno-regional sentiment amongst the population provides a ready means for new and old leaders alike to draw on, to challenge existing orders if activated in situations of perceived crisis and threats to the ethnic group. This underlines that formalized hybrid order is only sustainable if associated losses in normative legitimacy of non-state authorities can be compensated.

## CONCLUSION

This article explores the relationship between the legitimacy of non-state authorities and the trajectories of hybrid orders. To assess legitimacy, the study focuses on political leaders representing hybrid orders related to the provision of development and security, and their evaluations by the governed. The article conceptualizes legitimacy as a relational property, which emerges as a degree of congruence between the demand side (expectations of the governed) and the supply side (factual or normative deliveries of the governing) (see Karateke, 2005). It thereby complements studies that concentrate solely on 'legitimizing repertoires' of the governing without paying due attention to how they are viewed by the governed. This study finds that the 'supply

side' is largely characterized by leaders' attempts to mediate and legitimize the order they represent through the wearing of different masks or guises (see Price and Ruud, 2010). To maintain trust, leaders in Darjeeling had to identify with the normative statehood agenda, but they also had to meet expectations for accessibility, generosity, kindness, bravery and strength. Such values were embedded in a 'social contract' between the governing and the governed. The understanding of the demand side of legitimacy was not only complicated by the fact that different groups amongst the governed have different expectations of their leaders (see Lentz, 1998), but also by the contested and shifting moral bases of such expectations.

These different and dynamic moralities at play in a society give rise to the ambiguity, stability and instability of order. It is the task of social scientists to further account for the complexity and variety of such value statements and to embed them into broader contexts of socio-economic needs, idealized imaginations of proper personhood and political conduct to understand the grounds of political support (Pardo, 2000: 3).

Beyond this, the article highlights the importance of external influences in shaping the supply and demand sides of legitimacy. It especially points to the role of the West Bengal government in stabilizing or destabilizing local leaders' standing. On the factual level, leaders' dependence on state-channelled funds requires them to uphold good working relations with the government.<sup>25</sup> On the normative level, the government can actively change the terms of legitimacy by influencing people's aspirations (by rewarding demands for ethnic tribal recognition). Thus, in order to gain or uphold their legitimacy, it is not sufficient for leaders to meet the changing demands of their constituents; they also need to be able to influence what a majority regards as valuable and legitimate. The struggle over legitimacy is also a struggle over shaping the very terms of evaluations. Ultimately, this is a struggle over manipulating people's values and aspirations.

Lastly, the Indian government also has some influence on the trajectory of hybrid order in Darjeeling. While the Indian government is generally apprehensive of autonomy movements, it also recognizes the electoral potential of these demands (see Lacina, 2017; Tillin, 2013). Thus, although the BJP has repeatedly fought national-level elections together with the GJM, it has done nothing to actually promote the statehood demand. Simply keeping such promises and movements alive has proved a more useful strategy for the BJP to make its influence felt in the (to date) TMC-dominated state of West Bengal.

While the applicability of these case-specific findings to other examples is questionable, it is hoped that the conceptual framework provides a useful first step to evaluate relations between legitimacy, stability of order, and leadership in spaces of contested authority. The different experiences

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25. Similar financial dependence has been reported from other autonomous councils in north-east India; see Stuligross (1999); Umdor and Syiem (2017).

with autonomous councils (such as those in Catalonia or the Basque Country/Spain, Zanzibar/Tanzania, Aceh/Indonesia, others in north-east India, or more stable ones like Madeira/Portugal) could prove viable entry points to a comparative understanding. Here, the question of how far the context of the broader polity drives dynamics of stability and instability deserves more research. Such an approach needs to embed the analysis of authority into the broader context of ambivalent perceptions and practices of politics, leadership and morality.

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