

Is the Syrian Regime Legitimate?

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It is quite important to mention that this paper is based on theoretical understanding and not personal opinion. Even though my personal observation might be included, it is only for the purpose of clarification.

Introduction

It is difficult to determine if a regime is legitimate or not. Many academicians and political scientists have attempted to establish the pillars that support a state's or authority's legitimacy in a country. In many countries worldwide, the governing regime is represented by a particular family or a specific political party that holds power for an extended period. Syria is one such case. The current ruling authority, represented by the Arab Socialist Ba'ath Party, has been in power since 1963. The twist came when Hafez-Al Assad revised the whole party system and constitution. He insisted on family inheritance, diminishing the party to a mere tool after he took over the presidential office in 1971. During Assad's father's reign, Al "Baath" was no longer what it once was, building up plans or tactics solely to the degree that they were given by the only leader regarded for all the attributes of inspiration and wisdom. Al-Assad's will turned Al "Baath" from a foundation based on the notion of the national league to a rabble adhering to a familial gang system (Aladdin,2023). Bashar al-Assad, Hafiz-Al Assad's son, became the president of Syria in 2000, shortly after his father's death. President Bashar just won the fourth election in 2022. It is vital to highlight that the current regime has weathered several economic crises, civil war, sanctions, a proxy war, indirect political supremacy, armed conflicts, major labor force losses, and an enormous wave of public demonstrations. This raises the question, "How is this regime still in power?" Is it implied by its continued existence in the face of all crises and challenges

that it is politically legitimate? And, more importantly, what are the resources of its legitimacy, if it is legitimate?

The sources of authority and the regime's political legitimacy have been investigated throughout history in various countries around the world. The first source of legitimacy is the fairness of government law-making procedures; procedural justice shapes the legitimacy of the authority (Tyler, 1994; Levi et al, 2009). The second source is the trustworthiness of the regime as to what is the level of citizens' willingness to defer to the police, courts, and tax department (Levi et al, 2009). The third source is electoral democracy but it can have a negative impact on the regime's legitimacy (Gjefsen, 2012). Another source found in China was the people's diffuse regime support; comes usually because the regime and people share the same principles and traditions (Chu, 2013). The strategies the regime uses during civil wars or other conflicts are a further source of legitimacy because they show how seriously the state takes the welfare of its citizens since they're who suffer the most (Conteh-Morgan, 1992; Ahmad, 1996)/ In light of the previous research done this paper is a discussion of the political legitimacy of the current regime in Syria. And by that, I generate my overall research question, "Is the Syrian regime legitimate?".

To answer this overall question I am conducting inductive research. To have a specific set of data that can help in answering the question I am trying to answer three different research questions. First, In what ways did the regime in Syria implement electoral democracy? Second, Does the regime use violent or uncivilized methods to gain public support? Third. Is the response to the Syrian civil war and crisis since 2011 represent that the current regime is aiming to protect civilians and make them better off?

This research has three different objectives that generate the answer to the overall research question. In the first part, I aimed to investigate how electoral democracy has been

practiced in Syria to understand how procedural justice is maintained. The second section examines the methods that the regime in Syria is using to gain public support. Followed by the last section which reflects the third objective; to analyze the crisis management strategy followed by the regime and its impact on the civilians. Finally, in the conclusion, I combine the results of the research and discussion to determine whether the regime in Syria is politically legitimate or not.

Methodology:

As conducting a survey targeting to assess how the political situation in Syria is now unsafe and impossible, I based the discussion on secondary data. The arguments made and addressed are backed by both pro- and anti-government sources, as well as by natural resources. My theoretical approach is based on content analysis for a number of research, papers, articles, and book chapters. The evidence and information on the real circumstances in Syria are gathered through news reports, articles in Arabic newspapers and websites, and some YouTube videos. Because there aren't any empirical data or government reports that provide statistics or information regarding the internal state of Syria, I shall be using these sources. As someone who spent 19 years living in Syria, I used some personal observation to help fill some of the gaps left by the lack of supporting data.

Electoral Democracy:

Elections are now the norm in both democratic and authoritarian governments yet in many countries, the validity of the electoral process is frequently contested (González et al, 2015). Syria is categorized as a one-party state Al-Baath Party has effectively taken the country's sovereign legitimacy since the 8 March revolution in 1963. To understand the way the

electoral system is implied in Syria, the following is a detailed discussion on the law of general election, how is it implemented, and how the law and its application affect the level of the regime's legitimacy.

Starting with the general law of election which is worth mentioning that it has never been followed. In 2015 General Elections Law - Law 5 of 2014 was published. 129 detailed articles of rules and regulations for the election process inside the country. All the articles were based on the provisions of the Constitution. This law aims to organize the election of the President of the Republic, members of the People's Assembly, and members of local administration councils. Also, it aims to organize the referendum in case it was needed and organize the electoral propaganda. Finally, to ensure the right of voters to choose their representatives freely, the safety and integrity of electoral processes, the right of candidates to monitor them, and the punishment of those who tamper with their will. The last aim of this law was never achieved on all levels of elections.

For the purpose of this paper, I will focus on the presidential election. In Article 49.2 of the Syrian constitution, it was stated that: No person can hold the office of the President of the republic for more than two consecutive terms. However, President Bashar al-Assad was elected to a fourth seven-year term in May 2021, with the government reporting that he received 95.1 percent of the vote. Balloting was carried out under harsh repression and only in government-controlled areas, as opposed to rebel or Kurdish-held territories. Millions of Syrians living overseas did not vote. Furthermore, the president, who controls the executive branch, has the authority to nominate and dismiss the prime minister and cabinet.

The election featured an uncompetitive slate of candidates. The Supreme Constitutional Court permitted only three aspiring candidates, including Assad, to run in early May 2021.

Possible opposition challengers were further restricted by a law that required candidates to have lived in Syria for the previous ten years, thus excluding those in exile. The election was considered illegitimate by major democratic states. Regarding the official electoral process, neither accountability nor transparency exists. The voters' participation in government-controlled areas is essentially authorized or prohibited by the executive authority operating through the military security apparatus. Since the beginning of the civil war in 2011, some provisional local councils outside of areas under government control have held rudimentary elections, but these endeavors have become impossible due to persistent attacks by militant groups and pro-government forces (Freedomhouse,2021). This previously discussed law and the way it was applied to a big extent support the argument that electoral democracy has no necessary implications for the establishment of legitimacy (Rothstein, 2009). Primarily because the election was not held in the way promoted in the law, did not respect the privacy or free will of the citizens, and did not give equal opportunity to all citizens to participate.

Another aspect we can look at when talking about the electoral process is voter turnout which is highly related to the readiness of the citizen to voluntarily participate in the election. To assess this point I will be looking at the 2021 presidential elections voter turnout and some of the information people who participated in that election gave in addition to some personal observations. The voter turnout in the 2021 Syrian election was 78.6%. According to CNN, the number of Syrian citizens who participated in the election as given by the presidents of the Syrian People's Assembly Sabbagh is way bigger than the actual number of people who are legally allowed to vote in the areas under the regime control (CNN, 2021). If this news report might seem biased, also Syria's opposition called the vote a farce(BBC, 2021), while the United States, Britain, France, Germany, and Italy said the poll was “neither free nor fair” (Aljazeera,

2021). Away from reports and the international community, I will now share some of the people's opinions about the 2021 election. Damascus-based student Layla told Al Jazeera on voting day that many students were being forced to cast ballots. "Some universities will fail or even expel you if you don't vote," she said (Aljazeera, 2021). Sources stated privately that the government had organized big demonstrations in recent days to urge people to vote, and that the security apparatus that supports Assad's Alawite minority-dominated rule had instructed state employees to vote. We have been told we have to go to the polls or bear responsibility for not voting," said Jafaar, a government employee in Latakia who gave his first name only, also fearing reprisals (Al-Khalidi & El Dahan, 2021). As freedom of speech is restricted by the government, most people were afraid of sharing their opinion or their names.

My observation of the election process in Syria when I was there might give a much clearer idea of the condition the voters were voting under. The centers in my city were public schools and hospitals. I remember that when I went to the center, there were young boys standing next to the front door and watching the people who are entering and exiting. Inside the school, there was a room designated for the elections, and inside the room, there were almost 10 people. There was no secret room to choose your candidate in. People were not only voting for themselves but also they were allowed to vote for others in case they have the national ID of the other person. What I observed as well was that the voter's information was entered manually, which means no way to know whether someone has already voted or not.

"To overcome the potential delegitimizing effects of low turnout, incumbents will often turn toward clientelistic mobilization since high turnout can be a powerful rejoinder to those who denounce elections as a sham, and can put observers' concerns about the legitimacy of the electoral process to rest" (González-Ocantos, 2015). As the international community was asking

for the election to be under the supervision of the UN, the authority in Syria manipulated the voter turnout. Mr. Assad said the West's opinion counted for "zero" (BBC, 2021). There were many critiques that tried to explain why voter turnout was not real. An article published by Aktay in the Turkish Yeni Safak newspaper, entitled "The elections in Syria are a fact, not a joke!", where he said: "Bashar al-Assad presented a vulgar electoral play, in the most horrible way of sarcasm and ridicule of democracy and the will of the people, which he did not present to the Syrian people for ten years. Years ago, nothing but blood, torture, tears, hunger, and poverty"(CNN, 2021). Aktay has given exact calculations and numbers to show how the turnout was manipulated. He asked: How many Syrians do you think live in the areas that Assad currently controls in Syria, that is, in which he can establish ballot boxes? The Syrian population before the crisis was almost 22 million. The approximate number of migrated people is almost 9 million. In addition, almost 8 million people are in areas not under the regime's control. Aktay concluded that about 7 to 8 million total number were able to vote, yet the voters count was 14,239,000. Therefore, many national regional, and international reports and speeches claimed that this number remains just an aspect of the electoral farce (CNN, 2021).

To summarize this part, while the law and constitution demonstrate that the ruling power is legitimate, the people's free will was not respected by this authority in practice. First and foremost, elections were not held in all Syrian cities. Second, the people did not vote properly since their privacy was violated. Ultimately, the outcomes and voter turnout are indeed very suspicious.

Obedience Gaining:

The power of the regime has to be justified in terms of the beliefs of the citizens, and since people's values can vary, it is possible for different types of regimes to be legitimate

(Beetham 1991: 11). Gaining people's diffusive support is not an easy task and cannot be obtained by only silencing the opposing voices. Diffuse support is also something very different from compliance or obedience that regimes can obtain through the use of threats, coercion, and violence (Gjefsen, 2012). In the previous section, I indicated that the regime was not chosen by the free will of the people. In this section, I will examine the pluralistic level as represented by the regime's acceptance of opponents and critics. In other words the people freedom to express their opinion about the political system and give suggestions.

In Syria, people are not allowed to express their opinion about the political system or the authority controlling it. This is highly witnessed by the press and journalists. As media and press are the primary way for communicating the word and expressing opinions, there were laws and regulations preventing the publication of anything opposing the government. According to the Freedom House 2017 report, "Syria remained one of the most dangerous places in the world to practice journalism" not only because of the war but because of the high level of oppression the journalists and activists face from the government itself (freedom house, 2017). The result of this suppression was keeping people unaware of the legal and political environment of their country. At the same time building a wall that prevents people's expressed thoughts from being translated to the regime.

One of the most famous methods that the Syrian regime uses to gain obedience is enforced disappearance. To elaborate on that as a reader you must be aware that there is a constructed "Mukhabarat" or intelligence service rooted deeply in the regime's history. Since Hafez-Al Assad's days "the intelligence services, or *mukhabarat*, are the "keystone" in Assad's "political arch." (Rathmell, 1997). You should know that these intelligence agencies are used to watch the people and report those who try to oppose the government. Since 2011, government

officials have coerced thousands of individuals into the disappearance and detained tens of thousands of people without charge or trial while keeping family members in the dark about their location and fate. Opponents of the government, nonviolent protesters, and relatives jailed in place of relatives who the police were looking for are examples of victims (Idris, 2017).

The fate of people who had disappeared and other “political prisoners”, as named by the authorities, is the same. Government security and intelligence organizations routinely subject prisoners, including women, children, and the elderly, to torture and other forms of ill-treatment. It has been shown that there have been cases of sexual assault and rape (against both male and female captives), protracted detention, fatal beatings, executions, deaths due to harsh treatment, and electrocution (Idris, 2017). Prisoners who are lucky enough to be freed from jail share terrifying stories about their experiences down there. Such a treatment for the citizen just because they raised their voices against the government leave them terrified to take any action or file any case. Even though some of them tried but the result was so unpleasant as you will see in the next section.

Nationalism was a crucial ideology imposed by the Al-Baath party to ensure the loyalty of its citizens. In the past 50 years, the Syrian Baathist regime has developed a practice of organizing or enforcing performative spectacles through nationwide marches that clog up squares and streets and demand the love of the leader. Although it can be challenging to tell the difference between "public dissimulation of loyalty or belief, on the one hand, and real loyalty or belief, on the other," the Baathist regime has placed a strong emphasis on using nationalism to preserve and even increase state authority (Aldoughli, 2020). In addition, the 'cultivation of authoritarian civilities' that went hand in hand with the ossification of Syrian political life must be taken into account. One of the essential factors that assure compliance is people's familiarity

with the disciplinary procedures that have permeated their social fabric, rather than their confidence in the regime's narrative or in the moral or legal legitimacy of the authorities(Sottimano,2016).

When a government bases its rule largely on coercion, it invests significant resources in building a reliable surveillance system that can be used to track public activity, encourage desirable behavior, and penalize those who violate regulations. (Levi et al, 2009). By no means is instilling terror in the mind and hearts of the public a strategy for gaining support. The Syrian administration uses tactics including torture, forced disappearances, unjust trials, and extrajudicial murders to get its citizens to obey. As a result, not only are the people unable to decide who will rule them, but they are also prohibited from speaking out about politics. The legitimacy of this regime's second pillar, represented by people “voluntarily” supporting it, is thus insecure.

Crisis Management:

How can a state or government be legitimate if it cannot defend its citizens? In addition, would the regime's attack and suppression of its own people be seen as legitimate? The Al-Baath party is still in power and the president has never been replaced in Syria despite more than ten years of complicated problems and a significant international effort to do so. Is there actual popular support for this stability? To win their loyalty, does the regime favor its citizens in its decisions? This is the question I am attempting to answer, but before I do, it is crucial to understand the many phases of the Syrian crisis in order to comprehend the strategy and choices made by the government at every turning point.

The crisis in Syria is considered a complex case as there were many sides involved in the war nationally, regionally, and internationally. When the crisis arose in 2011 the government

forces had violently responded to the opposing student's protest in Daraa. This led to the second phase when some defectors from the security forces, cooperated with the opponents of the regime to form the Free Syrian Army referred to as (FSA). The Third phase is an implication of the mindset of the ruling party when the population started to disobey and oppose the regime. The strategy followed was repressive along with a siege strategy. The army forces sealed the entries of Homs City, cut off food and medical supplies, and bombed the civilians to make them surrender (Berti & Sosnowski, 2022). The fourth phase was a significant conflict as none of the Al-Assad military or FSA was able to take military advantages and defeat the other. This phase has been remarkable on an international level and the crises in Syria turned into a proxy war after that.

The professional qualities of the armed forces may serve them well in their primary function of war but may become a hindrance in the political arena, which requires an "infinitely greater degree of patience and deliberation (Ahmad,1996). This is exactly what happened in Syria. It is obvious that the outbreak of the war was because of the oppression of the citizens. The use of military force to maintain control has led to a negative impact on the people in both the long and short terms.on the other hand, from the regime's point of view, this strategy maintained its political control in the major cities in the country. It is believed that the military cannot appreciate the subtleties and nuances of complex political situations and is thus more likely to resort to coercive, disciplinary measures in order to regulate the socio-economic and political conflicts in society (Ahmad, 1996). Here is the explanation in the light of the Syrian case. The regime in Syria has used to follow repressive and violent strategies to control any movement or demonstration. In 2011 the case was not usual. At that time the Arabic spring was so influential. Globalization and the international movement of thinkers and businessmen in addition to introducing modern technology played an essential role in changing the nature of demonstration. The indirect influence of Western

countries also has encouraged the uprising of SFA (Berti & Sosnowski, 2022). The regime in Syria did not take into consideration the complexity of the situation, instead, it was only looking to silence the voices of the citizen and that is represented by encircling the citizen inside Homs and following a starvation strategy.

While the regime was busy attacking its own citizen and many foreign powers took advantage of the situation and indirectly supported the formation of SFA and ISIS. No detailed information was shared about who was behind these two sides of the war but it is well known that they are actors in the proxy war between international powers. Inside Syria, there was different propaganda used by the regime and other parties in the war. For the purpose of my paper, it is vital to say that the regime propaganda was so incoherent and there was no information shared with the people about what is actually happening in the country. People were displaced, killed, disappeared, and tortured but they did not know whether the regime, the SFA, or Jihadists was the reason. The regime on the other hand never spread awareness about the parties participating in the conflict and I know that because I was there and did not know how many parties were fighting until I did my own research outside the country. Information access was totally banned during the crisis, and the internet connection and electricity were down most of the time. As the regime is the protector of its citizen, there must have been at least a national program to help the displaced people. In fact, it was busy imposing its power by oppressing people and starving them.

There are many other strategies followed by the regime but unfortunately, no academic sources cited that. However, compulsory military service was one of the strategies that negatively impacted the people's welfare. The name of this service case is “reserve military”.: men between 18 and 50 were forced to serve in the army even if they had finished their compulsory service before. “for the country's pride” was the sentence used by the national media to inform the people

indirectly that men are going to serve in the army for an undetermined period of time. This action resulted in a huge wave of illegal migration because men weren't allowed to leave the country without legal permission (Alzeen, 2022). This has affected the welfare in all aspects. Males are the main income sources for families in Syria and by forcing them to serve in the army the living standards of the middle class and poor people in the society became worse and worse. This in turn forced the women and children to work so they can sustain themselves. Women are paid less than men which is why children also have to work, they as well were paid unfairly. Exploitation, poverty, and displacement became living conditions of Syrian civilians in areas under the regime's control (Mustafa, 2022).

All the previous actions taken by the regime have not been in favor of the citizen in any way. No decision was made to maintain the safety of the citizens or help them cope with the conflict situation in a suitable way. Instead, the people were manipulated by various propaganda, used as a tool in war, and attacked by their own government. These things have resulted in public anger and rejection.

Conclusion:

The answer to my overall research question is that the Syrian government is not legitimate for three reasons. These reasons were found by answering the secondary questions. First, the people are not free to select their legislators and executive representatives as investigated in electoral democracy section. Second, the regime in Syria gain its citizen support through oppression and violence. Therefore, neither political participation nor the expression of political beliefs by non-political members of society is permitted . Finally, the government was unable to function

effectively during times of crisis and preferred private gains above communal ones, based on these three findings we can conclude that the regime in Syria is not in power because it is legitimate, instead it is maintaining its existence by coercion and manipulation.

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