Bargaining as a Process of Legitimation: A Theory of State–Terrorist Negotiations

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Abstract

Why do states and terrorists negotiate? The literature focuses on the ability of terrorists to coerce the state into granting concessions via "the power to hurt" and "mutually hurting stalemates" but fails to consider the possibility that states may willingly negotiate—and, moreover, that terrorists might gain non-material benefits from negotiation. I argue that negotiations confer legitimacy on terrorists' claims: in so doing, states offer terrorists something they want—recognition as a bargaining partner—while simultaneously jump-starting a process with the potential to bring violence to an end. Via a paired comparison between news coverage of the FARC in Colombia and the Shining Path in Peru, I demonstrate that negotiations do serve as a legitimating mechanism for terrorists in the eyes of states, thereby enriching our understanding of how both states and nonstate belligerents view the utility of the bargaining table in armed conflict.

Contents

1   Introduction

In May 2006, two years and two months after 10 explosions aboard commuter trains in Madrid killed 192 and injured thousands, Spanish prime minister José Luis Rodríguez Zapatero authorized the government to negotiate with the ETA, the separatist organization suspected of being behind the bombings.[1] The Spanish Congress had previously approved negotiations on the condition that the ETA demonstrate a willingness to abandon violent tactics—a condition that was not met at the time of Zapatero's authorization. Public backlash was swift and severe. When the leader of the Socialist Party of the Basque Country, shortly following Zapatero's announcement, stated that he would meet with the political wing of the ETA, civic movement ¡Basta Ya! retorted that such a meeting "inevitably implies the legitimization of violence as a valid political instrument" (Alonso 2013, 125).

This reaction highlights two puzzling features of negotiations with nonstate actors, and particularly with organizations that use terrorism. First, a perception clearly exists among some actors that negotiations grant legitimacy to armed belligerents. Given the high risk of legitimating the claims and tactics of an organization using terrorism, a state should be extremely reluctant to invite such an organization to the bargaining table. Yet such negotiations are not uncommon: from Northern Ireland to Sri Lanka to Colombia, states regularly negotiate with organizations using terrorism in an attempt to bring an end to hostilities. An inconsistency exists, therefore, between what we would expect to observe given the high costs of negotiations and the actual frequency with which those negotiations occur.

Second, if states are worried about the possibility of granting legitimacy to terrorists, it logically follows that terrorists are also aware of that possibility. Yet the literature is largely silent on how terrorists might view the prospect of legitimation from states as opposed to from a constituent population. Multiple studies have attempted to disaggregate measures of terrorist "success" to account for a variety of goals, ranging from regime change and social control to more instrumental objectives such as outbidding another organization for representation of a constituency's interests (Kydd & Walter 2006; Abrahms 2013, 2006). To my knowledge, however, no scholarship has yet considered that *state* legitimation might belong on that list of goals as something that terrorists consciously seek.

I contend that grappling with this second puzzle is crucial for shedding light on

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[1]Although the attacks were initially attributed to the ETA, subsequent investigations found that a loose network of Islamist extremists, colloquially called the 11-M network, was responsible for the bombings. See Rose & Murphy (2007) for an overview.

the first. Legitimacy, I argue, is not only a potential goal of organizations that use terrorism but also often a *necessary* first step toward achieving policy concessions. Whatever the end goal of an organization employing terrorism, the acknowledgment and *acceptance* of that goal by the state and/or international actors afford the organization both the power to maneuver and grant it authority as a recognized representative of a constituency's demands. Negotiations therefore offer an avenue for achieving such broad acknowledgment and acceptance and, in turn, constitute a potentially desirable and low-cost method of attaining state legitimation of an organization's claims and methods. Legitimacy is not an uncontested concept, and in what follows, I address competing conceptualizations of legitimacy and argue for considering power and authority as its central components—quantities that terrorists both desire and that are granted through negotiations.

Given that terrorists want legitimacy, why do states grant it to them by extending invitations to negotiate? For an organization using terrorism, legitimacy is a desired outcome. For the state, legitimation would appear to be an inevitable but unwanted collateral effect of negotiations: no state, after all, seeks to lend credence to violent attacks against it. Yet if the state knows that legitimacy is desirable and, moreover, will be granted by extending an invitation to negotiate, doing so presents a low-cost method (relative to continued fighting) to bring an organization using terrorism to the bargaining table where both parties can then discuss concessions and cessation of hostilities in greater detail. Thus, while states would not grant terrorists legitimacy *ceteris paribus*, the high stakes of conflict make states more amenable to extending a carrot in order to jump-start a process with the potential to bring violence to an end.

This framing of negotiations necessarily imposes scope conditions: if an organization makes no claims on the state, then it has no reason to negotiate. I am therefore only concerned with terrorists who target the state in some way.[2] I also only consider negotiations with the aim of reaching a ceasefire or peace settlement, thereby excluding hostage negotiations. Hostage-taking is a common tactic employed by organizations that use terrorism, yet its more proximate aims—ransoms and prisoner exchanges—are difficult to disentangle from an organization's larger political goals.[3] Likewise, hostage

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[2]Most obviously, this category includes separatist and nationalist organizations and excludes transnational religious organizations that represent fundamental challenges to the international order, such as the Islamic State. However, the argument is not automatically inapplicable to religious organizations: for example, the Turkistan Islamic Movement (TIM) and numerous Chechen rebel groups have deeply Islamist overtones but also make claims directly on the Chinese and Russian states, respectively.

[3]A small but rich literature exists within terrorism studies on hostage-taking specifically. A short bibliography would include Sandler & Scott (1987), Gaibulloev & Sandler (2009), and Atkinson *et al.*

negotiations have immediate goals for the state as well—the recovery of victims—that may not be followed by more extensive attempts to engage terrorists at the bargaining table.

To provide empirical evidence that state legitimation is at work in bargaining with terrorists, I use machine learning and time series analysis to track shifts in language surrounding instances of negotiation in over 25,000 news reports covering the Revolutionary Armed Forces of Colombia (FARC) and Sendero Luminoso in Peru. This paired comparison of two regionally and ideologically similar cases—one with multiple instances of negotiations (Colombia) and one with none (Peru)—allows me to better isolate the legitimating effects of negotiations and demonstrate that organizations using terrorism are indeed treated as more legitimate in domestic and international discourse after sitting down at the bargaining table.

My work makes several contributions to research on terrorism and negotiations with nonstate actors more broadly. First, I engage with a growing literature on the "inside looking out": rather than focusing on how states view organizations using terrorism, I reorient my analysis to ask how terrorists observe their strategic environment and gauge how to act in a state-centric world (Huang 2016, 92). In doing so, my work theorizes the motivations of terrorists in a negotiation scenario alongside the motivations of states, emphasizing dynamic interaction rather than simply considering the motivations of either actor in isolation from one another (McAdam *et al.* 2001). Understanding the state-terrorist relationship as an iterative and interactive process allows for more precise consideration of how the behavior of one or both actors causes that relationship to change, as opposed to treating it as a fixed entity.

Second, I contribute to the ongoing debate concerning what constitutes "success" for terrorists. By suggesting state legitimation as an additional goal of organizations employing terrorism, I broaden our conceptualization of goals to include not only instrumental and strategic objectives, but also a social and normative reappraisal of the organization's claims and methods. I thereby constitute terrorists as agents embedded within a national and international environment governed by norms, not just as violent actors making cost-benefit calculations in response to material incentives. This is a relatively novel framing for the terrorism literature but one with considerable potential to enhance our understanding of why terrorists act the way that they do. While other scholars have examined intra-organizational dynamics and intergroup rivalries (see e.g. Shapiro 2013; Phillips 2015), there has been limited work considering terrorists' strategic environment with respect to the *state* rather than to other terrorists. By returning agency

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(1987).

to terrorists and examining how context enables and constrains that agency, I am able to account for a wider range of terrorist behavior than is usually considered.

Finally, in introducing the mechanism of legitimation, I propose a new explanation not only for why terrorists negotiate, but also why other armed actors might accept an invitation to negotiate with the state. Beyond simply offering the opportunity to receive concessions, negotiations afford nonstate belligerents broader attention and the opportunity to participate in a political process as a recognized actor. Paradoxically, then, negotiating may both legitimate violent tactics and offer actors an opening to pursue their goals through less violent means.

2 Terrorists and legitimation: A theoretical framework

Why should we care about state legitimation with respect to organizations that use terrorism, and why are negotiations the central forum through which that legitimation is granted? That terrorists desire any sort of recognition from the state seems counterintuitive: more often than not, the state exists for terrorists as an entity to be *de*-legitimized, not as a potential source of legitimacy for terrorists themselves (Kydd & Walter 2006; Thomas 2014). Yet negotiations with terrorists occur far more often than intuition would predict.[4] What drives the extension of the olive branch?

Below, I first address existing explanations for negotiations with armed actors, which focus overwhelmingly on coercion without asking why either states or terrorists might *willingly* arrive at the bargaining table. I then explicate my conceptualization of legitimation and develop a theory of two pathways through which terrorists can gain the state-level legitimation that they need. Finally, I derive testable hypotheses about the observable implications of legitimation.

2.1 Existing literature

The literature on negotiations with organizations that use terrorism has little to say about state legitimation as a goal. This oversight happens on two levels. First, negotiations with terrorists outside of hostage situations have historically been ignored within the larger war termination literature, which is otherwise rife with explanations for how belligerents arrive at the bargaining table. In their simplest form, negotiations are a product of

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[4]Prominent cases include the FARC and ELN in Colombia, the LTTE in Sri Lanka, the ETA in Spain, the PIRA in Northern Ireland, the NPA in the Philippines, RENAMO in Mozambique, the DPR and LPR in Ukraine, and Ahrar al-Sham and Jaysh al-Islam at the 2015 Riyadh conference on the Syrian civil war.

cost-benefit calculations: when the costs of continuing to fight become greater than the benefits, actors will negotiate a settlement, contingent on both sides' abilities to signal that they can credibly commit to the terms of that settlement (Walter 1997; Fearon 1995, 1998; Fortna 2004).

Although similar for conflicts in which one side is a nonstate armed actor, this logic is somewhat complicated due to the nature of negotiations in the context of unconventional warfare. Nonstate actors, who are usually required to disarm as a condition of a peace settlement, may feel unsure about doing so in the face of a state that retains its armed forces (Walter 2002). Likewise, states may mistrust signals sent by nonstate actors more than they would signals sent by other states—to say nothing of the natural mistrust between a state and an organization that, often, wants to reshape or overthrow it. These arguments assume, however, that a "nonstate actor" is a rebel or insurgent organization, marginalizing negotiations that occur between states and terrorists.[5] The bifurcation between terrorists and other types of armed actors is a misleading one: from a research standpoint, terrorism is a type of tactic, not a category of actor, and applying tactical classifications to entire organizations obfuscates the types of behavior we are interested in observing. From a practical standpoint, however, the use of "terrorist" vs. "insurgent" is a political decision made by actors (often states) with particular interests in a conflict. Studying negotiations with terrorists thus requires attention to how the label of "terrorist" is used—a natural outgrowth of the focus on legitimation.

Second, the broader literature on negotiations with nonstate armed actors leaves little room for the consideration of nonmaterial goals. While scholars now recognize numerous intermediate and instrumental measures of terrorist "success" that fall short of regime change or state-building (see e.g. Kydd & Walter 2006), the idea that terrorists seek to alter domestic and international perceptions of their causes (and, potentially, of their methods) is not usually considered. As a result, legitimation is marginalized because it is viewed solely as being in the purview of states, not of terrorists, and because it is a nonmaterial goal not directly related to a particular ideology or policy demand.

When legitimacy is mentioned in relation to terrorists or other nonstate armed actors, it is either with respect to efforts to gain legitimacy in the eyes of a domestic constituency (Bloom 2005), attempts by terrorists to *de*-legitimize the state (Neumann 2007), or the ability of third parties to add credibility to the promises of untrustworthy actors (Bapat 2006; Svensson 2007). The latter problem is well-illustrated by Goddard (2012) in

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[5]A burgeoning research program does consider how terrorists specifically coerce states into granting concessions through exhibiting the "power to hurt" (Thomas 2014; Bapat 2006; Pruitt 2006; Miller 2011) yet frames the problem in terms of the state's capitulation, casting negotiations as a desperate attempt to end violence rather than asking why negotiating may be appealing from the terrorists' point of view.

her discussion of the 1998 Belfast Agreement, which implemented a power-sharing agreement widely credited with preserving peace in Northern Ireland. Goddard's argument as to why an agreement was reached in 1998 and not earlier rests on the role of "brokers", who legitimate settlements by framing them so that they appeal to multiple coalitions. The implicit assumption in this argument, however, is that brokers (and the coalitions to whom they are appealing) are *already* legitimate actors in negotiations: what is being legitimated is the settlement itself and the claims made therein, not the actors involved. As such, the question of how an organization using terrorism comes to be viewed by the state as legitimate, as opposed to whether a particular promise it makes is perceived as credible, is not addressed.

This ignorance of legitimation leads to both a misunderstanding of terrorists' overall strategic calculus and of the purpose of negotiations with nonstate armed actors. As actors situated within a broader strategic environment, terrorists must not only consider what objectives they want to achieve but also what conditions are necessary in order for the realization of those objectives to be possible. A state will not grant a policy concession to an organization using terrorism, for example, unless the costs of failing to do so surpass an acceptable threshold. At the same time, an organization cannot be sure that a concession, once granted, will be upheld in the future. Organizations using terrorism are fundamentally weak actors vis-à-vis the state, and the state is unlikely to respond to their demands absent violent coercion. Granting a concession might indicate a state's unwillingness to continue to bear the costs of fighting, but it does not indicate that a state is actually taking an organization seriously on a normative level. Accordingly, there exists considerable uncertainty on the terrorists' part surrounding a state's commitment to follow through with concessions because no shift in the state's policy preferences has actually taken place. If, however, a state recognizes an organization as a legitimate political actor, the state's commitment to granting concessions becomes more credible. Terrorists are especially likely to find negotiating attractive when their ability to accomplish goals *absent* legitimation is uncertain yet they remain strong enough to challenge the state in a meaningful way. That is, nonstate armed actors who believe they are invulnerable will see no reason to negotiate, nor will states who believe they can destroy an organization with ease.

Furthermore, legitimation helps us understand that states may also view negotiations as being about more than granting material concessions. Ideally, a state would simply crush an organization using terrorism, thereby removing the need to concede to any of its demands. Yet if they lack the ability to do so, states find themselves facing an adversary they cannot defeat quickly (if at all) with the capacity to inflict considerable

and difficult-to-predict damage. A state may be able to win a conflict by holding out, but it will likely incur significant costs by doing so—and if, at a later point, a state judges that it in fact cannot win an outright military confrontation, negotiating will be more difficult, as terrorists will have observed their ability to outlast the state's resolve. A potentially less costly option for the state involves extending an invitation to negotiate. Clearly this comes with costs of its own—the state may look weak and undermine its own legitimacy in the process—but it also opens a door for terrorists to be recognized as legitimate actors and "mainstreamed" into the political process, essentially relieving them of the "terrorist" label.[6] Thus, negotiations allow the state to create an alternative pathway through which terrorists can express grievances.

In sum, legitimation through negotiations provides opportunities for organizations using terrorism to achieve their goals and for states to incentivize the cessation of hostilities.[7] Legitimation is neither an unintentional byproduct of negotiations nor a surprise perk for terrorists; it is a consciously sought objective that is in turn consciously granted by the state in order to avoid a less desirable future outcome. Viewing negotiations as a socializing process, as opposed to just an exchange of concessions, therefore sheds light on why states would invite terrorists to the bargaining table—and why terrorists would agree to join them.

2.2   What is legitimation, and why do terrorists need it?

But what, exactly, is legitimation? The term "legitimacy", though frequently deployed in international relations, is rarely defined, and scholars proceed "as if its meaning were generally understood" (Mulligan 2005, 351). The problem is illustrated well in Max Weber's classic formulation: because legitimacy might arise from traditional or legal sources, or even through the pure persuasive appeal of a particular leader, there exist multiple senses in which one might consider the development and conferral of legitimacy (Weber 2002).

In international relations, legitimacy is usually considered in the context of formal political institutions. Ian Hurd, in a seminal article on the subject, conceptualizes legitimacy as "the normative belief by an actor that an institution ought to be obeyed" as defined by "the actor's *perception* of the institution" (Hurd 1999, 381, emphasis in

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[6]According to Jones & Libicki (2008), 43% of organizations using terrorism that have ceased to exist since 1968 did so due to joining the political process and renouncing violence. See Pruitt (2006) for further discussion of mainstreaming.

[7]It is possible that states can grant legitimacy to organizations that use terrorism outside of formal negotiations. Referring to an organization as "extremist" rather than "terrorist", for example, may be one way of tacitly legitimating that organization's claims and methods.

original). In a slightly more nuanced formulation, Mark Suchman defines legitimacy as "a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions" (Suchman 1995, 574). Despite this focus on institutions, Hurd's and Suchman's frameworks travel well to other contexts: the conferral of legitimacy on *any* actor is a subjective process, nominally constrained by international norms but not beholden to them. Whereas organizations that use terrorism have not traditionally been granted legitimacy, there is nothing inherent in the concept that would prohibit this from happening.

Suchman's definition is a useful starting point, and I adopt it broadly. I further suggest viewing legitimacy through the lens of power and authority—two currencies essential in any bargaining situation. Power may be either explicit (in the Weberian sense of a monopoly on the use of force) or implicit (in that actors who attempt to serve a constituency's interests are more likely to have resources and capabilities *ex ante* that enable them to make such an attempt in the first place), but it undergirds all claims to legitimacy. In the traditional Weberian formulation, the quantity being legitimized is domination, which is contingent upon a monopoly on the use of force—in other words, a concentrated amount of military power. Yet domination does not rely completely on the oppression of the dominated; if it did, there would be no need to discuss legitimation because the dominated would have no capability to contest the sociopolitical order. Implicitly, Weber refers to the legitimation of *authority*, which necessarily goes beyond the possession of force capabilities in the absence of absolute and unchallenged power. A powerful actor may *claim* authority because the audience of its actions has no choice but to accept that authority or face repression, but audiences may also *grant* authority based on norms, values, or legal systems that allow for the establishment of precedence and the development of trust. Authority therefore becomes a necessary precondition for exercising power (Locke 1998, 202).

Thus, an organization using terrorism, which possesses insufficient military power to completely repress either the state or a domestic audience, must turn to legal and normative sources of authority for legitimation. These might come from an organization's constituency, and certainly terrorists often try to avoid building a negative reputation with the people they claim to represent in order to maintain support (Akcinaroglu & Tokdemir 2016). Accordingly, this "legitimacy from below" may be necessary for an organization's survival, and it can also possibly be leveraged at the bargaining table with the state (Kalyvas 2004). Yet for an organization to be taken seriously in international politics by *state* actors, legitimacy must also be granted from

above by the primary actors in the international system—that is, by states (Mendelsohn 2005). Under the auspices of the international order, nonstate armed actors have no legitimacy until they are recognized by states as representing the genuine grievances of some constituency and granted authority to act as they see fit. If organizations using terrorism do indeed desire concessions from the state, as many do, then legitimacy from below can only ever be leverage; it cannot provide the genuine acknowledgment by the state that legitimacy from above can.

This initial lack of legitimacy from above presents a problem for organizations using terrorism. Under international diplomatic law, negotiations can only occur between "representative" actors, or those who consider each other to be legitimate parties (Bull 1977; Langhorne 2005). It would therefore seem that terrorists in fact *cannot* negotiate *a priori*. Yet what terrorists lack is authority, not power. An organization using terrorism can demonstrate power in its ability to get the state to stop shooting at it long enough to extend an invitation to negotiate; still, real legitimation does not occur until an organization's authority to advocate for an audience in a bargaining context is recognized by the state. Hence, the legitimation of an organization that uses terrorism casts that organization as an important and representative political actor—a far cry from the "criminal" frames states and the media often employ to characterize such organizations (McCauley 2007).

2.3 Pathways to legitimation

I propose two pathways through which terrorists can gain legitimacy from state actors: directly from the government of the state in which they primarily operate, or from the international community (or some segment thereof) that then puts indirect pressure on the government. These pathways are not pursued to mutual exclusion, and which pathway(s) and in what combination organizations choose them is outside the scope of this paper. Rather, I theorize general reasons why state and international legitimation may be both necessary and appealing, as well as the observable implications of negotiations between states and terrorists at the domestic and international levels.

First, states can grant legitimacy directly. Terrorists' goals are often numerous and multifaceted, but most have as their end objective some sort of policy concession from the state, whether ceding of territory, devolution of power, or full regime change. By making the state the target of their claims, terrorists thus construct a situation in which they must either physically overpower the state, coerce it by demonstrating continued viability and the "power to hurt" domestic constituencies on which the state relies for

its legitimacy (Thomas 2014), or engage with the state in a more formal negotiating context. These strategies are not mutually exclusive, and terrorists may switch between them at different points in a conflict. Given terrorists' comparative dearth of resources, beating the state in a direct physical confrontation is unlikely if not impossible for most organizations. More commonly paired are coercion and negotiation: by engaging the state in a "mutually hurting stalemate" (Miller 2011; Bapat 2005; Pruitt 2006), terrorists incentivize the state to extend an invitation to the bargaining table in order to bring a costly conflict to an end—and, in turn, create an opportunity for terrorists to make progress toward achieving their political goals.

Yet as mentioned above, terrorists also require legitimation of their claims on the state in order to be taken seriously as political actors. The most straightforward way for this to occur is for states to extend an invitation to negotiate. Empirically, however, terrorists often express willingness to negotiate before a formal offer is made by the state.[8] What explains this pattern?

When state legitimation does not appear forthcoming, terrorists can turn to the international community, where they may find a more sympathetic ear. In seeking recognition in 1974 for the Palestinian Liberation Organization (PLO)—widely classified as a terrorist organization—as the "representative of the Palestinian people" at the United Nations, Yassar Arafat was not asking solely for a seat at the table for Palestine. He was, implicitly, asking for a public and international acknowledgment that the PLO was a powerful actor whose methods were a legitimate way to convey Palestinian demands—an acknowledgment that could, in turn, put pressure on the Israeli state. In this way, terrorists can push even reluctant states to recalculate the costs and benefits of not negotiating.

All of this suggests that the way organizations using terrorism are described at both the domestic and international level matters for legitimation—and that negotiations will *change* those descriptions as nonstate actors come to be perceived as more legitimate. Granted, legitimacy is a directly unobservable quantity, but it has observable implications in how political actors refer to armed belligerents and the degree to which their actions are believed to be justified. Accordingly, I argue that one observable implication of legitimation is a change in language in the news media—specifically, a shift away from the language of terrorism to the language of insurgency, militancy, or other comparatively neutral terms.

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[8]Both the processes that eventually spawned the Good Friday Agreement in Northern Ireland and the recent public plebiscite in Colombia concerning the demobilization of the FARC started with overtures from nonstate actors, not governments.

More formally, I hypothesize:

- *H_1: An invitation to negotiate will lead to a shift away from the language of terrorism in news reports toward the language of rebellion and insurgency.*

3 Research Design

The goal of my research design is to analyze shifts in language in domestic and international news reports from the "terrorist" frame prior to negotiations to the less politically charged "insurgent" frame after negotiations. Below, I describe my case selection, data, and model specifications.

3.1 Case Selection

I test my hypothesis using a paired comparison of the Revolutionary Armed Forces of Colombia (FARC) and the Shining Path (*Sendero Luminoso*, henceforth SL). Both organizations perpetrated spates of violence in South America throughout the 1980s and 1990s (and in the case of the FARC, almost to the present day) under the banner of communist causes (Marxism/Leninism for the FARC and Maoism for SL), but their experiences vis-à-vis the state diverged considerably. Since its formation in 1964, the FARC has engaged in at least three rounds of public[9] negotiations with the Colombian government, allowing me to analyze if the hypothesized dynamics of language use surrounding negotiations hold across multiple encounters between the same actors, as well as whether the legitimating effects of negotiation taper off over time. By contrast, the Peruvian state flat-out refused to negotiate with SL from its inception in 1980 to the capture of its leader, Abimeal Guzman, in September 1992.

Accordingly, the FARC and SL constitute two comparable guerrilla movements frequently called "terrorist" by their respective states and the international community.[10] By examining them side by side, I am better able to isolate the effects of *negotiations* as a legitimating factor: if we observe similar patterns of language change over time in both cases, then we should be skeptical of the role of negotiations in driving any sort of state legitimation.

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[9]It is likely that negotiations also occurred clandestinely. Indeed, secret negotiations with terrorists are quite common, especially when the state is concerned with the costs of appearing to entertain the claims of brutally violent actors. Given the unobservable nature of such negotiations, I cannot address them here, but I would expect negotiations occurring outside of the public eye to have no effect on the legitimation of terrorists.

[10]The United States, Canada, and the European Union all designate both the FARC and SL as foreign terrorist organizations.

3.2   Data

I collect English-language news articles from LexisNexis covering the FARC from 1980 to 2017 and covering SL from 1980 to 2000. Articles in my sample are a mixture of international news coverage, wire reports, and local English-language sources. Thus, my sample better captures international attitudes toward the FARC and SL than local ones. Measuring domestic sentiment more precisely would require native-language sources; future research should compare native- and foreign-language sources to assess any differential effects in legitimation across the domestic state and third-party actors.

I use 1980 as a common starting point because it is two years before the first recorded instance of negotiations with the FARC (in 1982) and is the first year of SL's existence. Using machine learning, I then record the monthly frequency of mentions per 100 articles of "terror-", "insurg-", "guerrilla-", and other terms referencing FARC and SL belligerents.[11] For this paper, I only compare the use of "terror-" and "insurg-". The former term is politically and normatively charged; the latter is comparatively neutral. I contend that, as organizations gain legitimacy from the state, they should be referred to less frequently as "terrorists".

Table 1 presents descriptive statistics of the resulting dataset.

	Colombia	**Peru**
Total months	456	252
Total articles	24,287	4,834
Average articles per month	53.26	19.18
Maximum articles per month	872 (Oct. 2016)	196 (Sept. 1992)
Number of months with no articles	64	25

Table 1: descriptive statistics

3.3   Models

The frequency with which belligerents are referred to as "terrorists", "insurgents", or some other term at time t is likely dependent on the frequency of such references at

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[11]These counts likely contain numerous false positives: for example, my sample includes news roundups and other articles that refer to multiple armed conflicts, and so I am capturing language used to describe other cases as well as Colombia and Peru. More data cleaning is needed to remove these false positives, and so the counts reported here should be considered overestimates.
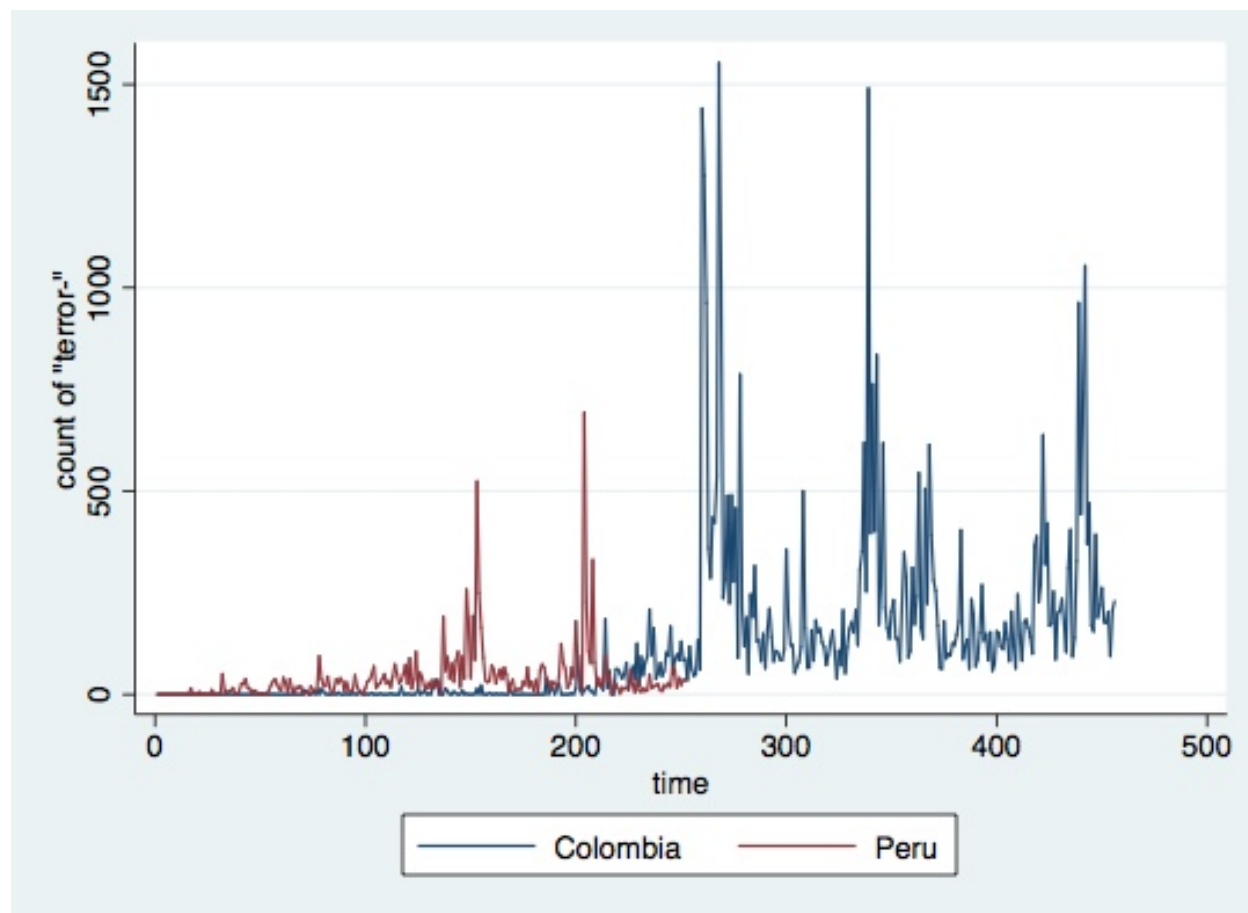
Figure 1: frequency of the "terror-" string in sample articles about the FARC (blue line) and SL (red line). The SL series stops after 2000.

time $t - 1$, to say nothing of older time periods, suggesting an application for time series modeling. I build four univariate ARMA models: two for mentions of the string "terror-" in articles about the FARC and SL, and two for mentions of the string "insurg-" in articles about the FARC and SL.[12] The models take the following general form, where a_t is a white noise term with mean 0 and variance σ^2:

$$y_t = \phi_1 y_{t-1} + \phi_1 y_{t-2} + a_t \tag{1}$$

ACF and PACF plots suggest that all four models exhibit AR(2) processes (see appendix), which was further confirmed by comparing the Bayesian Information Criterion (BIC) for 2- and 3-lag models, hence the inclusion of two lags here.

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[12]To control for differences in general news media output over time, I ran additional models using counts of terms per 100 articles rather than simply raw counts. The results were unchanged and so are not reported.
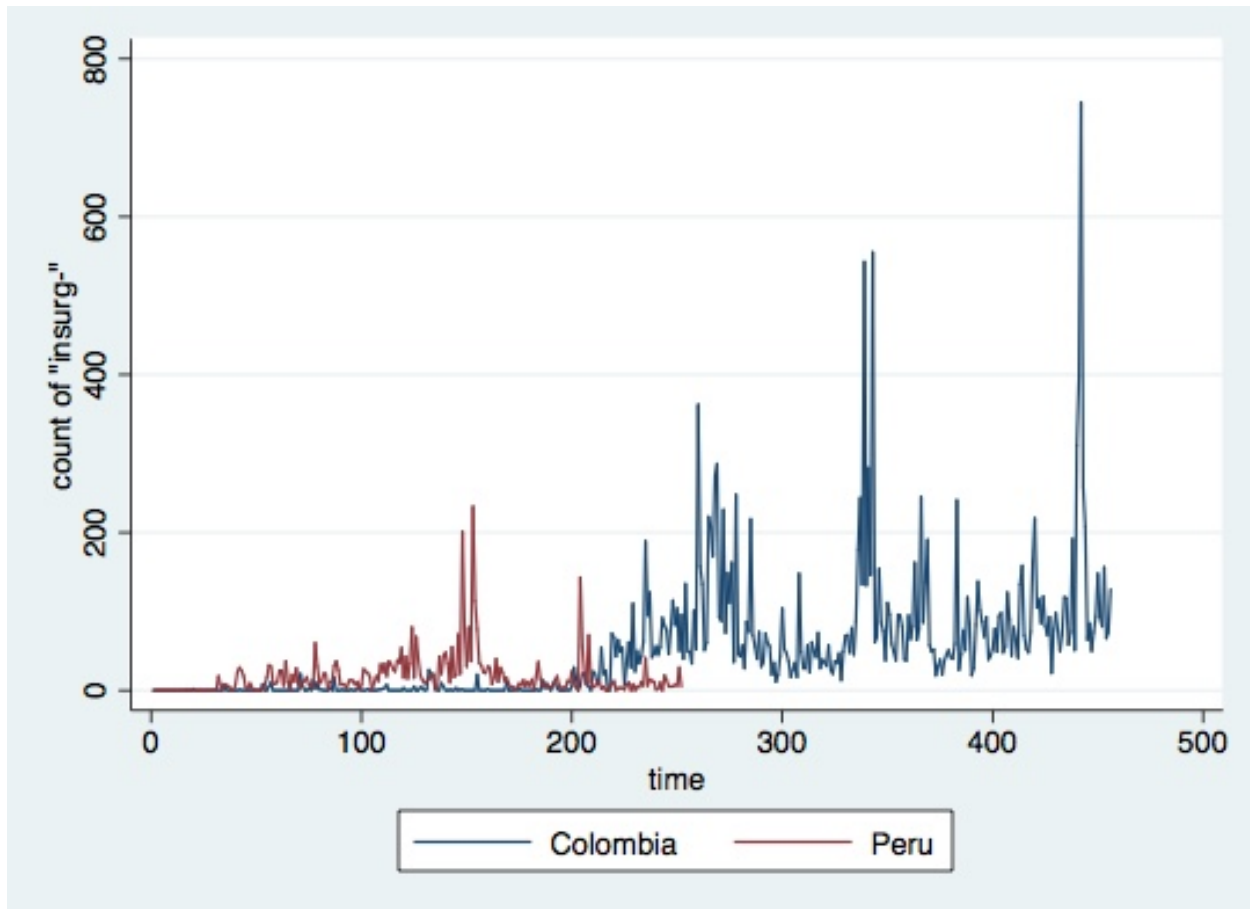
Figure 2: frequency of the "insurg-" string in sample articles about the FARC (blue line) and SL (red line). The SL series stops after 2000.

Dickey-Fuller tests showed no nonstationarity in the data, and so they were not differenced.

After fitting these basic models, I then introduce the effect of negotiations in the form of intervention effects in the data. In essence, I hypothesize that negotiations function as shocks, creating some change in the data-generating process that either temporarily or permanently changes the frequency with which newspapers use various terms to refer to belligerents. As a first cut, I treat the intervention effects as abrupt and permanent here, although it is also possible that negotiations have a more gradual legitimating effect; future models will test this scenario as well.

For Colombia, I test the following shocks:

- **1982**: the first documented round of negotiations between the FARC and the Colombian state

- **October 1999**: the start of another round of negotiations, this time following massive public protests

- **April 2011**: the FARC reach out to President Santos for exploratory talks; these were not public knowledge at the time

- **September 2012**: the peace talks become public

While I theorize that it is the *invitation* to negotiate that does the work of legitimation, I also test shocks marking the unexpected cessation of a round of negotiations to see if the effects of legitimation either taper off or are undone when one side leaves the bargaining table. For Colombia, the relevant time points are February 2002 and November 2014.[13]

As mentioned, the Peruvian government never negotiated with SL. Still, I might expect language surrounding SL to change due to another type of event—namely, the capture of SL founder and leader Abimeal Guzman in September 1992. Guzman's arrest decimated SL, and many considered the organization effectively defeated, though it would splinter and remain active, albeit at a much lower level of intensity. As such, I test September 1992 as another shock that may have affected domestic and international perceptions of the legitimacy of SL.

4   Results

Coefficients and standard errors from the base ARMA models are reported in the appendix. Here, I concentrate on results of the intervention analysis—in other words, how the "shock" of an instance of negotiations does or does not legitimize an organization using terrorism.

Table 2 reports coefficients and *p*-values for the four instances of negotiations in the dataset and two instances of negotiation failure. In three rounds of peace talks, there is either no or only a marginally significant ($p < .1$) positive change in references to "terrorists", "terrorism", and the like, providing support for H_1. Interestingly, negotiations beginning in October 1999 appear to have had the opposite effect, followed as they were by an *increase* in usage of "terrorist" and related words. While it is difficult to draw firm conclusions from a univariate model, it is possible that several major protests preceding the October 1999 talks drew international attention to FARC

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[13]In November 2014, talks were suspended after FARC rebels kidnapped an army general. Talks resumed in December 2014 after the general's release was negotiated.

	"Terror-"	"Insurg-"
1982	+	+
Oct. 1999	+**	+***
Feb. 2002	+***	+***
April 2011	+	+***
Sept. 2012	+*	+***
Nov. 2014	+**	+***

Table 2: coefficients and *p*-values for shocks in an AR(2) model for Colombia. The plus signs represent positive coefficients; one star indicates $p < .1$, two indicate $p < .05$, and so on. Dates in italics are instances of negotiation *failure*: talks were suspended after FARC militants kidnapped the president (in 2002) or an army general (in 2014). The theory would predict that instances of "terror-" would decrease, or at least not change, following an instance of negotiations, whereas instances of "insurg-" would increase.

activities (and atrocities) and led to a more negative framing by international leaders and the media.

On the "insurgent" side, usage of the term increased following every instance of negotiations save 1982, providing further support for H_1. This result should be taken with a grain of salt, however, as usage of "insurgent" (and "terrorist", for that matter) also increased following the two instances of *failed* negotiations (February 2002 and November 2014, italicized in the table). Indeed, it appears that both the onset of negotiations and their breakdown are followed by increased usage of both the "terror-" and "insurg-" frames.[14] Thus, a major event such as negotiations might simply attract more attention across the board, and my models may be picking up on higher levels of coverage as opposed to legitimation.

Intervention analysis from Peru seem to support this notion. To test whether another type of major event would engender a similar spike in the usage of both "terror-" and "insurg-", I introduced a shock in September 1992, when SL leader Abimeal Guzman was captured. This shock was positive and highly significant ($p < .01$) across the board. While my theory does not exclude consideration of alternative mechanisms through which either legitimation or language change more generally may occur, more analysis is needed to examine whether negotiations have a *unique* effect—and, moreover, whether

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[14]I also have data on counts of "extremi-", "guerrilla-", and "militan-"; future drafts will examine whether the same general patterns hold for these terms as well.

international media coverage is an appropriate measure of that effect.

5   Discussion

The models presented above provide suggestive evidence of the role of negotiations in legitimating organizations using terrorism in the eyes of both domestic and international state actors. Still, work remains to be done, both theoretically and methodologically. Here, I outline alternative explanations that could be driving observed shifts in language theorized to be the result of legitimation. Finally, I consider supplemental and alternative research methods that could perhaps clarify both central assumptions of my theory and the mechanisms behind any results that I find.

Despite the central role that the international media plays in my research design, I have largely stripped it of agency. Yet the media is far from a neutral actor with respect to negotiations with nonstate belligerents, especially when those negotiations occur in countries of particular interest to the United States and Europe. Even if news organizations do not actively try to influence the occurrence or outcome of negotiations, they give press to policymakers who do, thereby aiding in the construction of narratives that portray various organizations in ways amenable to policymakers' preferences. Ergo, it is highly possible that the causal arrow runs in the opposite direction of what I have theorized: media coverage may influence the content of negotiations, as opposed to negotiations influencing media coverage. Accounting for the *source* of endogeneity in my models, not simply the temporally dependent nature of language usage in general, must therefore be a priority going forward.

With respect to the models, two concerns remain. First, I have excluded consideration of covariates that could be driving changes in media coverage of organizations using terrorism. Foremost of these is the behavior of those organizations: switching to more brutal tactics, for example, or staging a particularly spectacular attack might lead news organizations (or at least the people they are quoting) to refer to actors as "terrorists" more frequently. Policymakers may also switch the language they use in election years if they think appearing tough on violence will sway voters. Accounting for attack patterns and electoral dynamics will allow me to better capture the full environment in which opinions about organizations using terrorism are shifting.

Second, journalistic conventions that govern how organizations are described tend to be formalized, sticky, and intentionally neutral (though this varies from source to source and country to country). It is therefore possible that the effects of negotiations are far more gradual than I have modeled them to be, and future specifications should account

for this possibility.

Further on the methodological side of things, I could also undertake considerable supplementary work to provide stronger evidence for the assumptions that underlie my theory and the causal process that it predicts. Given that this is a theory of bargaining, a strong argument exists for writing a formal model of negotiations between a state actor and an organization using terrorism. At the heart of my argument lies an assumption that the cost for the state of continuing to fight will often be higher than the the cost of negotiating, but it is not clear that this maps to reality: many states' insistence on not negotiating with terrorists (publicly, at least) would seem to indicate that states view negotiations as highly costly. Rather than assuming relative costs, I could instead make assumptions about preference hierarchies in a formal context and derive outcomes based on those preferences. My lack of knowledge of formal modeling and the already sprawling nature of this paper aside, this approach would constitute a stronger theoretical foundation for my claim that states sometimes prefer negotiating with terrorists to fighting with them despite the high costs of the former option.

Finally, a qualitative case study would allow me to better illustrate the mechanics of how negotiations afford legitimacy. My current research design cannot differentiate between legitimacy as an unintentional byproduct of negotiations and legitimacy as a desired outcome by organizations using terrorism (and an instrumental carrot offered by states). The distinction is subtle but important: if terrorists do not view negotiations as a source of legitimacy, then I cannot argue that legitimacy is what drives them to participate. Writings by terrorist leaders that discuss a desire for legitimacy, on the other hand, would support my theoretical assertion that terrorists want legitimacy and seek it at the bargaining table. In other words, such evidence would make my causal story one of interaction between agency and structural constraints rather than one of inadvertent side effects of a bargaining process for which neither actor has much enthusiasm.

6   Conclusion

This paper began with a puzzle: despite the potential risks and high costs of doing so, states and terrorists negotiate with relative frequency. Why? I set forth a theory that casts a previously overlooked normative outcome of negotiations—legitimacy—as instrumental, both for terrorists seeking to achieve political goals and for states seeking an end to violence. In order to be taken seriously by the state, organizations making claims thereon need power and the recognized authority, or legitimacy, to speak for some constituency. By inviting an organization using terrorism to the bargaining table, states

confer such legitimacy on that organization's claims and methods—and, paradoxically, provide a *nonviolent* method through which the organization can pursue its overarching objectives.

To probe the plausibility of my theory, I used machine learning to build a dataset of references in English-language news media to FARC and SL rebels in Colombia and Peru, respectively. I hypothesized that local-level negotiations would confer legitimacy at both the domestic and international level, manifested in shifts in media frames of nonstate belligerents from "terrorists" to "insurgents", and tested this idea using intervention analysis and time series regression. My findings suggest that negotiations do have a legitimating effect on nonstate belligerents, although not all negotiations, and other events (such as major arrests of organization leaders) may have similar effects in the absence of negotiations.

Even if its central claims do not play out empirically, my theory suggests several important reorientations for how we think about negotiations with nonstate actors and the interests of those actors generally. First, my argument serves as a reminder that organizations using terrorism, although constrained by structure, are not enslaved by it: like states, terrorists also operate as agents who evaluate their strategic environments and weigh the costs and benefits of certain actions. Although broadly consistent with rationalist approaches to terrorist activity, my approach has a second implication in that it emphasizes the *normative* content of the costs and benefits that terrorists weigh. Nonstate actors are often conceptualized as challenging or operating outside of the norms of international relations, but I suggest that these norms remain central in an environment where states still reign supreme. Ignoring those norms entirely is an inefficient and irrational strategy for organizations that, despite their desire for political change, still aim to operate according to generally accepted conventions about where political power comes from and how it can be used.

Finally, my theory proposes that legitimizing nonstate actors that use violence does not amount to handing those organizations a blank check to perpetrate more violent acts. Instead, inviting such actors to the bargaining table creates an avenue through which nonstate organizations, now properly legitimized, can pursue their political goals in a more efficacious manner. For states, therefore, negotiating may not be as costly as is commonly assumed. Rather, negotiations, even with terrorists, bring with them considerable potential to minimize violence going forward.

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8   Appendix: ARMA models

Table 3: **AR(2), counts of "terror-" and "insurg" strings per month in articles about the FARC**

	"Terror-"	"Insurg-"
constant	119.64**	49.16***
	(58.92)	(17.15)
first lag	0.453***	0.371***
	(0.023)	(0.018)
second lag	0.285***	0.370***
	(0.023)	(0.021)
Observations	456	456
Note:	*p<0.1; **p<0.05; ***p<0.01	

Table 4: **AR(2), counts of "terror-" and "insurg" strings per month in articles about Sendero Luminoso**

	"Terror-"	"Insurg-"
constant	38.35**	16.67***
	(17.71)	(6.33)
first lag	0.303***	0.315***
	(0.105)	(0.085)
second lag	0.178***	0.263***
	(0.054)	(0.047)
Observations	456	456
Note:	*p<0.1; **p<0.05; ***p<0.01	

9   Appendix: ACFs and PACFs

Bartlett's formula for MA(q) 95% confidence bands
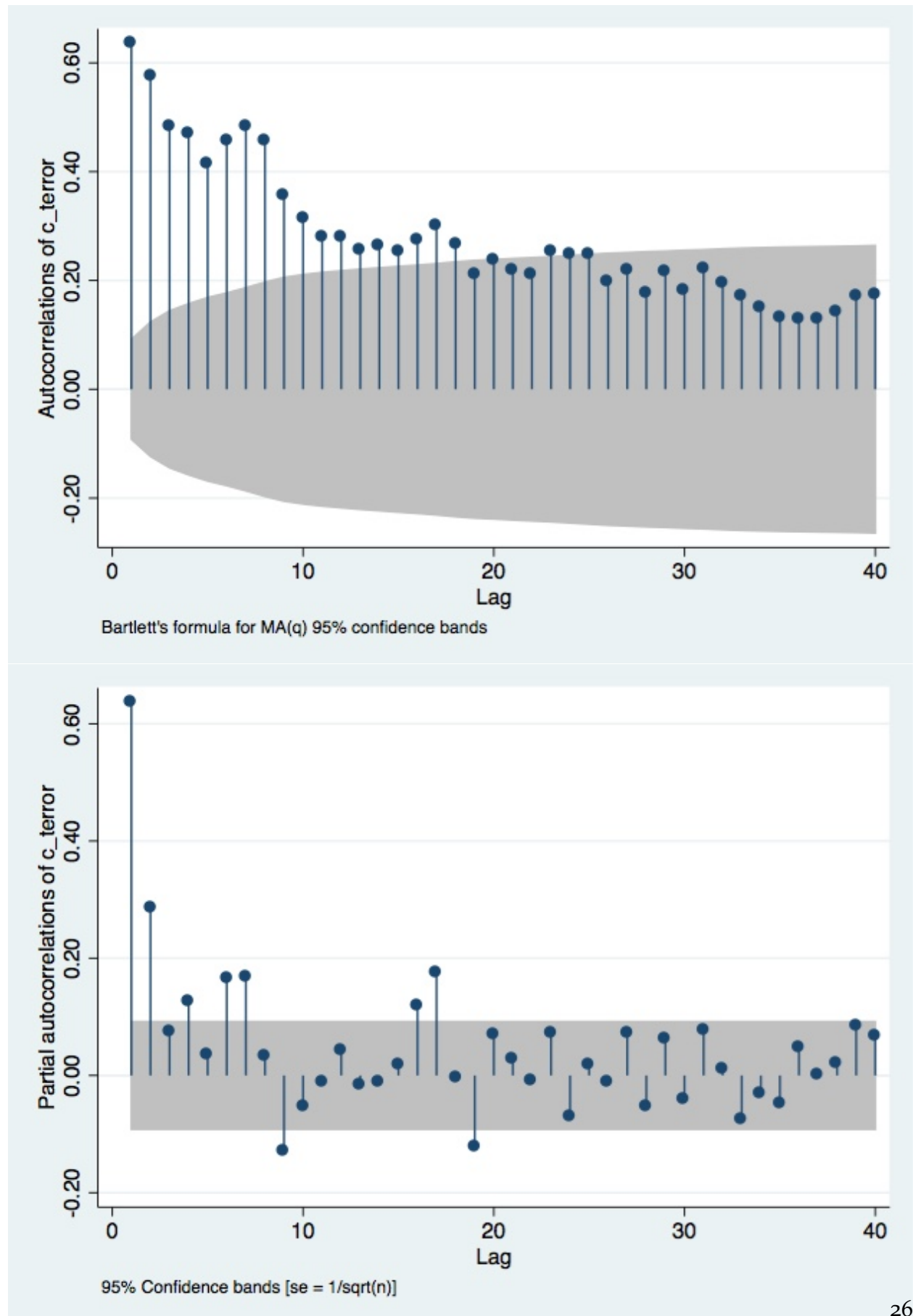
95% Confidence bands [se = 1/sqrt(n)]

Figure 3: autocorrelation and partial autocorrelation functions for the variable c_terror (how many times the string terror- appeared in the Colombian sample per month)
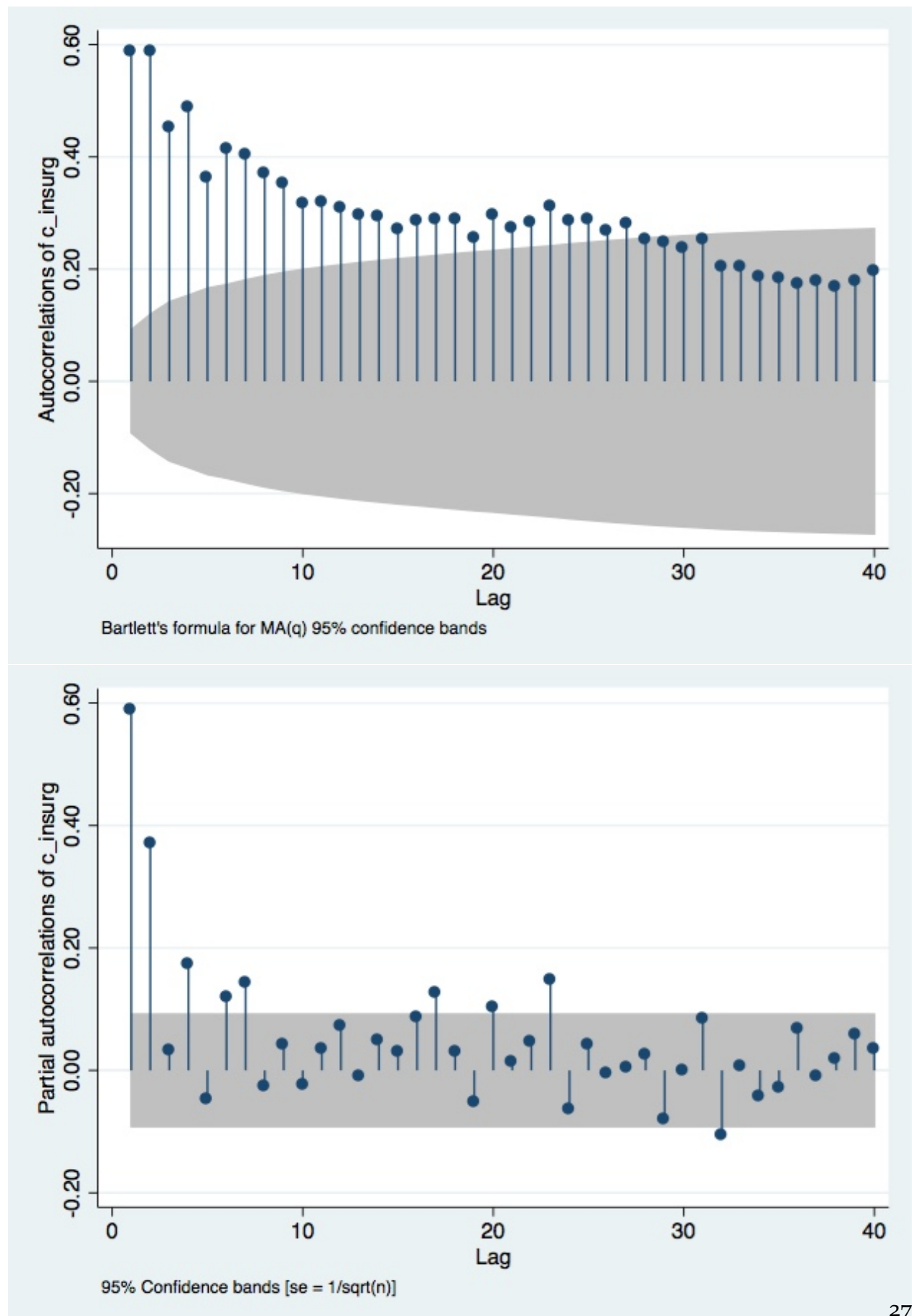
Figure 4: autocorrelation and partial autocorrelation functions for the variable c_insurg (how many times the string insurg- appeared in the Colombian sample per month)
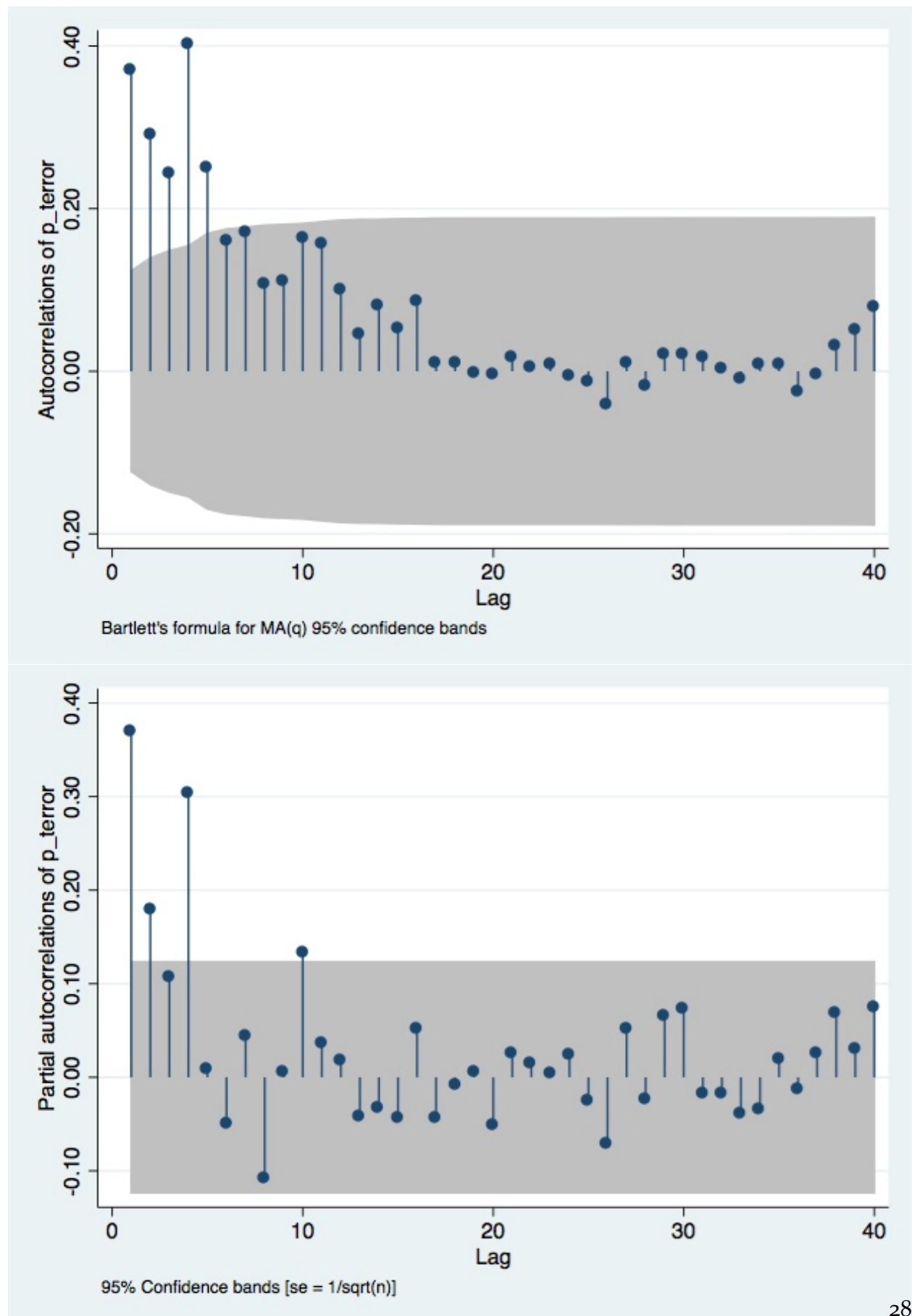
Figure 5: autocorrelation and partial autocorrelation functions for the variable p_terror (how many times the string terror- appeared in the Peruvian sample per month)
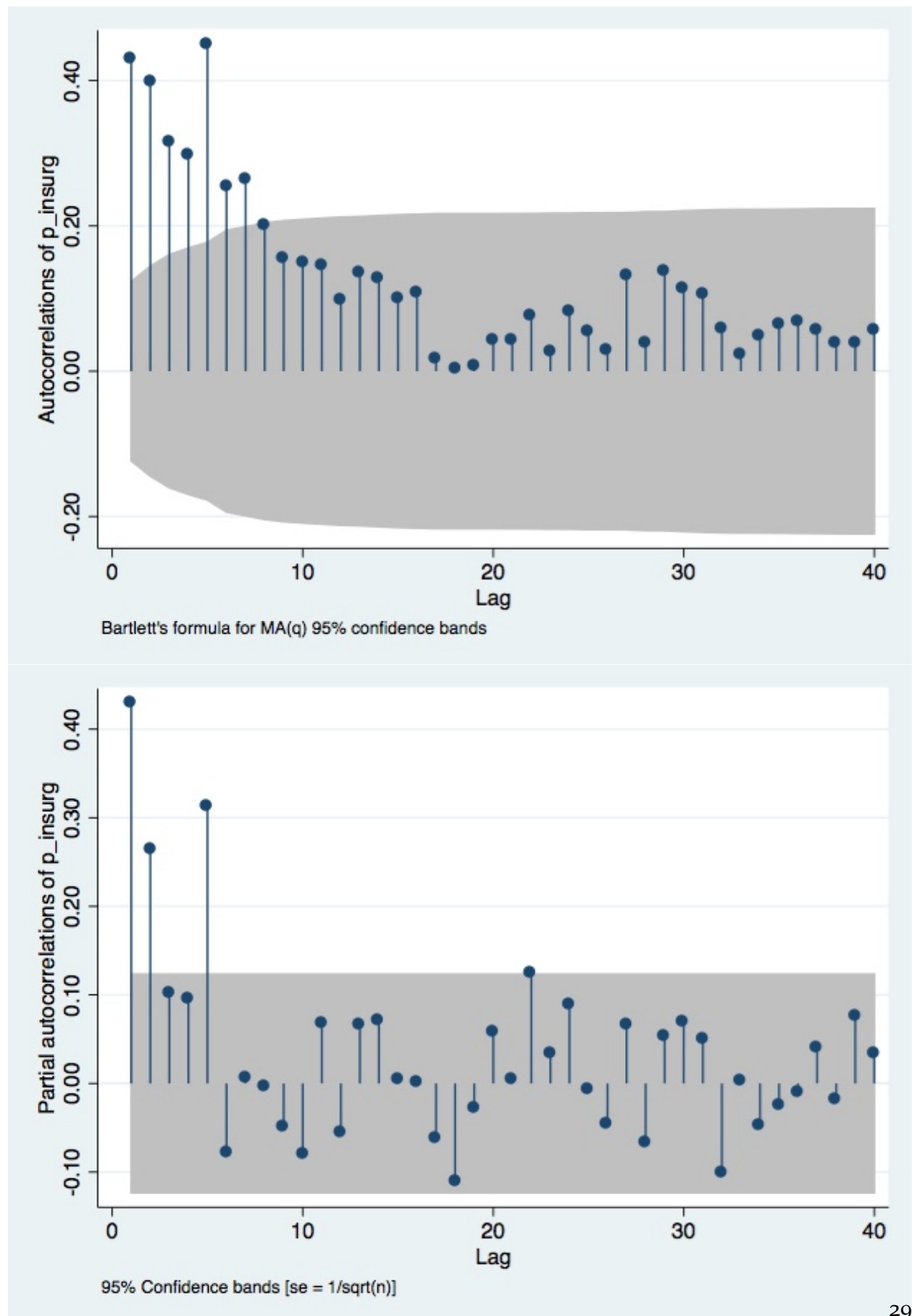
Figure 6: autocorrelation and partial autocorrelation functions for the variable p_insurg (how many times the string insurg- appeared in the Peruvian sample per month)