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## Political Legitimacy as a Personal and Intellectual Journey

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# Political Legitimacy as a Personal and Intellectual Journey

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## Abstract

The article highlights the intellectual path and the research agenda developed by the author over the years concerning the question of political legitimacy. The first section focuses on issues of legitimation in the context of Latin American authoritarian democracies. The second section of the article refers to political legitimacy as political responsibility in the context of legal and political theory. The third and last section addresses the relevance of political legitimacy at the international level, on which the research agenda of the author now concentrates.

**Keywords** Legitimacy · Latin America · Political responsibility · International legitimacy · United Nations

## 1 Introduction

In this article, I focus on what has been my interest and engagement in questions of political legitimacy over the years. As such, it is a sort of short intellectual biography. The article is organized into three parts. To begin with I stress how the issue of legitimacy has been one of my key intellectual concerns ever since I started to do research on politics, initially in the context of the study of political and legal regimes in Latin America. Then the article highlights my understanding of political legitimacy as political responsibility and what this means for the evaluation and judgment of politics. Finally I focus on how gradually, in particular in relation to my work with the United Nations, I got interested in the question of political legitimacy at the international level.

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## 2 Political Legitimacy and “Authoritarian Democracy”

I always have had an interest in questions of legitimacy and justice.<sup>1</sup> Over the years, while they have not been the only type of issues on which I have concentrated my efforts (Coicaud 2016),<sup>2</sup> they have certainly constituted one of the most constant threads of my research in politics, philosophy and law. A brief overview of what has been my intellectual trajectory so far sheds some light on this. Incidentally, by offering a short description of this intellectual trajectory I do not mean to indulge in some sort of sentimentality, or narcissism. I simply think that it is helpful to know how an author has over time come to focus on a set of issues and has developed a research agenda around them.

My first book, published in Paris in French, *L'introuvable démocratie autoritaire: Les dictatures du Cône sud: Uruguay, Chili, Argentine (1973–1982)* dealt with military dictatorships in the Latin American Southern Cone (Coicaud 1996).<sup>3</sup> It was an exploration of the ways through which authoritarian regimes in Chile, Argentina and Uruguay used various modalities of legitimation to make themselves acceptable and “presentable”, arguably more to the external world than to their own population (since they had a first-hand knowledge of them, people in Chile, Argentina and Uruguay tended to know the real nature of these regimes).

In the process, Latin American dictatorships called upon, among other things, legal and constitutional rhetoric and discourse to reject the idea that they were dictatorships and present themselves as a new and paradoxical type of political regime and democracy, as “authoritarian democracies”. Interestingly compared to other periods of authoritarianism, such as in 1930s Europe, these regimes presented themselves as regimes of transition, as provisional, principally meant to address situations of crisis through some “state of exception” which, once the crisis resolved, would end and allow a return to a more normal course of action and of political institutions.<sup>4</sup>

While the book focused on processes and modalities of legitimation, it did not address questions of legitimacy as well as ones of justice in a direct manner. It did not look into the conditions under which a political regime is legitimate, or not, and just or not, and to what extent. In other words, since the book did not look into the general conditions under which a political regime is legitimate or not, and just or not, but focused on specific case studies and adopted mainly a descriptive approach,

<sup>1</sup> At the most general level, legitimate political power is a political power that is seen as just, i.e., that takes into account the demands of justice (in a given social setting). Beyond this there is of course the need to examine what goes into justice.

<sup>2</sup> Having worked for the United Nations (UN) in the 1990s and 2000s I have also published on international organizations (the UN) and international law. The role of emotions and psychology in politics has been another interest of mine.

<sup>3</sup> The research and writing for the book took place in France in the 1980s, in the context of a doctoral dissertation under the supervision of the constitutional law scholar Maurice Duverger. A few years later I revised the dissertation and turned it into a book.

<sup>4</sup> In contrast the European authoritarian and even totalitarian regimes of the 1930s (like Nazism and Fascism) saw themselves as long-term enterprises, aiming at ruling their countries for as long as possible.

the normative dimensions of the question of legitimacy and justice remained in the background of the book. Another reason for not having questions of legitimacy addressed front and center in this book was their theoretical complexity. Although triggered and inspired by Jürgen Habermas's *Legitimation Crisis* (Habermas 2007),<sup>5</sup> *L'introuvable démocratie autoritaire* did not dare to address the complex philosophical and normative problems that Habermas started to touch upon in *Legitimation Crisis* (such as in Chapter 2 of part III, "The Relation of Practical Questions to Truth") and that, fully explored in his later work, would become the hallmark of his theoretical approach. At the time, I simply did not feel intellectually equipped enough to tackle these types of issues.

*L'introuvable démocratie autoritaire*, therefore, limited itself to combining a description and analysis of the legal mechanisms and discourses (in particular in the field of constitutional law) put forward by the military regimes of Chile, Argentina and Uruguay in the 1970s and 1980s, along with considerations of contemporary history and political science. Its main, and rather modest, objective was to offer a straightforward account of the modes of legitimation they mobilized to stabilize themselves.

Not surprisingly, once the book was finished, I quickly came to think that there was more, much more, to be done in the area of legitimacy. I felt that it was now important to explore the question of legitimacy, and of justice, per se, including the processes through which a political regime can claim to be legitimate and just, and to what extent. This led me to write a second doctoral dissertation, which eventually, once revised, led to the publication of a book, first in French<sup>6</sup> and later on in a variety of languages, including in English under the title *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* (Coicaud Coicaud 2002).<sup>7</sup>

### 3 Political Legitimacy as Political Responsibility

*Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* is a book of both legal and political theory, as well as one of history of political ideas organized around issues of legitimacy. Among others, it attempts to answer the following four related sets of questions:

1. What exactly is political legitimacy as a figure of justice? That is: What kind of evaluation and ultimately, judgement does it constitute on the nature, exercise

<sup>5</sup> The first English version of the book was published in 1976, following the initial German version, published in 1973. At the time I used the French translation of the book, Jürgen Habermas, *Raison et légitimité: Problèmes de légitimation dans le capitalisme avancé* (Paris, France, Payot, translated by Jean Lacoste, 1978).

<sup>6</sup> The book was first published in Paris under the title *Légitimité et Politique: Contribution à l'étude du droit et de la responsabilité politiques*.

<sup>7</sup> The book was published in Chinese under the title *héfǎxìng yú zhèngzhì* (合法性与政治) (Beijing, zhōngyāng biānyì chūbǎnshè, 2002).

- and outcome of political power? What are the conditions of possibility of a valid evaluation and judgement of legitimacy, and illegitimacy? What are the conditions for such evaluation and judgement of politics to be valid? What does enter into the evaluation and judgement of political power (see core values that serve as reference and the extent to which they are realized and shape the identity and organization of society and politics, and policies in society).
2. How is the issue of political legitimacy positioned in the various academic fields and their relations that are relevant for its study (philosophy, law, political science, sociology, history)? More specifically: How do the similarities and variations of analysis of politics from one field to another echo the various aspects and challenges of the problematic of legitimacy (for example, sociology and political science tend to argue about legitimacy in terms of perceptions and opinions; in contrast, philosophy tends to argue about political legitimacy in normative terms, i.e., in terms of values serving as foundations for evaluation and history; as for history, it is prone to highlight the various forms of political legitimacy across time and cultures)?
  3. How to characterize the centrality of the relationship between legitimacy and law, it being understood that law is a key expression and vector of legitimacy but that legitimacy is also bigger than law?
  4. What are the conditions of political legitimacy in the world in which we live today? That is, more precisely: If political legitimacy is a form of practical and political truth in a given society, how is it possible to pursue this truth, what is right, in the midst of a modern social reality which has among its defining features change and plurality? And hence, the following and complementary question: How and where to draw the line between the legitimate and the illegitimate, the just and the unjust in the context of change and plurality? Also: What is the “same” (or the “universal”) that is legitimate, and that is illegitimate? What is the “different” (or the “other”/diversity/plurality) that is legitimate, and that is illegitimate? Finally: How are these distinctions evolving over time?

To address these questions, or at least some of them, in the book I came to argue that political legitimacy concerns first and foremost the right to govern, the recognition of the right to govern. From this perspective, political legitimacy tries to offer a solution to a fundamental political problem, which consists in justifying simultaneously power and obedience. Offering a solution to this problem thus depends both on the right to govern and results therefrom, political obligation (Coicaud 2002).

More specifically, legitimacy, and the sense of political obligation that derives from it, is about the justification of and the consenting to the difference or inequality of power between governors and governed. This justification is to a large extent based on what the governors deliver for the governed. This amounts to the importance of governance’s performance, of achieving a sufficient threshold of realization of what is expected by the governed from the governors. This delivery of a good is itself connected with core values and needs and how these contribute to the definition of what is right and of the rights of the governed in a given society—it being understood that core values give to society and its people its identity. It is with them

that society and its members identify. It is in them that they recognize themselves.<sup>8</sup> Core values have also to be understood in relation with how the identity and level of development of society frame the sense of the possible (Coicaud 2002).

In *Legitimacy and Politics*, these considerations led me to stress the fact that while power is a central aspect of politics that cannot be eliminated, there are ways through which it is possible to make it viewed as acceptable, as legitimate and just. This is to say that that the book endorsed the idea of the unavoidability of power, of an inequality of power between the one who is in charge and the one who is led, but also adopted a critical approach to power—and this was based on the need for power to bring about positive results in the organization of society and relations among actors to enjoy a sense of legitimacy and justice.

At the time I developed this approach to power and legitimacy/justice (in the 1990s) it was somewhat at odds with the radical approach to politics and power that was in fashion in my home country, France. During this period scholars like Michel Foucault, Pierre Bourdieu and Jacques Derrida were dominant intellectual figures. Each of them had built an extensive body of work, with a scope and sophistication that make it difficult to summarize accurately and fairly here.<sup>9</sup> Still, a common feature of their work was that, each in their own way, they were prone to see no redeeming qualities in power. Moreover, they did not seem to think either that power could and should be redeemed.<sup>10</sup> They tended to view power as essentially bad and affecting values negatively, even and especially the most fundamental among them (such as justice, legitimacy and truth), and the norms and practices associated with them (Bourdieu 1986; Coicaud 2002: 50–52). By and large, the mere existence of a connection between values, particularly the most important of them (like truth, legitimacy and justice), and power (and this connection always exists<sup>11</sup>), and the way in which this connection contributes to the structuration of reality (social, political, economic, etc. reality), was enough in their mind to lead to undermining the credibility and validity of these values.

In contrast, it seemed to me that, for all their intellectual brilliance and the penetrating character of their radical critic of the reality of power in its various forms, they adopted a rather one-sided approach to politics. In the process, they disqualified the problematic of political legitimacy by reducing it to an analysis of the modes of legitimation of power empty of normative validity. Conjointly, with these authors, the normative foundations of their criticism of social and political reality became some sort of a black box, so to speak, on which they did not have much to say and

<sup>8</sup> This brief analysis of political legitimacy of course does not contain all there is to say on the matter, especially concerning values with which people identify.

<sup>9</sup> It should be noted that the publication, after his death, of Michel Foucault's lectures at the Collège de France opened new perspectives on his work.

<sup>10</sup> For instance, Foucault favored a negative view of power as disciplining and as turning individuals into subjects.

<sup>11</sup> Any system of truth and justice, while transcending power (this is why it can be called a system of truth and justice) nevertheless relies in part on power, on a situation and exercise of power. In this state of affairs (the imperative to transcend power and the dependence on power) resides the challenging predicament of legitimacy and justice vis-à-vis power.

could not say much (Habermas 1987; Coicaud 2002: 178–179). Furthermore, they did not offer clear indications or guidelines (beyond arguing that critical deconstruction was part of the process of constructing a better world) on how it could be possible to reconstruct a better world than the one they were deconstructing. In essence, their readers were left with very few clues, and more or less guessing and imagining how, once deconstructed, social reality could be reconstructed in a more satisfactory fashion.

Against this intellectual background, although I myself of course am not an unconditional fan of power, let alone of unconditional power, and I am sympathetic to and recognize the high value of a critical approach to power, my thinking at the time—and this remains the case—was that life in society cannot do without the organization of this society through mechanisms of power, and laws (whatever the form these laws take), and that therefore, compared to these somewhat radical thinkers, a more “middle of the road” approach to politics was necessary and had to be explored. Ultimately, I felt—and this remains also the case today—that it is perhaps more fruitful, intellectually and politically, to focus on the conditions under which power, and law, can be legitimate and just. The book *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility* has been my initial contribution to this approach.

The fact that I did the bulk of the research and the writing for this book (throughout the late 1980s and the early 1990s) in Cambridge, Massachusetts, proved to be a good location for the project. As a young scholar at Harvard University, affiliated with the Department of Philosophy, the Law School and the Center for International Affairs,<sup>12</sup> I had the opportunity to learn from and reflect on the work<sup>13</sup> that was being done at the time at Harvard in my areas of interest by academics with very different views, such as, in philosophy, John Rawls (Rawls 2005; 2001), Robert Nozick (Nozick 1999), and Hilary Putnam (Putnam 2004, 1992, 1981); in law, Roberto Mangabeira Unger (Unger 1987); in political science, Robert Putnam; in economics, Amartya Sen (1991) who at the time was co-teaching a course with John Rawls; and in international relations, Samuel P. Huntington (Huntington 2011), Stanley Hoffman (Hoffman 1987), Robert O. Keohane (Keohane 1984) and Joseph S. Nye (Nye 1991).

Although these scholars were of course aware of the importance of the question of political legitimacy and touched upon it in their work, it was not an issue that was really at the center of their intellectual preoccupations. It was not by focusing primarily on this notion that they were developing their research agendas in the fields of political (and moral) philosophy, law and political theory, economics and international relations. This situation very much echoed their anchoring in the Anglo-American intellectual traditions of thinking and writing about political and legal issues (Unger 1977, 2015).<sup>14</sup>

<sup>12</sup> It is now called the Weatherhead Center for International Affairs.

<sup>13</sup> I list below some of the books by the scholars that I read at the time.

<sup>14</sup> Roberto Mangabeira Unger was an exception in this as he mobilizes both, perhaps because of his Brazilian background, the European continental and Anglo-American intellectual traditions, as illustrated

Indeed, that it is much more in the context of European continental political and legal philosophy and theory (in particular with Max Weber and later on Jürgen Habermas) that political legitimacy has been a central concern. In the United States, political legitimacy has been less of a topic of study. A variety of factors may help understand this state of affairs. Many of them amount to denying to the state the type of centrality that it has in Western continental Europe, and the way this centrality has shaped the political and legal culture in the region and the challenges mounted against it (Cohen-Tanugi 1985).<sup>15</sup> Five factors, and their complementary relations, in particular, can be seen as somewhat contributing to sidelining issues of legitimacy in the US context.

1. By stressing its exceptionalism (Bercovitch 1978)<sup>16</sup> and being very effective at mythologizing itself, at presenting itself as the land of utopia, freedom and opportunity by excellence, as its own utopia (see the notions of manifest destiny and American dream), America has managed to not only naturalize itself<sup>17</sup> but also, in a way, to super-naturalize itself so that it is very difficult to question the overall legitimacy of its political system and make an issue of it. The fact that the United States tends to be self-assured, optimistic and not doubtful about itself is part of this story.<sup>18</sup> As a result, because its conditions of creation (as a new country) and existence, values and ambitions as a nation are themselves somewhat revolutionary, America is not in need of political radicalism and revolution that could challenge the system the way it does in a political context that is situated in a long and continuing history (Sombart 1976).<sup>19</sup> It is largely from this perspective that

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Footnote 14 (continued)

in his analysis of law, for instance in the context of critical legal studies. Refer to Roberto Mangabeira Unger, *Law in Modern Society* and *The Critical Legal Studies Movement: Another Time, a Greater Task*.

<sup>15</sup> In continental Europe a number of societies can be described as state-dominated societies, in which the state plays a leading role in running society and the country. Such centrality of the state also facilitates the possibility of a radical political challenge: the state and its institutions and personnel are seen as clear and visible targets, making it easier to act against them. This has certainly been the case in France, at different moments of its history. This state-dominated societal feature is, each time in specific conditions, also at work in other parts of the world, like in Russia, China, or Japan, also at different moments of their history. This is in contrast with what we could call a society-dominated society, where the actors of society (like individuals and the private sector) are meant to be the main engines of society and where public institutions, despite at times having influence and power, are not seen as central. For an interesting comparison of France and the United States on this type of issue, consult Laurent Cohen-Tanugi., *Le droit sans l'Etat: Sur la démocratie en France et en Amérique*.

<sup>16</sup> Think for example about how the 1630 John Winthrop's expression of "city upon a hill" expresses the religiously charged idea that informed the foundation of America and that continues to be at work in the self-understanding of the country to the present day. For, in the early period of the history of modern America, an analysis of the Puritan contribution to this process and its impact on the United States' identity and culture, consult Sacvan Bercovitch, *The American Jeremiad*.

<sup>17</sup> Effective legitimacy is in part a result of naturalization. It leads to a political situation or a political regime being seen as "natural", as a given.

<sup>18</sup> Which, incidentally, makes it also not very self-reflective, let alone critically self-reflective.

<sup>19</sup> On this specific point, German economist and sociologist Werner Sombart's book, *Why is there no Socialism in the United States?*, written in the early years of the twentieth century, is still an interesting and useful read on the United States..

- the worshiped status and iconic place that the US Constitution occupies in the collective and individual psyche of the country has to be understood.
2. Although, from a general standpoint, the American public sector can be extremely powerful, it does not enjoy a central philosophical and political legitimacy. Its legitimacy is by principle weaker than in state-dominated societies, for example in France, where much derives from the state. This is one of the key aspects of liberalism. Hence the fact that in the United States the notion of “state” is ambiguous and by and large under-used.<sup>20</sup>
  3. As a land of immigrants, the United States and its political system have benefited from the fact that immigrants, at least the first generation, have a sentiment of gratitude for the country that has made room for them. These immigrants are, therefore, not inclined to rock the “American boat” and tend to experience a positive comparison with their country of origin—their country of origin which they had to leave for instance because living conditions and opportunities were for them fewer or even non-existent, and for which their feelings tend to often be a mixture of nostalgia and resentment. In other words, the psychology and emotions of immigration are another factor that plays in favor of political legitimacy in the United States and the overlooking of its importance in political life.
  4. The self-help and individual philosophy at work in the United States also have the effect of diminishing the demands and pressures on public institutions, in the process lowering the threshold for the need of public institutions (and public goods) to satisfy people’s expectations to claims of political legitimacy on the part of the power holders.
  5. All these elements favor the lightest possible burden on the American political system and encourage the status quo, so that in the midst of and despite the fundamental depoliticization and, arguably, conservatism of U.S. political life, power holders can claim that basically all is fine and that progress is being made.<sup>21</sup> There is little place and perhaps even no place at all for imagining or wanting a possible alternative to what exists.

That said, if the American academic agenda of legal and political research does not accord the question of political legitimacy the type of centrality that exists in the European context, the academic enquiries pursued at the time by these Harvard scholars on issues of justice, power, law, values and others, especially in the fields of political and moral philosophy, law and international relations remained relevant enough to my research on legitimacy to make their work very useful for my own thinking, and made Cambridge a good place to do research and write on political

<sup>20</sup> American political and legal philosophy does not refer to an “American State” the way French political and legal philosophy refers to the “French State”.

<sup>21</sup> If all had been fine, Donald Trump would not had been elected president of the United States in the Fall of 2016. His election is in a significant manner the product of the pathologies at work in the American political system as well of the neo-liberal policies of the past 30 years or so, of by and large both, with some differences, the Republicans and the Democrats. The fact that poverty is not really discussed in American politics (in a way it has no legitimacy. Basically, the thinking is: If people are poor, it is their own fault), is part of this story.

legitimacy.<sup>22</sup> That was very much the case with Roberto Mangabeira Unger, the work of whom I had probably the most intellectual affinities with. That was the case as well of John Rawls (and beyond Cambridge, at New York University, in New York City, of Ronald Dworkin), whose masterful work on justice, while not explicitly related to questions of legitimacy, is of course essential and very helpful for thinking about them. On the other hand, the political science and international relations specialists at work in Cambridge in the years I studied there proved to have a lesser influence on my work. That was because *Legitimacy and Politics* is not really aligned with the traditional focus of American mainstream political science on positivist and empirical approaches, and its unwillingness to adopt normative approaches, which it leaves to political theory and philosophy.<sup>23</sup> As for the minimal impact of Cambridge international relations specialists on the book, it is not only the result of the fact that *Legitimacy and Politics* ventured minimally into exploring the nature and dynamics of legitimacy at the international level. It is also because at the time, in addition to endorsing more or less the traits of political science, US international relations specialists were inclined not to assess very critically the international system as underwritten by the United States, let alone US foreign policy.<sup>24</sup>

#### 4 The Question of Political Legitimacy in the International Context

When I embarked on researching and writing *Legitimacy and Politics*, my professional plan was, once the project was finished, to return to France and take an academic position. Before I was able to do so I was approached by the French foreign Service, for which I had been working a few years before, in Houston, Texas, which mentioned the possibility of serving as a junior speechwriter in the Executive Office of the United Nations Secretary-General, in the speechwriting unit of the newly elected Boutros Boutros-Ghali.<sup>25</sup> Having no better job offer, and under the insistent, and wise, advice of my father, I took the position. For sure, this opened possibilities of going beyond my professional comfort zone and learning about issues that it would have been difficult to be exposed to had I stick to embracing a conventional and mainstream academic career, in Europe or in the United States.<sup>26</sup> Moreover, this

<sup>22</sup> Differences of approach can also help thinking on an issue.

<sup>23</sup> One could argue that one of the elements that distinguished political science from (political) philosophy is that political science assumes that we all know what the major concepts of life in society (like justice, legitimacy, power, etc.) mean, while philosophy never ceases to speculate about their nature and meaning. This characteristic of philosophy may at times lead it to look like a form of intellectual neurosis. But it is also one of the sources of its intellectual added-value and fecundity.

<sup>24</sup> There is much “intellectual ideology” in the discipline of international relations in the United States. More often than not it is more about endorsing American views and practices on and in the world than about analyzing them critically. Stanly Hoffman was here somewhat of an exception.

<sup>25</sup> Boutros Boutros-Ghali served as United Nations Secretary-General from early 1992 to the end of 1996. It is during these four years that I worked in his cabinet.

<sup>26</sup> In France, universities are notoriously insular. To some extent this echoes the insularity of other sectors of society, with which universities could partner for their mutual benefit, like the public administration. Consequently, the global outlook of some of its scholars is probably more the product of their own personal curiosity and adventurous spirit than of an institutional design. As for American universities, if

pushed my interests and research on political legitimacy in the international direction, toward international law, international organizations, international relations and, later on, the plurality of cultures.

At the time I joined the speechwriting team of the United Nations Secretary-General I knew little about international relations, international law and the United Nations (UN). As alluded to above, none of these fields had been my areas of specialization.<sup>27</sup> From this perspective, needless to say, working for Dr. Boutros-Boutros-Ghali was a great learning experience, in fact a real master class on global politics. Not only did serving in his cabinet, attending as a note-taker<sup>28</sup> some of the meetings he had with heads of states, ministers, ambassadors, senior officials from international organizations, constitute a formidable post of observation on the political leaders of the period, but it was also an unparalleled introduction to international issues of perennial importance as well as those specific to the 1990s. This included a myriad of related questions of political legitimacy internationally, in particular in relation to principles, values and law (normative and legal foundations for action), to actors and institutions (and the legitimacy of the respective actors and institutions, in themselves and toward another), and to policies (legitimate or illegitimate, right or wrong course of action).

Questions of political legitimacy related to principles, values and law arose for instance in relation with matters of national sovereignty and human rights, or of national interest and human rights, be it in the context of humanitarian interventions (Somalia, Bosnia, Kosovo, just to name a few cases) or of genocide (Rwanda). Issues connected with actors and institutions were another area in which problems of political legitimacy were not in short supply. That was the case concerning the relations between the political legitimacy of member states and that of the United Nations. For example, all too often, far from being compatible and convergent, member states and the UN were in competition and even at times in conflict. Within the United Nations, in terms of its organs, the relations between the UN Security Council and the General Assembly also displayed significant problems of political legitimacy, such as those concerning representation and decision making. Not surprisingly, policies initiated by the United Nations and member states also generated

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Footnote 26 (continued)

they are probably the most international and internationalized there is, they still remain somewhat provincial, even if this provincialism can present itself as global due to what has been in the past decades the hegemonic position of the United States and its various institutions, including institutions of knowledge. Among other things, this shows that the organization of teaching and research is not always a guarantee of open and forward-looking knowledge.

<sup>27</sup> Dominique Moïsi, a well-known French specialist of international relations, had the generosity to recommend me for an Arthur Sachs fellowship at Harvard University and while in Cambridge I interacted with Stanley Hoffman, from the Center for European Studies (now Minda de Gunzburg Center for European Studies), Samuel Huntington and Robert Keohane, from the Center for International Affairs. But at the time international issues, including international law and the United Nations, were not among my domains of interest.

<sup>28</sup> As a junior speechwriter part of my responsibilities entailed covering some of the meetings of the UN Secretary-General and drafting the reports of the meeting, which the Secretary-General would use for following-up meetings and the UN and his personal archives.

debates on political legitimacy. The tensions at work between the respect of national sovereignty and of human rights raised in particular significant issues of political legitimacy, related to the nature and evolution of national sovereignty as well as the respective importance of state sovereignty and human rights. Connected with this was the question of the use of force, itself related to matters of just war theory and the problems of legitimacy it poses. In this context, the intellectual, policy and political debates surrounding the reasons for launching the use of force and the modalities through which such use of force should be deployed in the framework of humanitarian crises and humanitarian interventions were on display.

Three books in particular and a variety of scholarly articles and book chapters focusing on matters of legitimacy internationally, especially in the context of multilateralism, grew out of this experience. In the first book, *Legitimacy of International Organizations* (Coicaud 2001), a co-edited volume, my contributing chapters analyzed questions of legitimacy in the context of UN peacekeeping operations and of international organizations, including the United Nations to begin with, as part of an evolving system of international legitimacy. A second book, *Beyond the National Interest: The Future of UN Peacekeeping and Multilateralism in an Era of U.S. Primacy* (Coicaud 2007, 2008),<sup>29</sup> is a single-authored volume that essentially covers my years at the United Nations under Dr. Boutros Boutros-Ghali. It focuses mainly on the convergences, tensions and dilemmas between national interest and human rights considerations, and explores what these mean for a sense of international solidarity and responsibility and, relatedly, for legitimacy and justice at the international level. In a third book, *Fault Lines of International Legitimacy* (Coicaud 2010), it is in particular in the chapter “Deconstructing International Legitimacy” that I try to make sense of the fundamental principles and their relations at the core of the sense of international legitimacy, as built, expressed and projected by international law and the United Nations.

After 4 years spent working in the Executive Office of the UN Secretary-General, I moved to Tokyo, Japan, where I spent over 6 years working with the United Nations University (UNU).<sup>30</sup> This stay contributed to an important part of my intellectual development, including as related to political legitimacy issues.

To begin with, the United Nations University functioned as a think-tank for the United Nations, and being more or less the only institution in the UN system where one can do research and write (this is one of the reasons why after having worked for the UN Secretary-General, I decided to take a position with UNU), I used my time there to work on the book projects mentioned above. The time for research and writing I was able to carve out for myself in Tokyo allowed me to start developing a scholarly and critically oriented analysis of the United Nations, much more than I

<sup>29</sup> This book is available in Chinese under the title *màixiàng guójì fǎzhì* (迈向国际法治) (Beijing, shēnghuó-dúshū-xīnzhī sānlíán shūdiàn, 2008).

<sup>30</sup> The United Nations University (UNU), headquartered in Tokyo, is a UN think-tank that has thematic research centers around the world. It focuses on issues of global security, development, and the environment.

was in position to do when as a UN staff member I was working for the UN Secretary-General and contributing to the drafting of his speeches.

In addition, and equally if not more importantly, my years in Tokyo helped me to become aware, much more than had been the case before, of the fact that the global vision put forward by the international system and its values, norms, laws, institutions and often policies, including in the context of the United Nations and international law, continues to amount to a Western and Western-centric vision of the world.<sup>31</sup> This realization made me think that there was for me a political, policy and intellectual need to reflect upon this situation and make it part of my research agenda (Coicaud 2019). In the process, I also came to realize that, as a speechwriter, in order to be able to craft a truly global voice for the UN secretary-General, it would have been better to not have been trained and have acquired professional experience exclusively in the West.

Needless to say, Japan is not the only place in the world where I could have come to these realizations. Spending lengthy periods of time in many other non-Western parts of the world would probably have had the same effect. But it happens that living in Tokyo for several years—a wonderful experience in of itself—was my first long-term experience of living in the non-Western world (Miyoshi 1991),<sup>32</sup> hence the fact this experience was for me a transformative one. It certainly led me to think that I had to go back to school, so to speak, and revise and improve my views on the global and diverse character of the world, and what this means for scholarship on international and global issues.

Japan was an odd place to experience this, for it is not a particularly open and global country. As a matter of fact, in many ways it is a rather close and insular country—a reality that perhaps contributes to explaining why it has never been fully at ease in the international arena, in which it projects itself as somewhat awkward and uncomfortable, and why although it has allies it has very few real international friends.<sup>33</sup> Still, because Japan is at the same time highly westernized and highly different, living there and reflecting on my previous experience at the United Nations in New York City led me to think that in order to be truly reflective of the diversity of the world and not generate the kind of resentment they are prone to creating in the non-West, the (Western) values, norms, regimes of law and institutions at the core of the international system could benefit from becoming more self-reflective and self-critical, and make more room for the diversity of the world to strengthen demands for universal legitimacy and justice at the international level. This is a direction of research that I have been exploring ever since and that in part inhabits and orients the book I am currently developing on *International Legitimacy and Global Justice*.

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<sup>31</sup> Illustrating this state of affairs is the fact that most UN organizations are headquartered in the West. The United Nations University, based in Japan, and the United Nations Environment Program (UNEP), headquartered in Nairobi, Kenya, are two exceptions.

<sup>32</sup> We can of course argue about the extent to which Japan is non-Western. More than perhaps any other country, Japan has an ambiguous relationship to the West.

<sup>33</sup> But after all, international competition being what it is, maybe it is the fate of all countries to have very few or even no real friends internationally, and only, at best, allies.

Following my years in Japan, the position I took back in New York with the United Nations University Office to the United Nations headquarters allowed me to start examining the question of international legitimacy in the context of global policy. As my professional responsibilities entailed bridging the UN and academia, I came to reflect, more than in the past, on the relationships between international organizations, the principles and values that underwrite them, and the possibility of global policy and the production of global public goods. It is this context that I came to contribute regularly to *Global Policy* (Coicaud and Tahri 2014; Coicaud and Zhang 2011).<sup>34</sup> Here, I have had tried to explore, among other things, ways through which better mechanisms and connections could be established between values and norms of global justice and reality.

In the 2010s, after I left the United Nations, the teaching responsibilities I have had in international law, international organizations and comparative law at Rutgers University School of Law, and the research periods I spent, more recently, in Taiwan, at the Institutum Iurisprudentiae of Academia Sinica (Taipei), and in China, at the Fudan Institute for Advanced Study in Social Sciences (Shanghai), have only encouraged me to think further on the question of legitimacy at the international level. In this regard, in addition to the perennial significance of political legitimacy, at the national and international levels, the changes under way are making questions of political legitimacy and the pursuit of a research agenda in this area all the more pressing.

## References

- Bercovitch, Sacvan. 1978. *The American Jeremiad*. Madison: The University of Wisconsin Press.
- Bourdieu, Pierre. 1986. La force du droit: Elements pour une sociologie du champ juridique. In *Actes de la Recherche en Sciences Sociales* (Paris, France, Minuit, No. 64, September 1986).
- Cohen-Tanugi, Laurent. 1985. *Le droit sans l'Etat: Sur la démocratie en France et en Amérique*. Paris: PUF.
- Coicaud, Jean-Marc. 2019. *Conversations on Justice from the National, International and global perspectives: Conversations with leading figures*. New York: Cambridge University Press. (co-edited with Lynette E. Sieger).
- Coicaud, Jean-Marc. 2016. *Emotions in international politics: Beyond mainstream international politics*. New York: Cambridge University Press. (co-edited with Ariffin, Yohan, Popovski, Vesselin).
- Coicaud, Jean-Marc and Ibrahim, Tahri. 2014. Nationally based data: challenges for global governance (and Global policy). *Global Policy* 5(2): 135–145.
- Coicaud (and Jin Zhang). 2011. The OECD as a global data collection and policy analysis organization: Some strengths and weaknesses. In: *Global policy* vol 2, issue 3. London: Wiley-Blackwell.
- Coicaud, Jean-Marc. 2010. *Fault lines of international legitimacy*. New York: Cambridge University Press. (co-edited with Hilary Charlesworth).
- Coicaud, Jean-Marc. 2007. *Beyond the national interest: The future of UN peacekeeping and multilateralism in an era of U.S. primacy*. Washington, DC: Institute of Peace Press. (This book is available in Chinese under the title màixiàng guójì fǎzhì (迈向国际法治) (Beijing, shēnghuó dúshū xīnzhī sānlíán shūdiàn, 2008)).
- Coicaud, Jean-Marc. 2002. *Legitimacy and politics: A contribution to the study of political right and political responsibility*. Cambridge: Cambridge University Press. (translated by David Ames Curtis)

<sup>34</sup> Globalpolicyjournal.com.

- (The book was published in Chinese under the title *héfǎxìng yú zhèngzhì* (合法性与政治) (Beijing, zhōngyāng biānyì chūbǎnshè, 2002)).
- Coicaud, Jean-Marc. 2001. *The legitimacy of international organizations*. Tokyo: The United Nations University Press. (co-edited with Veijo Heiskanen).
- Coicaud, Jean-Marc. 1997. *Légitimité et Politique: Contribution à l'étude du droit et de la responsabilité politiques*. Paris: PUF.
- Coicaud, Jean-Marc. 1996. *L'introuvable démocratie autoritaire: Les dictatures du Cône sud: Uruguay, Chili, Argentine (1973–1982)*. Paris: L'Harmattan.
- Habermas, Jürgen. 2007. *Legitimation crisis*. Cambridge: Polity Press. (translated by Thomas McCarthy).
- Habermas, Jürgen. 1987. *The philosophical discourse of modernity*. Cambridge: MIT Press. (translated by Frederick Lawrence).
- Habermas, Jürgen. 1978. *Raison et légitimité: Problèmes de légitimation dans le capitalisme avancé*. Paris: Payot. (translated by Jean Lacoste).
- Hoffman, Stanley. 1987. *Janus and minerva: Essays in the theory and practice of international politics*. Boulder: Westview Press.
- Huntington, Samuel P. 2011. *The clash of civilization and the remaking of world order*. New York: Simon and Schuster.
- Keohane, Robert O., and After Hegemony. 1984. *Cooperation and discord in the world political economy*. Princeton: Princeton University Press.
- Miyoshi, Masao, and Off Center. 1991. *Power and culture relations between Japan and the United States*. Cambridge: Harvard University Press.
- Nozick, Robert. 1999. *Anarchy, State, and Utopia* (Cambridge, MA: Belknap Press, an Imprint of Harvard University Press, second edition).
- Nye, Joseph S. 1991. *Bound to lead: The changing nature of American Power*. New York: Basic Books.
- Putnam, Hilary. 2004. *The collapse of the fact/value dichotomy and other essays*. Cambridge: Harvard University Press.
- Putnam, Hilary. 1992. *Realism with a human face*. Cambridge: Harvard University Press.
- Putnam, Hilary. 1981. *Reason, truth and history*. Cambridge: Cambridge University Press.
- Rawls, John. 2005. *A theory of justice: original edition*. Cambridge: Belknap Press. (an Imprint of Harvard University Press, reissue edition).
- Rawls, John. 2001. *The law of peoples: With "The Idea of Public Reason Revisited"*. Cambridge: Harvard University Press. (revised edition).
- Sen, Amartya. 1991. *On ethics and economics*. London: Willey-Blackwell.
- Sombart, Werner. 1976. *Why is there no socialism in the United States?* London: Palgrave Macmillan (translated by M. Hocking and C.T. Husbands)
- Unger, Roberto Mangabeira. 2015. *The critical legal studies movement: Another time, a greater task*. New York: Verso.
- Unger, Roberto Mangabeira. 1987. *Politics: A work in constructive social theory, part I*. Cambridge: Cambridge University Press.
- Unger, Roberto Mangabeira. 1977. *Law in modern society*. New York: Free Press.

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