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Abstract

The article explores the centrality of the issue of legitimacy in politics and theory of politics. First, it shows that in terms of epistemology and methodology, addressing the question of political legitimacy calls for being mindful of the specificity of social reality, as contrasted with physical reality. Second, it demonstrates that the centrality of political legitimacy presumes an understanding and analysis of politics as community. From this perspective, while a legitimacy approach to politics presupposes the existence of and need for power, it also presupposes that this power is not self-centered and primarily at the service of power holders. Rather the legitimacy of power rests on recognizing and fulfilling in a very significant manner a sense of responsibility toward the members of the community and the community itself.

Keywords Social sciences · Political theory · Power · Community · Legitimacy

1 Introduction

In this article, I reflect on the status of political legitimacy in the context of the study of politics and, more specifically, of political theory. Indeed, making questions of legitimacy front and center in the understanding and analysis of political power implies a certain vision of politics, i.e., of what politics is and what it is supposed to do for people and their community. From this perspective, I address four types of issues. I begin with how the idea of legitimacy is treated with much ambiguity in the discourse on politics: the notion of legitimacy is at the same time omnipresent, constantly referred to, and an object of suspicion. In addition I explore some of the features of what a theory is, and what this means for the theory of social phenomena, and therefore for political phenomena (of which legitimacy is a very significant aspect). Later on I examine the understanding of politics as community. This

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leads me to highlight the centrality of legitimacy in politics as community. Finally, I examine the relationship at work between power, legitimacy and security in the context of the political community.

2 The Place of Political Legitimacy in Social Sciences

In politics, the notion of political legitimacy has somewhat of a paradoxical status.

On the one hand, it is one of the terms that is frequently used in conversations on politics, especially in times of political crisis. Calling upon it amounts to expressing an opinion and eventually a judgement on the extent to which a political system or regime,¹ political institutions and mechanisms, or political leaders and policies satisfy the requirements of political legitimacy, that is whether or not, and to what extent, they embody the right way to govern and, consequently, the right to govern. For instance, in the United States, as his most fierce opponents (Democrats in particular) consider that President Trump is undermining the rule of law, they are inclined to put forward the idea that he is exposing American democracy to serious problems of legitimacy.²

On the other hand, especially in academic disciplines that deal with the study of politics, the notion of political legitimacy does to some extent make people nervous, so to speak, and reluctant to use it. To be sure, it is not as if the idea of political legitimacy is entirely banned from their thinking and vocabulary. This would be difficult to do, considering its importance. At the same time, there is much intellectual trepidation about taking it on board and relying on it as a tool of understanding and analysis. Take mainstream political science, for example. The discipline has been prone to endorse a combination of the related approaches of empiricism (the idea that knowledge comes from sensory experience and should emphasize the role of empirical evidence and verifiable data), naturalism (the doctrine that all physical effects can be accounted for by physical causes, with the related idea that the success of naturalism in science means that that scientific methods should be used in other domains of knowledge, including social sciences), positivism (the idea that knowledge is based on natural phenomena and their properties and relations, and

¹ A political system can host a variety of forms of political regimes. For example, in the democratic system there are different forms of democratic regimes: liberal democracy, social democracy, etc.

² It may be true that President Trump is generating problems of legitimacy. That said, Donald Trump would probably not have been elected if the U.S. democracy had been healthy and not become quite dysfunctional. He is only making worse a situation that was already bad. Sadly, he is only adding insult to injury. While (liberal) critics of President Trump are eager to highlight his shortcomings and the dangers he represents for American democracy, they are less inclined to reflect critically and constructively on the pathologies of the American political, economic and social system that in a significant measure have also made his election as president possible. If Hilary Clinton had been elected in 2016 we would probably hear today from her, as we did during his presidential campaign, that all is basically well in the United States, that it is essentially at the margins that the situation has to be fixed and improved. This is far from being the case. The multiplicity of the crises now at play in the United States is much graver than its political establishment (Republicans and Democrats alike) has been willing to recognize and address in recent years.

derived from sensory experience) and reductionism (that states that knowledge of phenomena that can be described and explained in terms of other simple or more fundamental phenomena).³ This puts it at odds with the normative dimension of the problematic of political legitimacy, i.e., with the fact that legitimacy is in a large part about assessing and judging the extent to which a political situation is right, and about exploring the conditions under which such evaluations and judgements can be viewed as valid.

In its own way, sociology, especially when it has the analytical aim of critically deconstructing social reality, is not comfortable either with claims of legitimacy in general, and claims of legitimacy that social reality itself may have. It tends to see these claims as statements of validity without much of a valid foundation, and in fact more often than not at the service of self-centered interests and powers.⁴

As for the discipline of law (referring to teaching and writing in academia), it has the tendency to study legal systems and sub-systems of rules and practices as more or less closed and self-contained. That is to say that it is prone to analyzing them from an internal standpoint, from within, without problematizing much how law interacts with social and political forces and, as such, expresses (or does not express), and to what extent, matters and demands of legitimacy (Fallon 2018).⁵ In the process, it also tends not to be very critical of the *status quo*, mainly envisioning change at the margins and within the existing legal and political system. This often makes legal scholarship ill-equipped and uncomfortable approaching the nature and functioning of law in a dynamic fashion, as a work in progress.

For all the virtues and accomplishments of these disciplines and the approaches (epistemological, methodological but also political) they identify with, we have to also recognize that it is difficult to analyze and understand politics without taking political legitimacy into account. Arguably, to by and large overlook the problematic of legitimacy has to be seen as a blind spot, if not a weakness.

Concerning political science, if there is much value in celebrating empirical evidence and focusing on small and manageable parts of social reality (rather than the whole of social reality) to examine it, this does not mean that this has to be the only approach to politics. More specifically, this does not mean that political science should disqualify the attachment to and the search for a right way to govern that people express all the time. This is the case if only because such attachments and searches constitute in themselves a form of empirical evidence, an aspect of the real social experience of people living in a political world. It, therefore, appears rather strange and unseemly for a discipline that prides itself on being dedicated to social facts and analyzing and understanding politics to be tempted to disregard them. It amounts to missing a way of making sense of an essential part of the human experience in a politically organized social environment.

³ Needless to say, this characterization of these different approaches is quite simplistic. More detailed and comprehensive accounts would require much more analysis.

⁴ Pierre Bourdieu's sociology is largely an illustration of this approach.

⁵ A recent exception is, in the context of U.S. legal scholarship, Richard H. Fallon, *Law and Legitimacy in the Supreme Court*.

Regarding sociology, if there are many benefits to derive from critical sociology and its enterprise of social deconstruction, and disenchantment, one cannot but see that ultimately this enterprise is guided by the quest for a better life in society and better government and political power, which precisely is very much the philosophy to which political legitimacy is committed.

As for the study of law, concentration on the organization and management of predictability in society through its primary attention given to the established sets of norms, rules, institutions, mechanisms that in a legal system contribute to the regulation of interactions among actors in the various spheres of social life, is of course essential. Among other things, it is the mastery of these elements that law school students, once they have graduated, will have to demonstrate in the course of their various legal professional lives. However, adopting an almost exclusively internal approach to the study of law leads to ignoring the resource that an understanding of political legitimacy can provide for the analysis of the relationship between law and social reality, including what this means for how law and politics change over time. Moreover, one should not forget that, ultimately, the established sets of norms, institutions, etc. of law make sense only so far as they express and contribute as much as possible to a society and its organization, as overseen by politics, that are seen as just and legitimate.

In other words, there are reasons, and indeed good reasons, for the notion of political legitimacy to be part of the repertoire of tools mobilized to examine politics. In this regard, one of the most important reasons for the necessary reference to legitimacy in the analysis of politics is its close connection to justice, to concerns and demands for justice in life in society, and in society as organized by political power. As such, giving up on the idea of legitimacy in politics, giving up on taking it seriously as an angle of study of politics, amounts to not factoring in the need for political power in society to be conceived of and exercised in a just manner.

For the academic experts of matters of life in society, like political scientists, sociologists and legal scholars, this also amounts to telling people who in their vast majority long, even crave, individually and collectively, for decent political power and a good life in society, that their longing and craving are somewhat unreasonable, if not irrational, i.e., that it cannot be reasoned about, that it cannot be the object and subject of rational and reasonable debates. This type of approach does not seem a very workable course of thinking and action for the understanding and analysis of politics. This point is what I would like to demonstrate below by stressing that the idea of political legitimacy is one of the corner stones of political theory, that, in fact, a theory of politics is to a large extent a theory of legitimacy. In order to do so, I start with what a theory is and continue with indicating how political legitimacy fits into a theory of politics.

3 On Theory and Theory of Social Phenomena

Since I just alluded to the fact that a theory of political legitimacy and a theory of politics somehow work hand in hand, it will be helpful to begin by highlighting some of the key features that enter into what makes a theory a theory.

From this perspective, the first thing to stress is the fact that, by and large, a theory has three aspects. It is about description, explanation and predictability. This is to say that a theory has three main three functions: a function of description; a function of explanation; and a function of predictability. Interestingly, each of these three functions amounts to a form of test for what a theory is supposed to be and what it is supposed to do. The validity of a theory is tested on the basis of its ability to describe, explain and predict properly key aspects of its object.

When mentioning here “description” I do not mean to refer specifically to the theory of description Alexander Wendt discusses in his review of the various theories that are at play and can be called upon to deal with reality (Wendt 1999: 53–55). I simply mean to say that a theory has, in one way or another, although always imperfectly (arguably a description of reality never covers all aspects of this reality), to speak *to* and *of* reality in order to have some sense of credibility. It should not be so detached from this reality that there is no connection between what is, what is happening and even what should be happening (future-oriented), and what is experienced and said of it. For the meaning of description is this: reporting on what is experienced of reality, directly or indirectly. In this regard, description/experience of reality does not necessarily have to entail only observable phenomena. It can also apply to phenomena that are directly less observable or not observable per se, but can be experienced through the effects they produce (Wendt 1999: 60–62).⁶

Explanation is about identifying the causes behind chains of events. It is about identifying the connections between them and indicating where these connections come from, what accounts for them and how they lead to stability in the occurrence of the phenomena but also how change can take place over time. If explanation is about making sense of the constancy or consistency of reality, it is also about making sense of how and why change happens. From this perspective, the search for the explanation of what continues to be entails also the search for the explanation of what changes and why it changes. Furthermore, the explanation of change and instability has to be contained in the explanation of repetition and stability.

This is why one of the key aims of science is predictability, the idea that out of having identified the right causes for a phenomenon or various phenomena, the right explanation or sets of explanations, it is possible to find out, as far as possible, what will unfold next.

When it comes to the relations among these three terms/functions/levels (description, explanation and predictability), they are all connected, intertwined, mutually dependent and even mutually constitutive. The elements on which the levels of description, explanation and predictability focus in a theory are not foreign to one another. While each level concentrates on its specific features, these features are meant to express aspects of the system of reality and, in the process, are contained in

⁶ For instance, in the universe, despite its invisible interior, the presence of a black hole can be inferred through its interaction with other matter, or with electromagnetic radiation such as visible light, https://en.wikipedia.org/wiki/Black_hole. In the world of social sciences, Wendt gives the example of the State, which has no direct observable referent but its existence can still be inferred from the existence of those who call themselves customs officials, soldiers, etc. and their actions.

one another. There is description in explanation and predictability; there is explanation in description and predictability; and there is predictability in description and explanation. As such, these levels and their elements are all important because as a whole they amount to the coherence and workability of the theory. But, arguably, the three functions or levels are not all on the same plane. In this regard, as it is the moment of truth, the moment of verification and validation (verification and validation in action) of the causes put forward by the explanation or sets of explanation, predictability is high on the list—perhaps the highest on the list of the three terms/functions/levels. Successful predictability contributes to proving right the patterns, regularities and, in optimal circumstances, laws of events that explanation seeks to identify and description seeks to allude to. Explanation is of course essential as well because it furnishes the key to understanding of what is, of how and why events repeat themselves or not, and to what extent. Description is perhaps lower on the list as it is never comprehensive (it cannot not cover reality in its entirety) and, consequently, has a somewhat less systematic/systemic, if not, at times, anecdotal character.

The natural sciences, physics for example, have been most successful at the production of theory, to the point that their model of scientificity has become the model of reference and has created much pressure for other disciplines, in particular the social sciences, to embrace it. Natural sciences have been successful because they have been able to generate explanations that have proved to have a high level of predictability. And the most successful of these scientific theories have achieved this through much parsimony and elegance, that it is to say through an explanation or a set of explanations that can account for and predict a lot out of very little, out of few words or, more accurately, out of succinct mathematical propositions. Newton's three laws of motion, that describe the relationship between a body and the forces acting upon it, and its motion in response to these forces, and that laid the foundations for classical mechanics, and even more so Einstein's theory of relativity and its two interrelated relativities (special relativity and general relativity⁷), which superseded the theory of mechanics created by Newton, are among the best illustrations of this state of affairs.

In contrast, most of the time, when it comes to social sciences, it is not easy to come up with an approach that can account for a lot in reality, especially in terms of explanation and prediction, let alone account for a lot with little. Frequently, in social sciences, a lot is required to explain. As a result, the power of predictability of the explanation or sets of explanations tends to be low, at least compared to natural sciences (King, Keohane and Verba 1994).⁸ This is largely the case because

⁷ Special relativity applies to elementary particles and their interactions, describing all their physical phenomena except gravity. General relativity explains the law of gravitation and its relation to other forces of nature. It applies to the cosmological and astrophysical realm, including astronomy. https://en.wikipedia.org/wiki/Theory_of_relativity.

⁸ Gary King, Robert O. Keohane and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, p. 29: "Good social science seeks to increase the significance of what is explained relative to the information used in the explanation. If we can accurately explain what at first appears to be a complicated effect with a single causal variable or a few variables, the *leverage* we have over a problem is very high. Conversely, if we can explain many effects on the basis of one or a few variables we also

social objects differ from natural objects. In this regard, building on the work of Roy Bhaskar, Alexander Wendt identifies four important ways in which what he calls “social kinds” (social objects or phenomena) differ from “natural kinds” (natural objects or phenomena):

“1) Social kinds are more space–time specific than natural kinds because reference to certain places and eras is often part of their definition... The Industrial Revolution, for example, refers to a transformation in technological capabilities that occurred in the nineteenth century... Thus, unlike natural kinds there can be no transhistorical theory of the Industrial Revolution as such, since truths about it will be necessarily relative to a particular spatio-temporal context...2) Unlike natural kinds, the existence of social kinds depends on the interlocking beliefs, concepts, or theories held by actors... 3) Unlike natural kinds, the existence of social kinds also depends on the human practices that carry them from one location to another. Social kinds are a function of belief *and* action. This reinforces the previous point that social kinds are not independent of human beings. 4) Unlike natural kinds, many social kinds have both an internal *and* an external structure, which means that they cannot be studied in the reductionist fashion realists use to explain natural kinds. By external structure, I mean social kinds that are inherently relational... in the sense of being constituted by social relations.” (Wendt 1999: 69–71).

The implication of this is that social phenomena have real specificity. As indicated above, this specificity has much to do with the particular context in which social phenomena take place. From this perspective, a fundamental dimension of the specificity of social reality relates to human agency, to the fact that human beings play a key role in it. Social phenomena cannot be studied and understood entirely independently from the beliefs and value systems [and their related systems of emotions and passions (Coicaud 2016)] through which people give meaning to, express and orient their sense of agency. This includes how people reflect on themselves and the various aspects of the world in which they live. As a whole, this specificity of social phenomena means that they cannot be disconnected from the fact that they happen in the midst of social relations and interactions among human beings, from the social dimension of reality.

It is, therefore, quite inadequate, from the epistemological and methodological points of view, to relate to and study social phenomena as if they were natural phenomena, to study them the way natural phenomena are studied. Yet, this is what the social sciences approaches under the influence of the natural science model of analysis are prone to do.

A major illustration of this state of affairs is how social sciences have become suspicious of values and of the idea of value judgements, seeing them both as an

Footnote 8 (continued)

have a high leverage. Leverage is low in the social sciences in general and even more so in particular subject areas... Areas conventionally studied qualitatively are often those in which leverage is low. Explanation of anything seems to require a host of explanatory variables: we use a lot to explain little.”

obstacle to (social) science and a phenomenon in which it is not possible to find rationality. In this regard, Max Weber, whose influence across a range of social science disciplines and subjects has been enormous, has played a decisive role. With his stress on the need to separate facts and values and, so to speak, to protect the former from the latter, he insulates social sciences from values and the exercise of taking a position and judging. Based on this, and more specifically concerning legitimacy, he defines, and reduces legitimacy to a belief in legitimacy that is divorced from rational or objective standards, from justified ground or reasons for holding it. This definition/reduction of legitimacy to a belief in legitimacy, which almost all social scientists have adopted, has the effect of emptying the concept of legitimacy of any valid moral content and make it incomprehensible that anyone might be able to call upon solid or justified criteria to really evaluate and judge political legitimacy and illegitimacy (Beetham 2013: 9–11). As David Beetham, challenging the Weberian conception of legitimacy, puts it:

“A given power relationship is not legitimate because people believe in its legitimacy, but because it can be *justified in terms of* their beliefs. This may seem a fine distinction, but it is a fundamental one. When we seek to assess the legitimacy of a regime, a political system, or some other power relation, one thing we are doing is assessing how far it can be justified in terms of people’s beliefs, how far it conforms to their values and standards, how far it satisfies the normative expectations they have of it. We are making an assessment of the degree of congruence, or lack of it, between a given system of power and the beliefs, values and expectations that provide its justification.” (Beetham 2013: 11).

To be sure, there are aspects of the model of analysis of natural phenomena that can be mobilized and benefited from in the social sciences, like giving importance to reliable and verifiable data. But this does not mean that social sciences should mimic or try to mimic natural sciences. This mimicking is often the sign of an attitude of intellectual, and social, insecurity as social sciences (an inferiority complex), an attitude that is far from that needed to address the complex specificity of social phenomena. For a model of analysis that is not faithful to the characteristics of the object it studies and imposes upon it the features of another object and of another model of analysis is likely to be self-defeating in two ways. First, it fails to account for what is specific in its object of study. Second, in asking itself to come up with outcomes and present results that it cannot achieve (like in social sciences the search for laws similar to those of the natural world), it brings about a sense of low self-esteem, and its own devaluation as a form of knowledge, with the feeling that it is never able to be as good as natural sciences, that it is never as scientific, as much of a science as it thinks it should be. In contrast, we should be thinking that different objects of study correspond to some extent to different modalities and outcomes of the study, which can in of themselves be very valuable and have their own worth.

Against this background, if social reality is not a realm where laws of the kind at work in the natural world exist, this does not mean that there are no patterns, principles and mechanisms that play a structuring role in how social reality is organized, unfolds and is exposed to the possibility of evolution. Recognition of the existence

of patterns, principles and mechanisms does not amount to a claim that they are all there is to know about social reality, in order to describe and explain, in order to understand how it works or does not work, and to what extent. Recognition of the existence of patterns, principles and mechanisms does not amount to a claim that they are all there is to know in order to describe and explain, in order to understand how social reality changes or does not change over time. As Garry King, Robert O. Keohane and Sidney Verba indicate, in social sciences “we use a lot to explain little” (King, Keohane and Verba 1994: 29). More is needed than this to have the full picture. However, there are patterns, principles and mechanisms at work in social reality and these are arguably one of the key sources of elucidation of its nature and dynamics.

As such, I put forward the idea that in politics conceived as a crucial dimension of social reality, of social reality in which relations and interactions among actors, within society and between the governors and the governed, are sustained and sustainable, the notion of legitimacy is part and parcel of these key patterns, mechanisms and principles. As, in a related fashion, is cooperation (Axelrod 1984).⁹

Political legitimacy is not a law of social reality as connected to politics in the way we talk about a law in natural sciences. It cannot claim either to embody the kind of parsimonious and elegant character that can exist in some of the most successful theories in the natural sciences. As a result, there is no strict or absolute automaticity of events, of cause and effect associated with political legitimacy. This is all the more the case considering that legitimacy as the recognition of the right to govern is in some measure historically variable. It can be generated and expressed in different ways based on the context. Furthermore, legitimacy is not a stand-alone cause, from which all the rest of social and political reality would derive. It is made of a variety of elements, including key values and processes of evaluation, and the judgements that come with it, and on which it depends. As Rainer Forst indicates, “legitimacy is a *normative dependent concept*...: where it has a normative content, either in theory or in practice, it derives this content from another—if you will: deeper—“source” (Forst 2017: 133).¹⁰

That said, there is a constant central meaning of political legitimacy—the recognition of the right to govern as applied to people and institutions (and their modalities of power and policies) in a situation of political leadership, and the conditional binding power for those subjected to them (the “binding” is conditional¹¹ for the

⁹ Legitimacy and cooperation have a tendency to work hand in hand. Where there is low or no legitimacy, there tends to be low or no cooperation. On the importance of cooperation in social reality, in socialized interactions where interactions are sustained and sustainable, refer for instance to Robert Axelrod, *The Evolution of Cooperation*.

¹⁰ For Forst (*Normativity and Power: Analyzing Social Orders of Justification*) this deeper source is “the *principle of general and reciprocal justification*, which states that every putatively valid claim to goods, rights, or liberties must be justified and justifiable in a reciprocal and general manner, so that one side may not make claims that they deny to others and no side may simply assume that others accept its reasons.” (p. 155).

¹¹ Political legitimacy is by essence the opposite and the enemy of unconditional political power. It is about making the conception and exercise of power conditional, dependent upon the extent to which it serves people and the community in which they live and with which they identify.

governed in the sense that it depends on the ability of those in power (governors) to deliver goods, in light of the rights of the governed, for those who are governed). And this constant central meaning of legitimacy is at the center of an eco-system that significantly helps to describe and explain social and political relations and life and, to some extent, predict how they are likely to evolve based on the extent to which they enjoy or do not enjoy legitimacy. Referring to the understanding of politics as community allows me to demonstrate and illustrate this point.

4 On Politics as Community

Among the different approaches to politics, two stand out in particular. As a matter of fact, more often than not, it is in relation to these two approaches to politics that most theories of politics are elaborated, keeping in mind that the extent to which they borrow from them and are shaped by them can vary.

A first approach consists in putting forward the idea that politics is more than anything else about power, and about power understood through a conflictual model (Weber 1978)¹² and, as such, a negative phenomenon that can amount to a form of domination. This approach to power, and politics, can itself be unpacked into three aspects: the projection of one's power in the primary service of one's interest; competition among actors; and competition for power. This is to say that an actor who has little or no power is destined to be at the receiving end of those who have more or all of the power, which is likely to make this actor have very little leverage on what it can get out of politics. This amounts to a form of zero-sum game logic. Thus, the acquisition and the preservation of power become the defining objective and purpose of action, of strategy and tactics in the realm of politics. Hence also the fact that in this approach to politics as essentially about relations of power, what matters most is to overcome the other side, even if this means that competition could lead to confrontation, if not conflict. Since what is owed to others does not fundamentally matter compared to what is owed to oneself, to one's interest, the aim is not to limit and tame power and make it workable for all. The aim is for the most powerful actors to assert themselves and to convey that might is right, and for the less powerful actors to yield to power. In this state of affairs, compared to the acquisition and preservation of power, everything else is either secondary or subsumed under the objective and purpose of acquisition, preservation and, to the extent possible, increase of power.¹³

¹² In *Economy and Society: An Outline of Interpretive Sociology*, Max Weber proposed the following definition of power: ““Power” (*Macht*) is the probability that an actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests” (p. 53).

¹³ Since in this context everything rests on power relations, the quest for more power tends to be viewed as the best way to achieve security. This is, however, a rather dangerous and, in the end, insecure way to achieve security. As I mentioned later in the article, political legitimacy is a safer and more reliable way to pursue and achieve security.

While this approach leaves little or no room for ethics as an end in itself, such as the recognition that others have rights and that therefore there are duties, obligations and responsibilities that are owed to them, it can still on occasions call upon and indeed manipulate ethical considerations. These ethical considerations are not mobilized as an end in themselves, for the good they express and seek to achieve. They are used as a means to acquire, preserve and possibly increase power to serve power and its interest. This can apply to the problematic of legitimacy as well. What in principle political legitimacy stands for, i.e., consenting to power and recognizing the right to govern based on a dynamic of compromise that is founded on a dynamic of mutual recognition of right and duties, is essentially hijacked and turned into a process of legitimation, becoming part of an ideology that is trying to hide and justify the self-serving pursuit of power and interest.

This approach to politics and the various forms it has taken over time has come to be a core aspect of the intellectual and political tradition of realism,¹⁴ and by extension *realpolitik*, at the national and international levels. For instance, in the West, some of its most famous thinkers have been introduced and portrayed as eminent representatives of this way of thinking. Although the richness and complexity of their work do not necessarily lend itself to a simple characterization, this is how the sixteenth century Italian philosopher Niccolò Machiavelli, nineteenth century German military theorist Carl von Clausewitz and twentieth century German legal scholar Carl Schmitt, have often been referred to. Machiavelli, in *The Prince* (Machiavelli 2007) in particular, is very much interested in the practical realities of getting and holding on to power and sees them as central to the activity and realm of politics.¹⁵ In his book *On War*, Clausewitz (Clausewitz 1989), reflecting on the competitive relations of power among nations, saw war as an act of violence intended to compel an opponent to fulfill one's will. Each strives by physical force to oblige the other to submit to his will. Each endeavors to overthrow his adversary and, thus, render the adversary incapable of further resistance. As for Carl Schmitt, especially in his essay *The Concept of the Political* (Schmitt 2007), with his "friend-enemy" distinction, to which he by and large identifies politics, he argues that each participant in political life "... is in a position to judge whether the adversary intends to negate his opponent's way of life and therefore must be repulsed and fought in order to preserve one's own form of existence." (Schmitt 2007: 27).

A second approach to politics amounts to thinking that politics is about the community, about the possibility and experience of living in a community. As such, this conception views politics as the art of facilitating people's ability to live together in ways that are as much as possible satisfactory to all of them. This approach does not exclude the existence and importance of power, including political power. But, compared to the first approach to politics, it has another view of power. To begin with, it sees power as ethically neutral. Power is not necessarily and exclusively positive or negative. Rather, it is the use of power that can make it good or bad. In this

¹⁴ Realism, whether in the domestic or in the international arena, encompasses a variety of shades.

¹⁵ There is more to the political philosophy of Machiavelli than realism. For example, concerning his relationship with the republican tradition, see the classical study by Pocock (2016).

perspective, power amounts to the capacity to be socially effective (power to), so that this leads to power as being exercised over others (power over), without assuming that this is done for good or bad reasons. (Forst 2017: 40) In addition, it does not see power as the main purpose of the activity of politics, or an end in of itself. This is especially the case when it comes to self-centered and self-interested political power. Indeed, when self-centered and self-interested political power comes to occupy most or even the whole activity of politics, including in extreme circumstances with the use of violence against people, this approach to politics is prone to interpreting political power as “going rogue”, so to speak. Rather than being the accomplishment and fulfillment of politics, it is the indication of a breakdown of politics and of the experience and feeling of community. This is all the more the case considering that in the community approach to politics, the nature and exercise of political power are part of a social system in the context of which security is meant to be achieved not by keeping people quiet and down but primarily by factoring in what is owed to them as members of society.

This is to say that while recognizing the unavailability of the existence of power and of political power, including the division and disparity of power between the governed and the governors, this approach to politics envisions (political) power to a significant extent as at the service of the community and its members. It is about ensuring that it organizes and manages what is required for people to be made part of a community, in which their place, interests and rights are not only acknowledged but, in the best circumstances, also celebrated. In this vision of politics, it is in particular under this condition that political power gets to be legitimate—political philosophy then being the search for the requirements (substance and procedures of political legitimacy/justice) under which this is possible.

As part of the organization and management of society and of the relations of actors within it, politics conceived in this way oversees relations among members of the community as well as relations between those who rule and those who are ruled by nurturing what brings them together and minimizing what separates them. Fundamentally, this leads politics to be an at least two-level management of the reciprocity of rights and duties, the content or substance and modalities of which can of course vary across time and space.

At the first level, political management concerns the reciprocity of rights and duties among the various actors of the community. It is the recognition, celebration and defense of the fact that members of the community have rights. It is also the recognition, celebration and defense of the fact that people have duties toward each other. By helping the acceptance by each member of the community of the fact that each member has both rights and duties, politics contributes to ensuring the respect and, consequently, realization of everybody’s rights and, more generally, the existence of a community in which people relate with relative satisfaction to others and, equally importantly, to themselves.¹⁶ At the second level, political management concerns the reciprocity of rights and duties between those who govern and those who

¹⁶ In a community, being at ease and at peace with oneself is as important as being at ease and at peace with others.

are governed. The rights of those who govern are tied to their duties, or responsibilities, toward the members of the community. Conversely, the duties that members of the community have toward those in power are linked to the extent their rights are taken seriously by the latter.

In Western political philosophy, thinkers who have viewed political life as not based on the sole exercise and projection of self-interested power and have attempted to identify the conditions of possibility of justice in society, of a just life for people in a community, have been guided by these considerations. This is for example the case of Aristotle and, closer to us, Rousseau. Aristotle saw human beings as social beings, as such realizing themselves at their best in interacting with people in a community—hence the need to put in place the best life in community, the best community-life possible (Aristotle 1995). Relatedly, at the heart of Rousseau’s political philosophy is the fundamental basic acknowledgment that, as Rousseau famously said in *The Social Contract*:

“The strongest is never strong enough to be always the master unless he transforms strength into right, and obedience into duty... Then let us agree that force doesn’t create right, and that legitimate powers are the only ones we are obliged to obey.” (Rousseau 2012: Book 1, Section 3).

Against this background, one of the key questions Rousseau sets out to address and resolve in the context of politics in *The Social Contract* is: As an individual interacting with others in society, under which conditions I am not only not going to be threatened and diminished by others but, rather, by interacting with them, enhanced, made stronger and better? The “general will” understood as the will of all (Rousseau 2012: Book 4, Section 1) is Rousseau’s political answer to this question.¹⁷

5 From Politics as Community to Political Legitimacy

Not surprisingly, it is in the context of the second approach to politics, of politics as community, that legitimacy emerges as a central issue of politics. Indeed, within this approach some of the key questions of politics include: If politics is about contributing in a decisive fashion to the possibility of social life in a community, to the possibility of people interacting and living together in a regular, peaceful and productive fashion, what does it take for political power to be able to be part of this contribution? More specifically, what does it take for political power to organize and manage

¹⁷ This question is not only at the center of Jean-Jacques Rousseau’s political philosophy. In various contexts and versions, it is at the core of Rousseau’s overall philosophy and how he came to think about the relationship between the self and its environment. This is the case when it comes to the relationship between the self and the beloved in the context of love (*Julie, or the New Heloise*), the relationship between student and teacher in the context of education (*Emile or on Education*), the relationship between the self and itself in the context of the autobiography (*The Confessions*) and the relationship between the self and the world (*Reveries of the Solitary Walker*). In spite of the great diversity of topics addressed by Rousseau in his work, there is much unity in his thinking (Rousseau 1979, 1980, 2007, 2008).

a society in which members of society, far from being at each other's throats, are by and large at ease/peace and cooperating with each other? The answer to these questions is that it takes political power to make significant room for the demands of political legitimacy, being understood that at the most basic level these demands entail three minimal conditions.

- First, power holders are not supposed to be exclusively and primarily animated by their self-interest. While they are not meant to ignore their interest altogether, their exercise of power cannot revolve around and be limited to the pursuit of their welfare. If doing well can help to do good, doing well should not get in the way of doing good. From this perspective, in a very significant manner power holders must deliver services to the community/society (Tönnies 2011)¹⁸ and its members. These services may vary from one society to another, from one culture to another, from one period to another. Yet they can never be overlooked, let alone ignored. For the governed to be at the receiving end of (political) power without benefiting from it is never enough to justify a power disparity and make them consent to it. The inequality of power between the governors and the governed, with the elevated status and the perks that can come with it for the power holders, needs to be balanced out by what the governed get out of this inequality. The governed have to derive benefits from the existence of political power and the constraints and the weight it imposes upon them.
- Second, the services provided must be aligned with the needs of the governed and how they translate into rights. This is particularly the case for the key needs/rights of the governed, vis-à-vis which power holders, because of their position of power, are well placed to have a role in whether or not they are delivered. These key needs/rights are themselves associated with two dimensions of the community/society: the social dimension and the contextual dimension.

The social dimension concerns the requirements of social reality, of the fact of living in a community/society. Because in a community people are interacting with each other, these interactions have to be regulated in order to, as much as possible, factor in the respective interests of the actors, so that some sense of individual satisfaction permeates interactions among actors and social relations. Factoring in these respective interests entails recognizing a value to people in themselves (that is regardless of their social value, recognizing the human value of people) and the importance of respecting it.

In addition, the key needs/rights of the governed have to be understood in association with the contextual dimension of the community/society, with the specific context in which they unfold. This includes core values (and the expect-

¹⁸ See the distinction introduced by Ferdinand Tönnies (*Community and Society*) between “Gemeinschaft” and “Gesellschaft”, with the former described as comprised of personal social ties and in-person interactions mainly defined by traditional social rules, and the latter understood as comprised of impersonal and indirect social ties and interactions that are not necessarily carried out face-to-face and are guided by values and beliefs that are directed by rationality and efficiency, as well as by economic, political and self-interests. Here I refer to community and society indifferently, in a general way, as life in a group, in a social and socialized environment.

tations they create), social norms (social norms are the application of values to rules of conduct, in the sense that, based on the values from which they derive and that serve as their source of justification, social norms prescribe actions (Heinich 2017: 354) and social representations (in their collective and individual aspects) that are constitutive of the identity, of the sense of self of the community/society and that of its members. It also includes how law and its role in contributing to the recognition and, if need be, the enforcement of what is owed to one another by officializing and defending rights and duties, shapes the interactions among members of the community as well as between the governors and the governed.

Incidentally, among the key needs and rights of the governed and their two dimensions I just alluded to (the social dimension and the contextual dimension), security is crucial, and amounts to a crucial right. This is the reason why one of the responsibilities of political institutions and power holders is to pay special attention to the security need and right of a community and its people. But this security, this security service that power holders are meant to help provide is not any kind of security. In order to be a good, it has to fulfill conditions. One of them is that it has to be part of a healthy culture of security. This entails security not being pursued by people and institutions of power by, in one way or another, capitalizing on and manipulating fear, and in the process generating more fear.¹⁹ For choosing this course of action, rather than being the indication of a state of political legitimacy, including legitimate quest for security, is a sign of the fragility, if not breakdown of legitimacy, and, in the end, brings more general and generalized insecurity than real security.²⁰ In contrast, a healthy culture of security, or a legitimate quest for and form of security is empowering, not alienating. As such, while it does not eliminate entirely the need for force and its occasional use (at times it cannot be avoided), it much more fundamentally rests on taking the demands of justice seriously. This minimizes the risks of violence. After all, countries where people feel that their rights are respected are also prone to be the safest and the most peaceful.²¹ It is under this condition that security can serve as a foundational need/right, or good, that it can become at the same time a good that is exchanged among people and the good that makes this exchange possible. It is under this condition that security is one of the primary needs and rights of actors, if not the primary need and right of actors, from which others tend to

¹⁹ For example, in their pursuit of security authoritarian and, all the more, totalitarian regimes are quite effective at terrorizing people.

²⁰ A society where insecurity rules, from top to bottom (from the governors to the governed), from bottom to top (from the governed to the governors), and throughout (among members of society) is one where trust has vanished, and so has the culture of legitimacy. Chances are that a sense of right and wrong has collapsed as well, and that paranoia has been universalized.

²¹ In these countries, trust tends to also goes both ways: people trust the government, and the government trust the people. Hence, from the government toward people and from the people toward the government, there is minimal reliance on force to ensure that their respective voice is heard. After all, there is little true and healthy security without mutual trust and respect.

derive since short of it, actors are likely to be impeded in their existence, in their ability to subsist, develop and flourish.²²

- A third condition for making room for the basic demands of political legitimacy is that the people in charge have to contribute reasonably well to the realization of the needs (and the expectations, rights and duties they can be associated with) that fall under their political responsibility—being understood that what falls under this responsibility can vary from one society to another, and from one period of the history of a society to another. This requirement of performance and results is of course especially important for key needs/rights/expectations. In this regard, if for instance politicians constantly promise that the economic situation of the country is going to improve, for example that economic growth will come back, that unemployment will decrease and that the conditions of employment will improve, and that none of this ever happens, that positive change is never experienced, people are likely to stop believing what they are being told. There are indeed limits to what rhetoric can do and how far it can go. If the required threshold of realization and reality is not met people can become disenchanted and cynical about politics, possibly being led to question the extent to which it is legitimate. They can also rebel. What is today the crisis of democracy in a number of Western countries is part of this story. In the West, while populism is not the answer to the current problems of democracy, it is to a large extent the indication and the product of political, social and economic pathologies. At the point when words and legitimating values (like democratic values in democracy) are not matched by reality, by a reasonable and convincing amount of realization (results do not have to be perfect but they have to be credible by giving the impression that the situation is moving in the right direction), when the democratic rhetoric appears more and more empty and self-serving, first and foremost for those in positions of power, it loses appeal. Its credibility and legitimacy, and that of democracy as a whole, are weakened and under threat. The emperor has no clothes. This is also to say that the needs, rights and duties and the extent to which they are realized under the responsibility of those in power are a source of accountability. This plays a critical role in the evaluation and judgement of the legitimacy of power holders and of their actions and policies, if not of the institutions and values that are at the center of the system.

These three minimal conditions, which in fact are quite demanding, are central to having political power (including its modalities, actions, policies and results), and the types of institutions and social arrangements (such as economic ones) they are part of, seen by the members of a society as a serious effort to factor in their interests and their rights. They are a component of the process through which the right to govern can be granted by the governed to the governors.

²² The experience of living in a failed state and the war zone that this type of situation often amounts to will convince anybody that a basic and healthy culture of security is required to live a normal life.

6 Power, Legitimacy and Security in the Political Community

That said, we should not infer from the dynamics of legitimacy geared toward at the same time keeping power under check, and mobilizing it so that it is socially useful (the possibility and experience of the community), that legitimacy makes the relationship between power, legitimacy and justice an easy and straightforward one. For this relation never stops being a rather tense and complex one. This is namely the case because while the connection between legitimacy and justice is appealing, the relationship between legitimacy (and justice) and power is challenging.

The relationship between legitimacy/justice and power is challenging for at least two reasons. First, although nothing much can be done without power, as illustrated for instance by the fact that the realization of the demands of justice depends largely on power, needs some position of power to be realized (powerless actors remaining powerless are unlikely to implement a justice agenda), the dynamics of legitimacy do not entirely eliminate the certain amount of violence inherent in the differentiation and inequality of power between who is in charge and who is not. Second, the relationship between power and legitimacy/justice is fluid, and at times even volatile. Putting power at the service of the demands of justice so that it leads to a state of political legitimacy is a much sought after but difficult cooperation and equilibrium to achieve. To begin with, life in a community, like life in general, does not stand still. It unfolds in the midst of changes, and it itself changes. This asks power and legitimacy/justice, including their relations of cooperation and equilibrium, to cope and adapt. In addition, it seems that for political leaders it is the most difficult thing in the world to not turn power, once they have it, into a self-aggrandizing/self-serving enterprise. Power holders who keep their feet on the ground, who do not have power go to their head, are somewhat of a rarity (Coicaud 2003).²³ Too often, craving respect while not acting respectably, they lose sight of the fact that legitimate political power is not first and foremost about them but about the community and its people they are supposed to lead.

Yet, despite the uneasy and complex relationship between power and legitimacy/justice at play in the problematic of political legitimacy, of politics as community and legitimacy, this problematic is an attractive way to analyze and understand politics. This is all the more the case considering that it amounts to a conception of politics that can be presented as a form of “ethical realism”—that is, on the one hand, mindful of the realities and practicalities of power (realism) and, on the other hand, mindful of what is owed to others (ethics), so that society and its actors can by and large be organized and managed in a peaceful and constructive manner.

²³ If power, in politics and in other spheres, is not bad in itself, if it is more the bad use of power that is a problem and that gives a bad reputation to power, it must nevertheless be extremely intoxicating for, once one has it, it seems tempting, quasi irresistible to exercise it in a self-centered fashion. Hence the vital importance for political leaders to have those precious and rare human qualities that can allow them not to fall into the trappings of power. For more on this question and political leadership, Jean-Marc Coicaud, “Leadership and Effective Communication”, in Adel Safty (ed.), *Leadership and the United Nations*.

To be sure politics as community and legitimacy is not realist in the kind of way I referred to earlier, when touching upon politics as power and the realist approach it represents, which identifies and reduces politics to competition among self-interested powers. Politics as community and legitimacy is a different type of realism, which entails three aspects.

First, the problematic of politics as community and legitimacy is realist in the sense that, in contrast with what tends to be the absolute celebration of raw power by crude realism but in contrast also with what tends to be the absolute condemnation of power by political radicalism, such as anarchism,²⁴ it accepts the idea of power. It recognizes the existence and the importance of power, including the division and inequality of power between governors and governed, and its necessary role in the organization and management of society and relations among actors, including in terms of pursuing and implementing a social agenda of justice (the possibility and experience of life as a community).

Second, the problematic of politics as community and legitimacy is realist in the sense that its commitment to an inclusive organization and management of society, rejecting as much as possible that this organization and management be pursued to the detriment of some of the members of the community and the interest of the community as a whole, seeks to make the various interests, actors, and points of view existing in society work together (co-existence). It is about making them compatible and harmonizing them. This comes down to identifying possibilities and constraints, coming to terms with the dilemmas and trade-offs brought about by them by finding ways to balance them, and adopting a policy of give and take (finding compromises without compromising itself) (Margalit 2013; Fumurescu 2013; Gutman and Thompson 2012) in order to reach an acceptable middle ground between extremes. Furthermore, this is not supposed to be about sheer political expediency and short-term survival in power.²⁵ It is meant to be guided by the production of a future, a concrete and meaningful future for the community and its members.

Third, since politics as community and legitimacy gives much room to what is owed to others (ethics), ultimately it constitutes a form of ethical realism. From this perspective, a significant part of the agenda of the people and institutions of power, their actions and policies, and how they echo and contribute to the organization and management of society, is about ensuring reciprocity, a dynamic of rights and duties among actors. From a principled standpoint, this excludes private interests (whatever they might be) from being conceived of and implemented in a socially self-defeating way, essentially in disregard of and at the expense of other actors and the community, of their interests and rights.

In this regard, for example in a democracy, it is not that people are against inequalities (be they economic, political, social, etc.)—either inequalities within society among actors, or inequalities between the governors and the governed. What

²⁴ For all of the opposing features of realism and anarchism they share the idea that power is essentially about competing self-interests.

²⁵ Expediency and short-term tactics are frequently the indication of a politics in trouble, which only deepens its trouble and fragilizes itself further by choosing the path of expediency and short-term tactics.

they are against are inequalities that they do not see as justified, such as because they bring them nothing or work against their interests and rights. To some extent, people are willing to understand and accept inequality, but on the condition that it generates added value, that it benefits them in terms of their interests/rights and those of the community. This is to say that governors never forgetting what they owe to the community and its members can only help members of the community keep in mind that themselves, as members of the community, owe much to each other and the institutions and actors of authority. Short of succeeding at this, political power and power holders risk playing a negative role in and for society and being viewed as having little or no legitimacy (Clastres 1987).²⁶ In this state of affairs, mistrust and a war of all against all is a distinct possibility.

In the best circumstances of political legitimacy this is not simply social cooperation and a culture of justice and legitimacy that become part of the landscape. What is achieved is security throughout society as well, among members of society and between the governors and the governed. This is to say that ethical realism connected with politics as community and legitimacy is arguably much more effective at achieving security than realist politics as power.

Although creating security, by and large by pressuring others, is one of its primary goals, politics as power is not necessarily very good at it. Because it can generate mistrust, resentment and push back, rather than easing tensions and producing security, it can heighten tensions and fuel insecurity. This can go as far as a situation in which nowhere exists a “tranquility of spirit”, to use Montesquieu’s expression (Montesquieu 1989: 157),²⁷ a sense of peace and ease among and within people. An atmosphere of paranoia can settle in, for members of society and power holders alike. When this happens, violence is always in the cards, waiting to strike, and when it does it is likely to bring as much destruction to others as to oneself.²⁸ This can be true at the domestic and international levels.²⁹ As the saying goes, “live by the sword, die by the sword.”

In contrast, when the demands of legitimacy and justice are taken seriously, people are relatively content. This greatly minimizes the danger of life in society and

²⁶ The political anthropologist Pierre Clastres writes in *Society Against the State* that in the American tribes that he studies any permanent division of governance that would lead to the creation of a separate State apparatus must be conjured away at all costs. In this perspective the chief is instituted not as a governor with separate powers but as a “servant” lacking them (for example pp. 41–47). What this shows is that where it exists, political power, separated political power is in absolute need of justification, of legitimacy.

²⁷ Montesquieu, in *The Spirit of the Laws* (p. 157) argues that “tranquility of spirit”, which he equated to political liberty, derived from a feeling of security, security provided by the government: “Political liberty in a citizen is that tranquility of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen.”

²⁸ A political regime that instills fear as a way to exercise and maintain power creates more insecurity than security. In the end, in extreme situations, it is not only regular people who fear for their life. It is also the ruler. By identifying with power and wanting to keep it the ruler becomes a target, as such running the risk of becoming the victim of its own ruthlessness. The often violent end of despotic figures (in recent years we can think of Saddam Hussein and Mouammar Kadhafi) is a case in point.

²⁹ Think about Nazi Germany: it destroyed and self-destroyed.

relations between governors and governed becoming acrimonious, if not violent (Bell 2015).³⁰ This facilitates security for each and every person. It also makes the use and need of police, domestically, and the military, internationally, still important at times but not vitally important all the time. They are a useful tool in support of security but they cannot and should not be the primary, let alone only tool.

The overall lesson of this state of affairs is that legitimacy, like justice, is not external and secondary to the quest for healthy security, be it the security of members of society, the security of power holders or of society as a whole.³¹ Contrary to the view of supporters of politics as power, that legitimacy and justice, and matters of political and public ethics in general, are more or less marginal and a luxury,³² legitimacy and justice are both internal and central to security. They are at the same time a fundamental expression and a tool for empowering security in society (Coicaud 2007).

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³⁰ As Mencius puts it “The people will not have dependable feelings if they are without dependable means of support. Lacking dependable means of support, they will go astray and fall into excesses, stopping at nothing...” Quoted by Daniel A. Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (p. 143).

³¹ At the domestic and international levels, the pursuit of security, of a sense of security that is not war in waiting but a real sense of sustained and sustainable peace cannot be exclusively left to the police or the military.

³² Today this is of course a view that realists are more likely to hold on international affairs than on domestic affairs. For all their alignment with politics as power, it is difficult for them not to see that at the domestic level justice, social justice, and the political legitimacy that comes with it are key ingredients of a peaceful society. Although international politics is quite different from domestic politics, the truth of the matter is that at this level too legitimacy and justice have a key role to play in the quest for security and peace.

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