



## Taking political normativity seriously: legitimacy and political realism

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### ABSTRACT

The article challenges the notion that political realism necessarily requires a distinctively political normativity. Drawing on the works of Weber and Nietzsche, it offers an alternative reading of political realism. The article uncovers in Williams' scholarship a dual-layered legitimacy framework, displaying three inherent demands (namely, discursive, intelligibility, and reflective vindication demand) in his idea of legitimacy. In so doing, the article demonstrates how political realism employs its own prescriptive resources to critically scrutinize politics, while highlighting the crucial distinction between political realism and applied ethics. The article finally contends that political realism can, through immanent critique, maintain its evaluative standards and critical potency without necessarily engaging with political normativity.

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Since political realists reject unabashedly 'political moralism' (Williams 2008, 2) and 'ethics-first' approach to politics (Geuss 2008, 8), the critics believe – or believe political realists believe – that political realism must resort to a distinctively political normativity (Erman and Möller 2015; Leader Maynard and Worsnip 2018; Thomas 2017; Wendt 2016). They maintain, for instance, that 'a slew of recent theorists contending that political normativity is its own distinctive kind of normativity, independent of moral normativity', and immediately add that 'a key source for this view is found in the political writings of Bernard Williams, subsequently developed by several others' (Leader Maynard and Worsnip 2018, 757).<sup>1</sup> In

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<sup>1</sup>The following literature is often included as representing realists' endeavour to develop such a distinctively political normativity: (Sangiovanni 2008; Hall 2015; Rossi and Sleat 2014; Newey 2010; Newey 2001; Hall 2017; Horton 2010; Philip 2010; Sleat 2010; Jubb and Rossi 2015a; Jubb and Rossi 2015b; Jubb 2019; Geuss 2005; 2008; 2010; Bourke 2009; Galston 2010).

# Normativity And Legitimacy Normativity And Legitimacy

**Terry Lee Anderson**

## **Normativity And Legitimacy**

Normativity and Legitimacy Riccardo Dottori,2001 This volume contains the Proceedings of the Second Meeting Italian American Philosophy that took place in New York from 12 to 15 October 1999 together with two contributions given during the First Meeting It is the first volume of a Yearbook for Philosophical Hermeneutics The Dialogue actually aiming to promote the dialogue between analytic and hermeneutic philosophy Normativity and legitimacy are the two key concepts which have been at the base of the confrontation between the thought of the Frankfurt School and most of the American philosophy They can offer the possibility for further discussions and developments within the fields of aesthetics logic and language philosophy epistemology ethics philosophy of law and politics They also represent the ground on which the two different aspects of contemporary philosophy that one of hermeneutic dealing with historical legitimacy and the one of analytics dealing with rational determination of norms could together establish a productive dialogue

### **Legitimacy**

**Beyond the State** N. P. Adams,Antoinette Scherz,Cord Schmelzle,2021-05-13 This volume addresses the normative legitimacy of the international order asking how we can make sense of legitimacy claims of increasingly diverse global governance institutions and practices and how their legitimacy relates to and differs from state legitimacy State legitimacy is a central concern of modern political thought but is inadequate when applied to institutions that differ from the state in type level of governance scope and much else We need a new tailored approach to the legitimacy of institutions beyond the state especially international and transnational institutions Such an approach includes foundational questions what does it mean for institutions to be legitimate that have radically different purposes means interests capacities constituents and roles from states And what standards do such institutions have to meet in order to count as legitimate The contributions to this volume seek to advance the debate on these questions at both abstract and more concrete levels They range from conceptual questions about the nature of legitimacy and international institutions to rule of law to the legitimacy of the UN Security Council the International Criminal Court and occupying military forces in the face of challenges specific to their nature and context Together they demonstrate both the promise and challenges of theorizing legitimacy beyond the state The chapters in this book were originally published as a special issue of the journal Critical Review of International Social and Political Philosophy

*Norms, Normativity, and the Legitimacy of Justice Institutions* Jonathan Jackson,2018 This article reviews the international evidence on the potential nature sources and consequences of police and legal legitimacy In brief I find that procedural justice is the strongest predictor of police legitimacy in most of the countries under investigation although normative judgements about fair process may in some contexts be crowded out by public concerns about police effectiveness and corruption the scale of the crime problem and the association of the police with a historically oppressive and underperforming state Legitimacy tends to be linked to people's willingness to cooperate with the police with only a small number of national exceptions There is also a fair amount of evidence that people who say they feel a moral duty to obey the

law tend also to report complying with the law in the past or intending to comply with the law in the future The main argument is however that international enthusiasm for testing procedural justice theory is outpacing methodological rigor and theoretical clarity On the one hand the lack of attention to methodological equivalence is holding back the development of a properly comparative cross national analysis On the other hand the literature would benefit from a greater delineation between legitimization the bases on which citizens judge the rightfulness of an institution and legitimacy the acceptance or rejection of the rightfulness of an institution and the normatively grounded duty to obey b stronger differentiation between police and legal legitimacy and c more attention given to isolating the mechanisms through which rightfulness and consent motivate cooperation and compliance The Philosophy of Law Christopher Berry Grey,2013-07-04 From articles centering on the detailed and doctrinal exposition of the law to those which reside almost wholly within the realm of philosophical ethics this volume affords comprehensive treatment to both sides of the philosophico legal equation Systematic and sustained coverage of the many dimensions of legal thought gives ample expression to the true breadth and depth of the philosophy of law with coverage of The modes of knowing and the kinds of normativity used in the law Studies in international constitutional criminal administrative persons and property contracts and tort law including their historical origins and worldwide ramifications Current legal cultures such as common law and civilian European and Aboriginal Influential jurisprudents and their biographies All influential schools and methods Identity and Diversity on the International Bench Freya Baetens,2020 A distinctive feature of modern international society is the increase in the number of international judicial bodies and dispute settlement and implementation control bodies in their case loads and in the range and importance of the issues they are called upon to address These factors reflect a new stage in the delivery of international justice The International Courts and Tribunals series has been established to encourage the publication of independent and scholarly works which address in critical and analytical fashion the legal and policy aspects of the functioning of international courts and tribunals including their institutional substantive and procedural aspects Book jacket

**The Legitimacy of International Criminal Tribunals** Nobuo Hayashi,Cecilia M. Bailliet,2017-01-19 With the ad hoc tribunals completing their mandates and the International Criminal Court under significant pressure today s international criminal jurisdictions are at a critical juncture Their legitimacy cannot be taken for granted This multidisciplinary volume investigates key issues pertaining to legitimacy criminal accountability normative development truth discovery complementarity regionalism and judicial cooperation The volume sheds new light on previously unexplored areas including the significance of redacted judgements prosecutors opening statements rehabilitative processes of international convicts victim expectations court financing and NGO activism The book s original contributions will appeal to researchers practitioners advocates and students of international criminal justice accountability for war crimes and the rule of law Property Rights and Indian Economies Terry Lee Anderson,1992 Most research on American Indian economies seeking to explain why Indians have remained near

the bottom of the economic ladder has concentrated on resource endowments This approach has focused policy attention on creating government programs to expand resource exploitation either by encouraging non Indians to develop reservation resources or by directly enhancing reservation physical and human capital stocks However these policies have ignored institutions and the important role of local customs and privileges This book explicitly considers this institutional context and focuses on the rules that determine who controls physical and human resources and who benefits from their use Applying the analytical tools from economics law anthropology and political science the authors consider the three main ingredients necessary for successful economies stable government minimal bureaucracies and the rule of law *The Normativity of Code as Law* Marco Goldoni,2011 In the debate on how the new information and communication technologies impact on democratic politics the role played by the digital architecture seems to be underrated In particular while a lot of attention has been paid to the possibilities that new technologies open up to democratic action few works have attempted to look at how democracy may help in shaping technologies By adopting as a starting point the approach known as code as law the paper aims at two objectives to re affirm the importance of discussing normative principles to guide the process of code writing in order to reinvigorate the debate to claim the importance of input reasons when deciding which principles should be chosen After having remarked that code is relevant for establishing democratic norms the paper briefly tackles with the main attempts by European scholars to deal with this issue Then a couple of practical examples of how code impacts on democratic rights are sketched out In the last section of the paper a shift from an output based approach to the legitimacy of code to an input based is advocated In other words an inquiry into the legitimacy of code should focus on its production

Legitimacy in Global Governance Jonas Tallberg,Karin Bäckstrand,Jan Aart Scholte,2018-09-20 Legitimacy is central for the capacity of global governance institutions to address problems such as climate change trade protectionism and human rights abuses However despite legitimacy s importance for global governance its workings remain poorly understood That is the core concern of this volume to develop an agenda for systematic and comparative research on legitimacy in global governance In complementary fashion the chapters address different aspects of the overarching question whether why how and with what consequences global governance institutions gain sustain and lose legitimacy The volume makes four specific contributions First it argues for a sociological approach to legitimacy centered on perceptions of legitimate global governance among affected audiences Second it moves beyond the traditional focus on states as the principal audience for legitimacy in global governance and considers a full spectrum of actors from governments to citizens Third it advocates a comparative approach to the study of legitimacy in global governance and suggests strategies for comparison across institutions issue areas countries societal groups and time Fourth the volume offers the most comprehensive treatment so far of the sociological legitimacy of global governance covering three broad analytical themes 1 sources of legitimacy 2 processes of legitimization and delegitimation and 3 consequences of legitimacy Legitimacy in an Age of Global Politics

Achim Hurrelmann, Steffen Schneider, Jens Steffek, 2007-10-11 In spite of the conspicuous lack of normatively plausible alternatives to liberal democracy it is now widely held that the age of globalization has ushered in serious challenges to the democratic legitimacy of the nation state. This alleged crisis of the western nation state seems to be compounded by the legitimacy deficits of newly emerging governance structures at the international and supranational level. The contributors to this book explore the frontiers of normative and empirical legitimacy research whilst drawing upon a range of pertinent conceptual and methodological issues.

**The Hastings Law Journal**, 2013 *Fatah and the Politics of Violence* Anat

Kurz, Anat N. Kurz, 2005 This study of Fatah's institutionalisation reveals an ongoing interplay of intra organisational considerations relations between the organisation and its national constituency and environmental opportunities and pressures.

*Michigan Journal of International Law*, 2013 *Encyclopedia of Criminal Justice Ethics* Bruce A.

Arrigo, 2014-07-17 Federal state county and municipal police forces all have their own codes of conduct yet the ethics of being a police officer remain perplexing and are often difficult to apply in dynamic situations. The police misconduct statistics are staggering and indicate that excessive use of force comprises almost a quarter of misconduct cases with sexual harassment, fraud, theft and false arrest being the next most prevalent factors. The ethical issues and dilemmas in criminal justice also reach deep into the legal professions the structure and administration of justice in society and the personal characteristics of those in the criminal justice professions. The Encyclopedia of Criminal Justice Ethics includes A to Z entries by experts in the field that explore the scope of ethical decision making and behaviors within the spheres of criminal justice systems including policing, corrections, courts, forensic science and policy analysis and research. This two volume set is available in both print and electronic formats. Features: Entries are authored and signed by experts in the field and conclude with references and further readings as well as cross references to related entries that guide readers to the next steps in their research journeys. A Reader's Guide groups related entries by broad topic areas and themes making it easy for readers to quickly identify related entries. A Chronology highlights the development of the field and places material into historical context. A Glossary defines key terms from the fields of law and ethics and a Resource Guide provides lists of classic books, academic journals, websites and associations focused on criminal justice ethics. Reports and statistics from such sources as the FBI, the United Nations and the International Criminal Court are included in an appendix. In the electronic version the Reader's Guide, index and cross references combine to provide effective search and browse capabilities. The Encyclopedia of Criminal Justice Ethics provides a general non-technical yet comprehensive resource for students who wish to understand the complexities of criminal justice ethics.

**Political Legitimacy** Jack Knight, Melissa Schwartzberg, 2019-08-06 Essays on the political, legal and philosophical dimensions of political legitimacy. Scholars, journalists and politicians today worry that the world's democracies are facing a crisis of legitimacy. Although there are key challenges facing democracy including concerns about electoral interference, adherence to the rule of law and the freedom of the press, it is not clear that these difficulties

threaten political legitimacy Such ambiguity derives in part from the contested nature of the concept of legitimacy and from disagreements over how to measure it This volume reflects the cutting edge of responses to these perennial questions drawing in the distinctive NOMOS fashion from political science philosophy and law Contributors address fundamental philosophical questions such as the nature of public reasons of authority as well as urgent concerns about contemporary democracy including whether animus matters for the legitimacy of President Trump's travel ban barring entry for nationals from six Muslim majority nations and the effect of fundamental transitions within the moral economy such as the decline of labor unions Featuring twelve essays from leading scholars Political Legitimacy is an important and timely addition to the NOMOS series    **Discussion Paper (University of Minnesota. Strategic Management Research Center).** ,2007

**Sri Lanka Journal of International Law** ,2003    *Is the Supreme Court Bulletproof?* Dion Farganis,2007

**Creating Credibility** Lloyd David Brown,2008 In many countries civil society organizations CSOs are more trusted by the general public than businesses and government CSOs depend on their good reputations and performance in order to mobilize resources This book is useful for people concerned with finding ways CSOs can respond to different challenges

**Journal of Managerial Issues** ,2007

## Decoding **Normativity And Legitimacy** Normativity And Legitimacy: Revealing the Captivating Potential of Verbal Expression

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