Review of Jack Knight & Melissa Schwartzberg, eds,
***NOMOS LXI: Political Legitimacy* (New York University**
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According to a familiar narrative, John Rawls' *A Theory of Justice* (1971) prompted a revival of Anglophone political philosophy. Whatever one makes of that narrative, it's undeniable that work on justice dominated the last quarter of the 20th century, and even the turn to global issues that characterized the subfield at the turn of the century. Now that Rawls's influence is on the wane, so is the almost puritanically moralistic focus on justice. Other historically central and more pertinently political concerns have come back to the fore—chiefly among them, legitimacy, understood not in narrow legalistic terms or as an ancillary to justice, but as a central feature of the normative landscape.[1] The renewed interest in legitimacy has borne fruit, for instance in the form of new conceptual approaches that distance themselves from the old-fashioned notion of legitimacy as the correlate of political obligation (Applbaum 2010) (Adams 2017), or in the growing realist revival that makes legitimacy the central concern of normative political theory (Williams 2005) (Rossi 2012) (Sleat 2015). Now Jack Knight and Melissa Schwartzberg have masterfully edited a *Nomos* volume on legitimacy in the best tradition of this series: a solid cross-section of work in a burgeoning field. The volume is in three parts. Part I contains mostly conceptual work on the philosophical foundations of legitimacy. Part II offers chapters on a range of normative legitimacy problems. The essays in Part III deal with the interface between the conceptual, normative, and empirical study of legitimacy. The editors' introduction does an excellent job of summarizing each of the twelve chapters, so here I will focus on just three that I take to be representative of the volume's tenor. My selection is inevitably idiosyncratic, so it shouldn't be taken as a judgment about the chapters' relative quality.

      Amanda Greene's "Is Political Legitimacy Worth Promoting?" is one of the most ambitious contributions in Part I of the volume. Beside answering the titular question, the paper provides a fully-fledged theory of legitimacy as "quality assent". The view is that a regime is legitimate just in case (i) enough of its

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[1] Though Rawls had already brought legitimacy back on the agenda with *Political Liberalism* (1993), much of the reception of that work has focused on legitimacy as a way to make pluralism safe for liberal justice, rather than on legitimacy *per se* (Rossi 2019).

subjects judge that there is some value in being a subject of that order, and (ii) those judgments are compatible with the regime's "essential claim of rule", namely "the provision of basic security for all subjects" (72). If, say, someone's assent to the regime is combined with a rejection of the regime's aim to provide basic security to all those subjected to it, then their assent doesn't contribute to legitimacy. There's much to like about Greene's chapter, especially the worthwhile and largely successful effort to isolate legitimacy from other normative concerns. However, one can't help but notice a similarity between Greene's view assent and Bernard Williams's realist theory of legitimacy, centered on what he calls the "Basic Legitimation Demand", i.e. the provision of order in ways that are in some non-moralized sense acceptable to the regime's subjects (Williams 2005, 4–6). Or rather, there is at least one difference, but I do not think that it is well-motivated. For Williams acceptance of a political order "does not count if the acceptance itself is produced by the coercive power which is supposedly being justified" (*ibid.*, 6). Greene rejects such a critical-theoretic enhancement of her notion of assent, because epistemic defects do not necessarily make acceptance incorrect. She identifies two types of epistemic defect: "where the content of the belief is false [and] where the process of belief formation involves manipulation or deception." (82). It is true that neither of those defects guarantees incorrect acceptance, and Greene cautions us against prizing "having correct beliefs at the expense of everything else that might matter" (83). But this move circumvents the most salient question: it's possible that a regime may brainwash its citizens into a correct acceptance, but how likely is that? And why take this epistemic risk?[2]

Moving on to Part II, Jennifer Rubenstein's "The Political Legitimacy of International NGOs" provides an excellent example of how normative political theory can fruitfully be brought to bear on issues that are typically the preserve of empirically-minded scholars. The chapter's main contention is that applying the tools of political theory to the INGO legitimacy debate "has the potential to (re)politicize those debates in surprising and salutary ways, especially if the criteria for political legitimacy attached to this project include democratic criteria." (251). While I find Rubenstein's insertion of the normative perspective into the debate valuable, I am left wondering why she chose to retain the standard, state-centric notion of legitimacy as the right to *rule*, rather than relying on more expansive accounts, such as N.P. Adams's idea of institutional legitimacy as the "right to function without coercive interference" (Adams 2017, 2). For Adams, "legitimacy answers a very specific fundamental question: *must we allow this institution to carry on, or may we coercively interfere with it?*" (*ibid.*, 6). The suggestion is that it is possible to capture the relevant normative dimensions

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[2] For an example and sustained discussion of this kind epistemic critique see (Rossi and Argenton forthcoming).

of an INGO's power without falling into the sometimes forced parallel with a ruling authority.

I found Part III of the volume the most refreshing, as it really breaks down the barrier between empirical and normative approaches to legitimacy. Sanford Gordon and Gregory Huber's chapter is an excellent example of how this may be done. The chapter's strategy is to draw on the normative literature to enhance a positive definition of legitimacy. Specifically, justifiability and obligation are deployed to sharpen the generally agreed-upon idea that there is more to social cooperation than material incentives: "obligation implies a motivation to comply apart from extrinsic, material motivations; while justification implicates citizens' beliefs about authorities and institutions." On this account, legitimacy is "a feature of an equilibrium in which citizens' intrinsic motivations are enhanced by those beliefs about authorities, and the actions of governing institutions are consistent with those beliefs." (329) While I am inclined to agree that such an account should prove empirically productive—in fact the authors' review of a large body of empirical literature in light of their definition sheds much light on some recurring confusions—I would like to point out a normative complication, namely the possible decoupling of justification and obligation. As A. John Simmons argued, whether I have an obligation to comply with an authority and whether that authority's commands are justified are two completely separate questions (Simmons 1999). However, far from agreeing with Simmons that legitimacy is purely a matter of obligation rather than justification, I wonder whether we couldn't simplify our analytic categories by making obligation redundant: tying legitimacy to the convergence of perceived obligation and justifiability might obscure the fact that beliefs in justifiability might enhance intrinsic motivation without the need to invoke the notion of obligation.

The preceding remarks should give a sense of the import of *Nomos XXI*. There is much to learn from each of the chapters I haven't been able to discuss here. Anyone with an interest in political legitimacy—be they a theorist or an empirically-minded scholar—would do well to consider this volume a reference point.

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