Two Conceptions of Legitimacy: A Response to Fabian Wendt's Moralist Critique of Political Realism

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Abstract

Fabian Wendt [20] argues that political realism is not capable of explaining how the state's moral right to rule over its subjects is generated. I believe that Wendt's criticism is not sound because his position relies on the false implicit assumption that realism and moralism ask the same philosophical questions on state authority. I contend that it is fallacious to evaluate the realist account of legitimacy by the standards of moralism, and vice versa, as these two accounts arrive at different conceptions of legitimacy by raising different sets of philosophical questions. The two sets of philosophical questions are not reducible to each other. The realist account of legitimacy does not aim to explain what the moralist account of legitimacy aims to explain.

Keywords: *realism, moralism, legitimacy, normativity, politics*

Introduction

At the fundamental level, political realism contends that political philosophy as a normative theory is not a branch of moral philosophy. Realist philosophers construct political normativity by referring to the difference between political rule and sheer domination ([24, p.5], [16, p.319]). The relationship between a power holder and the rest of his or her community is *political* only if the power holder's justification of his or her power is acceptable from the subjects's point of view. Bernard Williams's notion of the Basic Legitimation Demand (BLD) is the chief normative principle of politics that makes a distinction between *political rule* and rule through coercion or domination. The BLD requires power holders to provide *acceptable* solutions to the "first political question" which is "securing of order, protection, safety, and the conditions of cooperation" [24, p.4]. I will call this condition *the acceptability-criterion*. Fabian Wendt [20] criticizes the realist account of legitimacy on the grounds

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that the realist theory is allegedly not capable of explaining how *the acceptability-criterion* generates new rights for the state to be authorized to exercise power over its subjects. Unlike consent, acceptability does not refer to a public act that gives rise to alterations in the rights and duties of individuals and institutions [20, p.238].

In this paper, I will argue that mainstream Anglo-American political philosophy, which defines political philosophy as a branch of moral philosophy, and political realism try to answer different questions regarding legitimacy. The former, which I will call *moralism*, tries to construct *morally permissible* ways of exercising power or the conditions under which a state has the bundle of *moral rights* to rule over people. The latter searches for the conditions under which power holders rule through *justification* rather than violence and domination. As a result, they arrive at *different conceptions of legitimacy*. Both conceptions of legitimacy make sense for different theoretical purposes. Following this, Wendt's criticism is not sound because his position relies on the false implicit assumption that realism and moralism ask the same philosophical questions about state authority. In other words, I contend that it is fallacious to evaluate the realist account of legitimacy by the standards of moralism and vice versa. The paper proceeds as follows: In the first section, I briefly summarize the realist account of political normativity, relying primarily on Bernard Williams's works. In the second section, I present Wendt's moralist critique of realism. In the third section, I explicate how realism and moralism arrive at different conceptions of legitimacy to show why realism should not be evaluated by the standards of moralism. In the fourth section, I review Wendt's objection on the plausibility of the realist understanding of *political rule*.

In addition to providing a response to Wendt's critique, another purpose of my argument is to reframe the moralism-realism debate. There have been other political philosophers, engaged in the debate in which realism is defended against moralism or vice versa ([3], [12]). However, these discussions seem to be unfruitful, as both parties often refer back to their disputed presuppositions regarding normativity. They seem to assume that they are allowed to evaluate the account of the opponent party by appealing to their disputed standards. By showing the distinct sets of philosophical questions realism and moralism raise, I hope to make a contribution towards ending these futile discussions. Nevertheless, I do not mean to say that we need to abandon the moralism-realism debate completely. For instance, it makes sense to evaluate the way we construct political philosophy in terms of its adequacy in guiding our

actions. If we care about the practical upshot of our philosophical positions, this sort of discussion is quite meaningful. What we need to abandon is the kind of debate in which one account is evaluated by the disputed standards of the other account. I believe that this move is an important step to fruitfully reframe the moralism-realism debate.

1 The Realist Account of Political Normativity

The basic claim of realism is that politics is an autonomous realm, which has its own "evaluative standards" [11, p.559]. Realist thinkers believe that mainstream political philosophy, which is also called political moralism [24, p.2], fails to discover the distinctive political norms. Moralism defines political philosophy as a branch of moral theory. In other words, normative political theory is reduced to the study of moral principles which aim to be applied to the domain of politics. Therefore, in political moralism, there is no room for a sort of political normativity which is not reducible to the realm of morality. According to Bernard Williams, both utilitarian and Rawlsian theories fall into the category of moralism, as they take moral values as the primary source of action-guidance in politics [24, p.1].

Before going into the details of the realist account of political normativity, I want to explicate what non-moral normativity means. This is a rather important point to understand what realists mean by political normativity which is prior to moral normativity. The idea that there are distinct realms of normativity is not novel. Domains of morality, aesthetics and epistemic justification are usually recognized as distinct normative realms [7, p.18]. I will only focus on epistemic normativity as an example of non-moral normativity. We evaluate a belief by epistemic standards to qualify it as knowledge or a true belief [19, p.71]. Since the rules of the epistemic domain inform us on how we *ought to* form our beliefs, it has its own kind of normativity. According to Sosa [19, p.70], truth is the fundamental epistemic value. There are also other candidates such as rational acceptability of a belief [18, p.161]. The discussion on what constitutes fundamental epistemic value(s) is out of the scope of this paper. The evaluative/normative standards of the epistemic domain are derived from what we accept as the fundamental value within the same domain. For instance, if truth is accepted as the fundamental epistemic value, we evaluate our beliefs by investigating "whether and how we are in touch with the truth" [19, p.71]. The role of truth in the epistemic domain is similar to the role of rightness in the moral domain.

Both of them are normatively central notions which make epistemic or moral obligations possible. A fundamental value of a normative domain is valued for its own sake within the domain at issue [7, p.28].

Similarly, the realist thinkers believe that a distinctive sort of normativity is derived from the concept of *politics* itself just like epistemic normativity is derived from the concept of truth. According to realism, we should evaluate *realpolitik* by looking at "the actual meaning and purpose of politics in a given context" ([10, p.559], [11, p.157]). Bernard Williams's definition of *the first political question* is related to the purpose of politics as a human enterprise. According to Williams, the first political question implies "the securing of order, protection, safety, trust, and the conditions of cooperation" [24, p.3]. The importance of the first political question stems from Williams's claim that its solution is the prerequisite for posing any other questions regarding politics [24, p.3]. If there is no order and conditions of cooperation in a society, then Williams implicitly assumes that some sort of state of war is in place rather than a political life. In this sense, Williams interprets *politics* as a human enterprise which is exactly opposite of warfare [24, p.6]. As opposed to warfare, the function of politics is to deal with disagreements among individuals and groups through non-destructive means. In politics, justification of actions matters whereas supremacy of violence is accepted in warfare. In other words, genuine political rule relies on justification rather than violence and domination. Without solving the first political question, transforming warfare into political life is not possible. Individuals are unresponsive to any justificatory project as long as supremacy of violence is affirmed in the state of warfare. There can be no other meaningful question about politics in such a state. Consequently, a solution to the first political question regarding order, safety and the conditions of cooperation is necessary for political life.

Nonetheless, Williams believes that solving the first political question is not sufficient to realize political rule as opposed to warfare [24, p.4]. A tyranny can also maintain order and safety by terrorizing its subjects. Methods of coercion, threatening and domination can successfully sustain a stable social life. According to Williams, this sort of exercise of power does not count as political rule because people comply with the commands of the state due to direct or indirect coercion rather than their acceptance of the power holders's justification. At this point, Williams makes a distinction between political rule and what he calls *internalized warfare* [24, p.5]. Rule through justification rather than rule through violence/internalized warfare is possible only if *the Basic*

Legitimation Demand (BLD) is met. The BLD is what distinguishes a legitimate state from an illegitimate state according to Williams [24, p.4]. This kind of demand emerges when a power holder coerces other people and "claims that they would be wrong to fight back" [24, p.6]. Since the power holder claims that what he does is something different from warfare, he is expected to provide a justification for his actions [24, p.6]. Meeting the BLD implies that the state provides an "acceptable" solution to the first political question. The aforementioned acceptability refers to the situation in which the state offers a justification of its power to each subject and this justification is acceptable from the subjects's point of view. Moreover, "the acceptance of a justification does not count if the acceptance itself is produced by the coercive power" because power itself is the thing which is *supposed to be justified* [24, p.6]. In this sense, self-justification of power is not a genuine justification. This requirement is called *the Critical Theory Test*. If direct or indirect coercive power makes people accept a justification of the state power, Williams defines this as successful domination rather than political rule because justification does not play a genuine role in these kinds of power relations [24, p.5].

One can claim that the BLD implies a moral principle because it basically holds that citizens should be treated as free and equal individuals in the sense that the state should present a justification of its own power to these individuals. Realists try to handle this objection by making a distinction between the appeal to moral content and the nature of a justification. According to realists, even if the content of a justification includes moral values, this does not necessarily mean that the justification merely belongs to the domain of morality [16, p.319]. The distinctive feature of meeting the BLD is not to include a moral discourse according to realists. The essential point is that the relationship between a power holder and their subjects ceases to be a form of coercion/domination. This point is where politics as rule through justification becomes possible [16, p.320].

Realists do not specify the content of justification which gives rise to a legitimate state. What makes a political order in a society legitimate varies "from one historical period to another" [5, p.35]. The content of justification may vary from the medieval Russia to contemporary Western Europe depending on the value system of subjects within the relevant historical and cultural context. Similarly, Williams holds that the acceptability of a political justification is a matter of whether that justification *makes sense* (MS) in a particular social context [24,

p.10-11]. State power makes sense "as a form of legitimate authority in relation to the beliefs of those who are subject to it" [16, p.325]. In this sense, a political justification is acceptable insofar as it is in coherence with people's beliefs, values and preferences.[1]

MS is a concept of historical-interpretative evaluation rather than a normative category according to Williams [24, p.11].[2] For instance, it is possible that the power structure of a medieval hierarchical society makes sense in its own cultural-historical context. It might be that the feudal lords's justification was really meaningful and convincing for other people within that context. However, this evaluation has nothing to do with our normative judgements regarding feudalism. MS does not indicate that we ought to guide our actions according to hermeneutical analysis of other communities and cultures. On the other hand, Williams holds that MS can also become normative when we interpret our own institutions within our own historical-cultural context [24, p.11]. In a sense, when we interpret our own society, we, as interpreters, are also a part of the object of interpretation. Consequently, "what (most) makes sense to us is a structure of authority which we think we should accept" [24, p.11]. In other words, when we interpret our own society and its institutions, these institutions make sense only if their justification is in coherence with our value systems. As we interpret these institutions in relation to our own values, this self-interpretation has an ineliminable normative dimension from our point of view.

One may object that this sort of theory of legitimacy is descriptive rather than normative because it takes the subjects's actual pro-attitudes about the state at face value. One realist response to this objection would be the following: First of all, our evaluation about the normative status of a theory or a statement changes according to the normative domain from which we look. For instance, there is no possible evaluation of the belief "the wall is white" within the domain of morality since this is a descriptive statement. However, the same belief can be evaluated by the standards of epistemology since it has a truth-value. The rules of epistemic normativity makes possible to critically assess the belief in terms of its relation to truth, the quality of the justification behind the belief etc. Similarly, meeting the BLD is a normative requirement within the domain of politics because the BLD is "a claim that is inherent in there being such a thing as politics" [24, p.5]. In other words, the purpose of politics, rule through non-destructive means, can be realized only when the BLD is met. Internal warfare and coercion would override political rule if there was no acceptable justification of state power. Violence

and domination would be the only way to stay in power in that case. Since realism tries to find out necessary and sufficient conditions of rule through justification of actions, any requirement that functions to distinguish political rule from rule through violence and domination has a normative standing within the domain of politics.

2 The Moralist Critique of the Realist Account of Legitimacy

Wendt [20, p.230] begins his analysis of legitimacy by introducing *the puzzle of legitimacy*: "... the puzzle is how states could actually *be* legitimate: How could some persons acquire the right to rule over others?" Legitimate states are assumed to have a right to exercise power over its subjects. However, real persons play a role in state institutions, so the execution of power is made possible by the conduct of individuals. Following this, Wendt believes that individuals who represent the state authority should have the right to exercise power over other individuals [20, p.229]. The puzzle is explaining how some individuals end up with special rights to rule over others. Wendt holds that this is a perplexing question because he assumes that "no one naturally has a right that other persons lack, and certainly not the right to rule over others" [20, p.230]. If there are any natural rights or human rights, Wendt believes that the natural distribution of these rights is certainly equal [20, p.230]. Therefore, Wendt concludes that any adequate theory of legitimacy should provide a justificatory mechanism which explains how some individuals acquire the additional rights to rule over others. Otherwise, the transition from the state of equal rights to a political society, in which unequal distribution of some rights is justified, remains unexplained.

Wendt claims that the realist account of legitimacy is not capable of explaining how unequal rights emerge. To ground his claim, first of all, he borrows the notion of "performative consent" from Wertheimer [22] to show how liberal consent theory explains the creation of new rights in a society [20, p.238]. According to the view of performative consent, "consent is behavioral, that B consents if and only if she tokens or expresses consent in an appropriate way" [22, p.144]. Wendt holds that consent makes alterations of rights and duties possible. For instance, when an individual performs an action in order to announce his attitude of approval for participating in sexual intercourse, he provides a reason for action with his partner [22, p.146]. His partner can rightfully approach him to initiate sexual intercourse. Since consent changes person's reasons for

actions, Wertheimer states that consent is *morally transformative* [22, p.146]. In other words, consent is able to change what individuals can rightfully do. Similarly, consent theory can explain how some individuals acquire the right to rule over others because the subjects's consent to the state leads to alterations in individuals's rights and duties [20, p.238]. Unequal rights in a political society emerge through the morally transformative nature of consent.

As it is discussed above, the realist criterion of legitimacy is the acceptability of the state's justification of its own power.[3] Wendt's objection is that *the acceptability criterion* is by no means morally transformative. He first starts with analyzing the notion of acceptance: "Acceptance is a mental state, not a performance or public act. And as such it cannot give rise to new duties or rights" [20, p.238]. Since there is no reliable way to access individuals's mental states, no clear indication of individuals's approval of something can be obtained by referring to their *acceptance*. Moreover, when one focuses on *acceptability* of a justification rather than actual acceptance, the problem is even more serious for the realist account of legitimacy [20, p.238]. A justification can be acceptable for a person without a corresponding mental state of acceptance in his mind. Consider that some actions are really acceptable from your point of view but you never imagined and evaluated such scenarios. Even if it is assumed that you will accept something once you evaluate it, it does not seem plausible to hold that acceptability (or hypothetical future acceptance) provides other individuals with rights to act in a way you will accept. Hence, the acceptability criterion does not necessarily refer to either consent or pro-attitudes on the mental level. Wendt concludes that this criterion fails to explain the alteration in individuals's rights and duties.

Wendt also evaluates the possible objection that acceptance is a form of tacit consent. For instance, when a person gets on a bus, he is supposed to buy a bus ticket even if he does not explicitly state that he consent to buy a ticket. Social conventions evolve in such a way that getting on a bus is accepted as a sign of consent to buy a ticket. Along these lines, one can argue that acceptance of the state's justification of its own power is also a sort of tacit consent because it implies the subjects's positive attitudes towards the state without an explicit announcement of this attitude. Wendt's response to this objection consists of two steps. Firstly, Wendt claims that social conventions rather than the mental state of acceptance makes tacit consent possible [20, p.238-239]. When someone takes a bus, his mental state, which accepts to

buy a ticket, is not enough to count as consent. Without a convention, Wendt argues that tacit consent cannot emerge as a public act, which alters individuals's rights and duties. Secondly, he believes that there is no such convention "that allows us to count a person's nonemigration — or anything else — as tacit consent to the state's authority" [20, p.238-239]. For instance, if individuals keep staying in a country or do not revolt against the state, there is no appropriate behavioral signal to interpret individuals's inaction as their consent to the state. Fear of violent oppression, rather than genuine acceptance, may be the reason behind compliance with state authority.

3 Deriving Two Conceptions of Legitimacy from Different Sets of Philosophical Questions

In this section, I answer the question of whether evaluative standards of moralism are applicable to the realist account of legitimacy. By applicability, I mean that we can reasonably expect realism to meet the standards of moralism. I believe that this kind of applicability of moralist standards is not the case because the realist and moralist accounts of legitimacy ask completely different philosophical questions. Moreover, these questions are not reducible to each other. Hence, I will conclude that Wendt's criticism relies on a misconception of realism because he employs moralist standards in his critique. The broader implication of my conclusion is that we ought not to conflate what moralism is supposed to explain with what realism is supposed to explain.

Isaiah Berlin [1, p.169] famously introduced two concepts of freedom. According to Berlin, the notions of positive and negative freedom are answers to different questions.[4] He claims that the concept of negative freedom is the answer to the question asking the domain within which a person is able to do whatever he wants to do without interference by others [1, p.169]. On the other hand, the concept of positive freedom "is involved in the answer to the question 'What, or who, is the source of control or interference that can determine someone to do... this rather than that?'" [1, p.169]. Similarly, I believe that the realist and moralist accounts of legitimacy provide proposed answers to completely different questions, even if they use the same word, legitimacy, for their answers. As a result, these two accounts come up with different conceptions of legitimacy. The realist conception of legitimacy does not aim to cover what the moralist conception of legitimacy means. The rationale behind the use of the word "legitimacy" is completely different for realist and

moralist philosophers.

Moralist conceptions of legitimacy try to provide answers to the questions, "Under what conditions is it morally permissible for a state to coerce its citizens?" and/or "How do states have moral rights to impose moral and legal duties on its citizens?" These questions belong to the domain of moral rights and obligations [15, p.745-746]. Wendt's understanding of legitimacy is especially connected to the second type of questions:

"I here assume that the state may not need a claim-right to be obeyed, but that, on the other hand, a mere liberty-right to enact (certain kinds of) laws is not sufficient. In addition to moral liberties to enact and enforce (certain kinds of) laws, the state also needs moral powers to thereby impose moral and legal duties on citizens" [21, p.238].

When Wendt [20, p.230] presents his puzzle of legitimacy, he implies that any adequate account of legitimacy should be able to provide convincing answers on how any state has a bundle of moral rights (liberties and powers in the Hohfeldian scheme) to impose moral and legal duties on its subjects. The puzzle of legitimacy demands an explanation for the claim that some individuals have *moral rights* to rule over other people. Since Wendt assumes that every individual initially has equal rights, he correctly believes that there should be a morally transformative relationship between power holders and subjects. Otherwise, any state would lack the moral justification of its distinctive moral rights.

Although Wendt plausibly believes that there must be a moral justification for the shift from equality of persons to unequal rights in a political society, he wrongly postulates that he can evaluate the realist account of legitimacy by these moralistic standards. Realists do not deny that moral values play a role in political justification. However, their account of legitimacy focuses on "the justificatory resources that are internal to politics" [16, p.317]. Let me explicate what the inherently political justificatory resources mean. Politics is a purposeful human activity. As it is discussed in the first section, Williams reveals the purpose of politics by formulating the first political question: securing protection, safety, the conditions of cooperation etc. One can ask further questions about the value of politics and how much we should care about it. However, these are external questions which evaluate the importance of the purpose of politics. Realists do not get involved in these external questions. Instead, they make a presumption that we care about politics and find its purpose important to our well-being. This assumption is not too bold, as most human societies favor politics as a non-destructive way of

ruling people, as opposed to warfare. It is less destructive than warfare because disagreements in a political society are supposed to be overcome through justification of actions rather than violence and domination. It does not matter whether the valuation of politics stems from self-interest or moral ideas. Either way, realists seem to assume that politics itself is a state of affairs which is more desirable than warfare.

The notion of political rule is the central evaluative category in the realist normative investigation of power and governance. Realists try to discover the necessary and sufficient conditions which distinguish a political relationship between a power holder and other individuals from the relationships of coercion or domination. Their definition of political rule excludes rule through coercion, domination and warfare because the role of justification is central in their understanding of political rule. Only justified rule is in coherence with the purpose of politics. For instance, if political life ends up with a violent tyranny, according to realists, this would be against the very purpose of politics. Oppression of people is not one of the aims of politics as a human enterprise. Realists conceive the purpose of politics as a kind of collective intention to create an alternative to oppression, occupation and civil war. Therefore, what realists call legitimacy is the answer to the question "what are the necessary and sufficient conditions of rule through justification as opposed to rule through violence and domination in a given context?" Although their discussion of legitimacy includes moral ideas, e.g. liberal values within the context of the contemporary western world, their research questions are by no means related to the moral evaluation of political phenomena.

In addition to the different questions raised by realism and moralism, my claim is that these questions are not reducible to each other. The realist research question "what are the necessary and sufficient conditions of rule through justification as opposed to rule through violence and domination in a given context?" does not refer to the purpose of discovering the emergence of moral properties of the state. The realist question merely tries to find out whether there is a gap between the purpose of politics and the exercise of power in a given context. Rule through justification does not necessarily refer to a state which has moral rights to rule over people. It rather indicates the type of relationship between a power holder and the subjects, oppression/warfare or political rule.

Wendt's demand for an explanation of the puzzle of legitimacy does not apply to the realist conception of legitimacy. Since the realist conception of legitimacy does not refer to the *moral authorization* of the

state to rule over people, there is no reason to expect political realism to solve this puzzle. One can criticize the realist conception of legitimacy on other grounds. For instance, one can argue that practical implications of the realist conception of legitimacy lead to morally undesirable outcomes for some reason. This would be a practical-moral evaluation of realism rather than a critique which indicates an alleged gap between what realism is capable of explaining and what it is supposed to explain. Wendt implies that his critique is the second kind. He holds that realism is not capable of explaining what it is supposed to explain (the puzzle of legitimacy). However, as it is discussed above, realists's understanding of political normativity and their conception of legitimacy rely on non-moral categories. Realism has never aimed to answer the questions which are raised by Wendt. Similarly, the realist conception of legitimacy has never been involved in the questions regarding moral rights and obligations. For this reason, there seems to be no ground to believe that realism can reasonably be evaluated by the standards of moralistic understanding of political normativity.[5]

4 Do Realists Have a Moralized Understanding of Politics?

Wendt [20, p.241] anticipates the objection to his critique which is presented in the previous subsection. As a response, he argues that the idea of non-moral political normativity is problematic in the first place because deriving political normativity from politics itself (what Bernard Williams does) is based on a moralized (and unrealistic) understanding of politics. According to Wendt, the realist idea of "political rule" does not capture our intuitions about politics [20, p.242]. Realists allegedly distinguish legitimate states from illegitimate ones by referring to the difference between political rule and rule through coercion and domination. According to Wendt, instances of deception and coercion are usually observed in political phenomena. If we look at how we often discuss politics, it would be implausible to hold that violent dictators, who rule by way of violence and domination, are not engaged in politics [20, p.242]. Taking *realpolitik* into consideration, there are many societies where domination and coercion play a considerable role in politics.

The implication of Wendt's claim is that the realist conception of legitimacy does not rely on non-moral grounds since the ordinary definition of politics is not compatible with the realist notion of political rule. If there is no such real difference between political rule and rule through coercion/domination in the very definition of politics, norma-

tive standards like the requirement to meet the BLD (Basic Legitimation Demand) cannot be derived from politics itself. Power relations in a society can be political and coercive at the same time. In other words, Wendt holds that meeting the BLD is not necessary for political life as opposed to warfare as Williams [24] claimed. From this, Wendt seems to infer that moralist standards are the only appropriate currency, when discussing politics in a normative sense. Moreover, he holds that Williams's principle of the BLD is a moral principle since it is not possible to derive this principle from the practice of politics. Therefore, the puzzle of legitimacy ought to be solved by political realism according to Wendt:

"We should simply use sound and relevant moral ideas in our thinking about politics, and this is something that both Williams and so-called moralists try to do. They just disagree about which moral claims are sound and relevant for the moral evaluation of politics. For that reason, a realist cannot reject the puzzle of legitimacy with a generic verdict against 'moralism'" [20, p.242].

My first claim is that realists do not rely on a moralized understanding of politics because they do not exclude all instances of coercion from the definition of political rule. Let me present my response to Wendt's criticism in two steps. First, I believe that there is a distinction between *use of means of coercion in politics* and *governance that relies on these means*. The former is compatible with the realist definition of political rule as a central normative category. When realists state that political norms are derived from the distinction between political rule and successful domination and warfare, this definition of political rule does not necessarily exclude all instances of coercion. A state can rule through justification while it uses coercive means to regulate the society at the same time, given that its use of coercive means is acceptable from the subjects's point of view. In a sense, most realists hold that coercive institutions are an essential part of human life [14, p.694]. This view is also called *political naturalism*, which holds that political theorizing ought to presuppose the existence of coercive institutions [2]. As long as acceptance of the coercive authority does not stem from coercion itself, realists see no reason to exclude such cases from the definition of political rule. One can argue that the subjects's acceptance of the state authority is not genuine if the state needs to coerce them to maintain its authority at the end. However, this problem is out of the scope of the discussion between moralism and realism because the moralist accounts of legitimacy also suffer from the same kind of objection. If you consider

the consent theory of legitimacy and political obligation, one can also claim that individuals's past consent does not count as genuine consent if the state coerces them later on, e.g. criminals. Therefore, I will not go into the details of this objection. The important point is that the realist definition of political rule excludes instances of coercion only if power holders's superior position *relies on* the use of these means rather than justification of state power. Relying on coercive means and the use of coercive means are not identical.

Secondly, I hold that the realist conception of "political rule", which relies on the justification of state power even if coercive means are also employed, is in coherence with our intuitions about politics. In other words, such a conception of "political rule" catches our intuitions, without appealing to moral values, on how we use the term "political". However, it is important to note that there are two different senses of the term "political". The first sense of the term "political" refers to state affairs in the broadest sense. Wendt sticks to this sense of "political", and he is right in thinking that even violent dictators get involved in state affairs. The second sense of the term "political" refers to a type of relationship between rulers and citizens [6, p.477-478]. The political relationship affirms the supreme role of justification of actions in exercising power over people. The second sense of the term "political" has an ineliminable normative dimension. For instance, the notion of a "political solution" is commonly used to define a sort of peace process among conflicting parties of a civil war, a sanction-oriented international crisis or a total war, etc. Politicians talk about a "political solution" for crises when they try to initiate a transition from the employment of the means of coercion to a sort of normative dialogue. However, this sort of non-violent process does not necessarily entail a pursuit of moral consensus. It might be a self-interested negotiation process or a minimal agreement based on mutual compromise. In this second sense of the term "political", people clearly imply disapproval of coercive methods without appealing to any pre-political moral doctrine. They simply mean that normative discourses should play a central role in dealing with conflicts. This is what they mean by a "political solution". In this sense, Williams's notion of political rule apparently catches our intuitions about the second sense of the term "political", as his notion of political rule also relies on the distinction between coercive methods and the justification of actions.

Following this, any state whose governance *relies on* the means of coercion does clearly violate the requirements of "political rule" in the second sense of the term. I will clarify my point with an example. Con-

sider that there are two different non-liberal states which use coercive means in many areas of social life, e.g. prohibition of a multi-party system. In the first state, these coercive interventions to social life are in harmony with their subjects's social and moral values whereas the subjects of the second state do not revolt against their states because of their fear of punishment. From the realist point of view, there is a difference between the non-liberal state whose subjects genuinely believe that what their state does is justified and another non-liberal state whose subjects comply with the commands of the state only out of fear, coercion and domination. Realists exclude only the second kind from the definition of political rule. I believe that the exclusion of the rule through coercion and domination makes sense because there is no reason not to define this kind of power relations as *internalized warfare*. There is no "political solution" in states like the second kind. If justification of state power plays no major role in power relations, then the only distinctive element of political life disappears. The purpose of politics, rule through the justification of state power, is no longer a central interest under these circumstances. Regulation of human activities in a stable manner is not enough to distinguish political rule from other forms of governance. For instance, a military occupation in a country can also regulate the society in a stable manner although the militaristic governance is simply an extension of immediate warfare. Occupation forces are not expected to provide a justification of their actions, given that their governance relies on brute force. In this sense, rule through coercion and domination represents the marginal situations in which there is no clear distinction between politics and warfare. This conceptual distinction, not a moral principle, between politics and warfare is exploited in the realist account of legitimacy.

One may argue that this distinction is not helpful in evaluating many real world cases that fall somewhere between rule through violence and domination and rule through justification. Even if a state offers an acceptable justification to the vast majority of its subjects, it is very likely that there is always a portion of the society whose members do not find the justification acceptable. This objection requires another important feature of realism to be explained. Unlike the moralist account of legitimacy, many realists propose to measure legitimacy in degrees rather than defining it as a binary situation ([16, p.10], [24, p.326]). Much of the actual states seem to be neither mere tyranny nor ideally legitimated bodies. They rely on justification of state power and the means of coercion at the same time. Rule through justification is centrally important

in many cases even if there are some oppressed sub-groups to whom an acceptable justification is not offered. On the other hand, some states are more successful in providing a justification of their power to larger portions of their society. In a sense, these states are better at realizing the purpose of politics since they diminish their reliance on coercive means. Therefore, they are more legitimate than others.

I believe that realists do not have a moralized definition of political rule as Wendt holds. They exclude instances of coercion and domination from the range of political rule only if these instances belong to marginal situations which cannot be clearly distinguished from certain forms of governance such as military occupation or tyranny. Even if coercion and domination are inherent to real political life, rulers's *reliance* on justification of actions still survives as the normative criterion distinguishing political rule from sheer domination according to the second sense of the term "political". Moreover, measurement of legitimacy in degrees makes partial reliance on coercion possible in the realist theory of legitimacy.

5 Conclusion

I have claimed that it is fallacious to evaluate the realist account of legitimacy by the standards of moralism and vice versa. Realism and Moralism rely on different conceptions of political normativity with different research questions. The former investigates the necessary and sufficient conditions of rule through justification of actions as opposed to warfare whereas the latter studies the moral principles that are assumed to apply to political life. However, some moralists, e.g. Wendt, claim that the realist account of political normativity is not coherent because it has a moralized and unrealistic understanding of political rule. I responded to this critique by showing that there are two different senses of the term political. By political rule, realists mean the employment of normative discourses in governance. Furthermore, this sense of the term "political" is intuitive and widely used by politicians.

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Notes

1 One might argue that some social-cultural contexts might rely on heavy ideological distortions. In these cases, the critical theory test dismisses ideologically distorted state justifications. However, it is important to note that the realist conception of the ideology critique relies on an immanent perspective which evaluates a piece of justification by the epistemic standards of the community in a context [13, 23, p.225-232]. Therefore, there seems to be no inherent tension between the critical theory test and context-dependency in realism.

2 See Freeden [4] for further discussion on the relationship between interpretivism and realism.

3 Fabian Wendt makes a distinction between Williams's acceptability criterion and Horton's [8] acceptance criterion. He criticizes both Williams's and Horton's accounts separately but inter-relatedly. However, I believe that these two positions are not so much different from each other that we can define them as two separate criteria (acceptance & acceptability), except for the fact that Williams introduces the Critical Theory Principle to disqualify ideological distortions. Williams explicitly uses the notion of "acceptance" in addition to acceptability [24, p.27]. Similarly, Horton admits that legitimacy means more than mere acceptance, unlike the Weberian understanding of legitimacy [8, p.141]. He seems to favor a criterion which entails some sort of justifiability of people's acceptance in terms of their beliefs within a given socio-historical context. There seems to be no such strict distinctions between Williams's and Horton's approaches as Wendt holds. Therefore, I chose to concentrate on Williams's theory of legitimacy and assume that a similar sort of defence can be grounded for Horton's theory as well.

4 See MacCallum [9] for an objection to Berlin's distinction.

5 Another reason why Wendt claims to be justified to expect realists to solve the puzzle of legitimacy is that realists also assume that there is a link between legitimacy and the right to rule over people [20, p.229, 8, 17]. I believe that realists might be criticized on the grounds that they do not clearly define what kind of rights they are talking about. The realist link between legitimacy and the right to rule definitely needs further elaboration. However, this deficiency by no means implies that they presuppose some sort of moral rights to rule. Considering their theoretical commitments, it seems obvious that they have something different in their minds. Realists may favor developing a theory of rights which is not moralistic as legal positivists already did. Another future alternative is that realists may attempt to abandon the notion of right and merely focus on the notion of legitimacy without reducing it to further concepts.

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