Authority and legitimacy

POWER
Power, in the context of politics, can be defined as the ability to get others to do things even when they might not want to. Power can operate through persuasion, so that people cooperate willingly and freely, on the basis of reasons they accept (which may include incentives that are offered for cooperation); or through coercion – the use of threats, sanctions, and force.

States have power, in the end, because they can make laws. And laws are enforced by the police, again in the end, by the use of force. If you don’t obey the law, at some point, you will be fined or jailed or worse. However, we want to be able to make a distinction between cases in which it is right that the state has power, and cases in which it is wrong or objectionable in some way. To make this distinction, we need the concepts of ‘authority’ and ‘legitimacy’.

AUTHORITY
Authority is a much more complex concept, and we need to make distinctions between several different ideas of authority.

A first sense of authority is theoretical authority or expertise. This is the sense in which a person can be ‘an authority’, an expert, on a particular topic. We ask the advice of theoretical experts, as they can give us reasons for what to believe – for instance, whether whales are fish – but also for what to do – for example, an engineer knows how to build a bridge that won’t collapse.

Our interest is in the second sense of authority, practical authority. This is the sense in which a person can be an ‘authority figure’. An authority can get us to act in particular ways, because they have power. However, just having power is not enough to also having authority.

There are two senses of practical authority. In the descriptive sense of practical authority, a state has authority if it maintains public order and makes laws that are generally obeyed by its citizens. It has the power to make and impose laws successfully. Authority goes beyond power because it can secure public order, which depends in part, on people respecting the law. Contrast with this a state in which many people break the law, but the state still has a police force that punishes some of the law-breakers. In this case, in which citizens and the state are in conflict, the state no longer has authority.

In the normative sense, a state has practical authority if its authority in the descriptive sense is legitimate (‘normative’ means relating to ‘norms’, rules or reasons for conduct. In this case, it means that the practical authority is right, justified, supported by good reasons).

Some philosophers, e.g. Hobbes, argue that any state that has authority in the descriptive sense is legitimate; so there is no real distinction. On the other hand, some philosophers
think the descriptive definition of practical authority is too weak, and doesn’t distinguish enough between mere power and genuine authority. They argue that the state only has authority of any kind (and not just power) if the citizens generally obey the laws because many or most of them believe it has authority in the normative sense. A state in which citizens obey the law simply because they are too scared to break it does not have authority, only power. Adding this condition still makes a distinction between descriptive and normative authority – for descriptive authority, the citizens must believe the state is legitimate; for normative authority, the state must be legitimate.

**LEGITIMACY**

So in addition to whether a state has authority, in the sense that people obey its laws, we can ask whether it has legitimacy. The term legitimate comes from the Latin for ‘lawful’. In the most basic sense, a state is legitimate if it exists and operates according to the law. But this definition is too shallow: if a country has no laws about how a government can come to power, then no matter how the government came to power, it will be legitimate. Or again, if a government is elected lawfully, but then changes the laws to create a police state ruled by a dictatorship, the dictatorship will be legitimate. But this is not what we mean by a legitimate government.

If a government is legitimate, then in some way, the fact that it has power is right or justified. If it is right it has power, then we can argue that we ought to obey it. If it is objectionable that it has power, then we don't have an obligation to obey it.

Can we make this more precise? Is it enough for the state to be legitimate that it is capable of keeping public order and is morally justified in coercing people to keep public order?

We can object that this definition does not require that the people over which the government has authority willingly obey it. A state could have legitimate authority in this sense without those under its rule recognising its authority as legitimate. Second, it does not claim that the people have a duty to obey the state. It only requires that the exercise of power is morally justified.

If we add these conditions, we can say that the state is legitimate if it can impose duties on the people under it. To impose a duty is not the same as forcing someone to do something. To impose a duty is to put them in a position where they have an obligation to do something, in this case, to obey the law.

The definition does not specify who the imposed duties are owed to. There are two possible answers: we owe it to the state to obey the law, or we owe it to our fellow citizens. Which is the better answer? If we consider the state of nature story, at the point at which we consent to obey the law, who do we agree this with? Not with the state, because the state doesn’t exist yet. The state is created through our agreement. So we agree it with other people. Our obligation to obey the law is therefore owed to other citizens. This reflects the idea that we are equal; our obligation is not to something that has power over us, but to other people, and it is all of us – not the state – that will benefit from the agreement.
WHETHER LEGITIMACY REQUIRES POPULAR APPROVAL

Many philosophers have argued that people only have a political obligation if the government has legitimate authority. So what makes a state legitimate? Following arguments that we gave in previous sections, we could suggest that a state is legitimate if it delivers important benefits; or that it is legitimate if its citizens consent to it. Both of these views support or complement the view that legitimacy requires popular approval.

Neither consent nor benefits is the same as approval. However, it is unlikely that people would consent to something that they don’t approve of. So if a state has its citizens’ consent, it will also have their approval. (It is worth noting that a state may approval without consent, e.g. a popular dictatorship.) Likewise, if a state secures important benefits, it will probably receive general approval. People are more likely to disapprove of a state if it starts to fail to provide security, justice, and the other goods discussed.

So we can argue that even if consent is not necessary, there is still something peculiar in suggesting an authority could be legitimate (in anything more than the ‘justifiable coercion’ sense) irrespective on how those under the authority felt about it. Legitimacy emerges when those under the authority believe or are shown that it is beneficial or rational to obey the authority, and we can tell if they have this belief by their approval of the state.

Plato’s objection

However, there is an old but important challenge to this line of thought, from Plato. In the Republic, he argues that legitimate practical authority founded on theoretical authority, not on consent or even giving people what they want. He makes a comparison between politics and skills. If you want to build a bridge, you don’t ask just anyone how to do it – you listen to an expert. If you are ill, you consult a qualified doctor. A state, likewise, is legitimate only if those in power have knowledge of how to rule and skill in ruling. Popular approval has nothing to do with either of these.

Plato argues that democracy is based on the freedom to do what you want. But if you don’t know what is good for you, then this kind of freedom is harmful. He illustrates his point with an analogy. He compares people in a democracy to a powerful beast, and their rulers to the animal’s tamer. The rulers govern by giving people what they want (otherwise they will be voted out of government). But this misses the question of what is good for the state. The tamer (politicians) ‘would not really know which of the creature’s tastes and desires was admirable or shameful, good or bad, right or wrong; he would simply use the terms on the basis of its reactions, calling what pleased it good, what annoyed it bad’ (494b-c). So democracy is really rule by ignorance, because neither the politicians nor the people who elect them know what is good for the state as a whole.

Consider: People are so often incompetent and irrational. In general elections, the way people vote is swayed by all sorts of desires and prejudices; thinking hard about what might be good for everyone is very rare, despite the fact that there is information available. How many people even bother to read party manifestos, let alone research the possible impact of different policies? Good politicians need many skills, knowledge, and insightf ul judgment; they need to understand economics, psychology, and motivation; they need intelligence, an enormous capacity for work, a good memory, attention to detail, and excellent people skills. We won’t get the best politicians by letting incompetent and irrational people to vote. We’ll get politicians who are willing to give the people what they want. But people don’t know much about what is good for society
as a whole. And people care most – perhaps only – about getting the things they want for themselves. So if politicians give people what they want, they won’t be governing by what is best for the state.

Replies to Plato
In presenting this objection, Plato makes two important assumptions. First, he assumes that politics is about the common good, not about what people want. Second, he thinks there can be knowledge about what this common good is and how to bring it about – but that the rulers in a democracy don’t have this knowledge.

If Plato is right about these two assumptions, his objection is forceful. Legitimacy is determined by what is good and just, and not by consent (or benefits, if this is thought of as what people want to receive). Since people don’t know what is good for them, consent can only tell us what they want, not what is good. Choice, freedom, consent in the absence of knowing what is truly good is not valuable. What is valuable is to choose what is good. And to choose what is good, we first need to know what the true good is.

We can object that even if there is some truth to Plato’s argument, he might not be right to reject democracy in favour of some alternative form of government. Winston Churchill said that ‘Democracy is the worst form of Government except all those other forms that have been tried from time to time’. And one reason for this is that other forms of government are prone to corruption. Needing to gain popular approval, as in democracy, guards against this.

Two stronger objections to Plato: First, Hume would reject Plato’s view that there is such a distinction between what people want – or to rephrase it, what people find useful – and what is good. People want what is beneficial, and what is beneficial is good. If this is right, then knowledge of what is good for society just is knowledge of what people want. However, Plato might argue that people are often confused about what is really beneficial, and legitimacy rests on this, not what on people think is beneficial. But already the two views are not so far apart.

Second, basing legitimacy on popular approval defends the values of individual freedom and equality. If we think that freedom and equality are the most important values, then the only way to secure what is good for society is to protect them – and this can only be done if people are not forced to obey the state when they have not consented to do so.

Is it rational to submit to authority?
Two reasons to submit to authority
In acting in accordance with the law, sometimes we see and act on the reasons for behaving in a certain way, e.g. not driving when drunk because it is dangerous. But we can’t always do this. Relying on authority can be a type of ‘short cut’; we obey the law because it’s the law, even though we don’t know all the reasons for why the law is exactly as it is. We accept that there are reasons to do what the law recommends, even though we don’t know them. And so we treat the law as an authority.

So one way authority works is by replacing reasons for action that people had anyway. Quite independently of the law, as Hume argued, we have reasons to help others and contribute to the common good. The law assists in this.
Second, as an important example of this, an authority solves the problem of cooperation, as Hobbes, Locke and Hume all argue. It is clear that we are better off if we coordinate how we behave with other people, working together to secure things we need to live our lives individually. But if we all individually made our judgments of how to act, it would be difficult for this cooperation to come about. It makes sense, then, for us to agree to obey an authority, i.e. a body that makes decides how we are to act cooperatively, i.e. that makes laws.

**An objection from anarchism**

Anarchism is the view that there is no political obligation, and that the state has no legitimate authority over us. Anarchists object submitting to authority, rather than doing what one thinks one should do, on the basis of considered reasons, will undermine moral judgment. Authoritarianism prevents people from thinking for themselves about what is right and wrong, as they simply accept whatever the authority says.

First, this can lead to people doing what is morally wrong just because they are told to. In a famous experiment by the psychologist Stanley Milgram, a person was strapped to an electric chair, and volunteers were told to deliver electric shocks when the person got an answer wrong. The voltage of the shock went up for each wrong answer. The volunteers were told the experiment was about learning. In fact, the chair was not wired up, and the person in the chair was an actor, and the experiment was about how far the volunteers would go in giving electric shocks when told to do so by the ‘authority figure’, the scientist. Many delivered shocks of such high voltage it would cause extreme pain, and some even delivered shocks high enough to kill the person in the chair. This is clearly morally wrong. Milgram concluded that people are more willing to do morally wrong actions if told to by an authority.

Second, authority replaces moral thinking with self-interested thinking. The reason the person acts is to avoid getting into trouble, and not for moral reasons.

Because it is not rational to undermine our ability to make and act upon moral judgments, and because this will also lead to the bad consequence of more morally wrong actions being performed, anarchists argue it is not rational to submit to an authority.

**Authority, autonomy and community**

In submitting to an authority, we obey the authority just because it is the authority. Some philosophers have argued that this is inconsistent with autonomy, the idea of acting on rules that one gives oneself. They add that morality requires us to act autonomously; we must always do what we judge we ought to do. Making these judgments is an exercise in freedom and in reason, and it is always wrong to hand over responsibility for such judgments to someone else. Not only is it wrong, it is not rational to agree not to use one’s rationality (to make these judgments).

If we do act in submission to an authority, this must only be because we freely consent to do so on this occasion. We should not consent to act in submission to it in the future – this violates our autonomy in the future. But then we are not, in fact, submitting to an authority at all, but deciding, on each occasion, whether or not to act in accordance with its laws.
Two responses can make authority and autonomy more compatible. First, we can argue that the authority must respect the individual’s autonomy, e.g. by upholding rights that protect the ability of the individual to act as they see fit in many cases. The only justification, argues John Stuart Mill, for the law is preventing harm to others (On liberty, Ch. 1). It should otherwise leave them alone. The authority should also respect individuals’ views by taking them into account, e.g. through elections, when making laws.

A second response challenges this view of individuals and autonomy. Human beings are not individuals on their own, but always – from birth onwards – in relationship with each other. To live together at all, we must submit to communal views about how to act. But this is no violation of autonomy, because who we are is defined in part by belonging to a community. Our judgments about how to act are made not individually, but together. There is no need to oppose the community (in the form of the authority) and the individual.