In Defence of Legitimate Democratic Authority

Darwin Pitts

To be morally upright, a person must follow their conscience, rather than letting the will of others dictate their actions—or, to put it another way, they must be *autonomous*. Philosophical anarchists argue that we cannot fulfill this obligation while simply obeying the law, and therefore that no government can possess morally legitimate authority over us. However, it seems intuitively apparent that personal autonomy cannot be realized in a state of either tyranny or anarchy, for in either case, we would invariably be controlled and coerced by others: in the former case, by our government; and in the latter, by our neighbours. In keeping with these intuitions, I will argue that democratic governments can possess legitimate authority, on the grounds that the autonomy of the governed can only be protected under a democratic government. I will address the perceived conflict between autonomy and legitimate authority, show how the two concepts may in fact be reconciled in a democratic state, and address some of the implications of such a theory of legitimacy.

Let us start by considering the anarchist challenge to legitimate authority, as expressed in its most powerful form by Robert Paul Wolff. Building from a Kantian ethical foundation, Wolff reasons that we possess a moral duty to act autonomously—which he understands as an "obligation to take responsibility for one's actions" (8). From this, he argues that we cannot obey the law simply by virtue of its being the law, because in so doing we would be subserving a will other than our own, thus violating the aforementioned moral duty. This creates a problem if we assume that in order for a government's authority to be legitimate, it must firstly confer a moral duty on the governed to obey its laws, and secondly possess a moral right to punish the governed for disobeying (Christiano). Since simply obeying a government's authority would

violate our duty to act autonomously, Wolff argues, it would be incoherent to say that we have a duty to obey it—hence, such authority could not be morally legitimate in the sense we have described (10-11).

While there is a good deal of truth in this argument, it errs in focusing exclusively on the relationship between an individual and their government while ignoring relationships *among* members of society. Specifically, it ignores the very real threat which the governed may pose to one another's autonomy. When individuals live together in society, they frequently find that their wills are in tension. While they may choose to coordinate their actions so as to respect each other's autonomy, this depends on good will, which is not always forthcoming. As such, in the absence of some incentivizing force of the sort used by law enforcement, people will inevitably end up imposing their wills on one another, and thereby violate each other's autonomy. We need look no further than the example of failed states like Somalia for proof of this point. While we might imagine that a perfectly moral world would have no such behaviour, that is not the world we find ourselves in, and any theory of ethics that fails to provide actionable guidance in a morally imperfect world will end up having little value. It seems clear, then, that the very possibility of autonomy—and with it, moral agency—cannot survive for long in the absence of *some* real authority capable of protecting it from the transgressions of others.

This situation provides us with the principles by which the legitimacy of a democratic government's authority may be derived. For if, as Wolff says, we possess a duty to act autonomously, then it stands to reason that we must also have a duty to defend our *ability* to act autonomously, in both the present and the future. Furthermore, if the autonomy of others is equally valuable to us from an ethical standpoint—which seems reasonable "insofar as this capacity depends in no way on anything particular or contingent about ourselves" (Christman)—

then we must also have a duty to defend *their* ability to act autonomously. In virtue of these duties, and in light of the very real danger that we will choose to impose our wills on each other, we are therefore morally obligated to ensure that there exists some political authority which can effectively protect our autonomy. Since a government cannot carry out this responsibility if its legal system is undermined, it stands to reason that, absent compelling moral reasons to the contrary, we are obligated by default to obey the law. In this way, a duty to obey the government, far from conflicting with our duty to act autonomously, may instead be *supportive* of that end and *justified* by it. Furthermore, we cannot expect everyone to obey the law without some enforcement mechanism to incentivize obedience (Hobbes 139). From its role as protector of the autonomy of the governed, then, the government derives its moral right to punish law-breakers. Thus we find that, in safeguarding our autonomy, a government may conceivably meet both conditions for its authority over us to be legitimate.

Nevertheless, we should note that these principles do not confer such legitimacy on *any* government, for a political system which violates our autonomy cannot be said to truly protect it. This establishes limits on when a government can reasonably lay claim to legitimacy, the most significant of which are these: firstly, the governed must be in a state of political equality; and secondly, the governed must be guaranteed certain basic liberties. The former is necessary because a politically unequal society will, by its very nature, impose the will of some on others without regard for the agency of the latter: for unless I am given just as much say in the political process as anyone else, the laws which result from that process can hardly be anything other than an imposition upon me. Certain fundamental liberties are also required, because unless I possess the freedom to express my will without intimidation, and to conduct matters private to myself without interference, I could not act as a self-directed individual. Political equality and liberty

are thus necessary to ensure that our wills are effective, and our agency respected, in matters both public and private. And what could a political system based on the free and equal participation of the governed be, if not a democracy? It seems clear, then, that *only* democracies could hope to lay claim to legitimate authority on the grounds we have described earlier.

It may be objected, though, that such standards can only be met by *direct* democracies, which are exceedingly rare due to their impracticality: after all, do not politicians possess a greater say in the political process than mere citizens, thereby undermining the equality which is necessary to respect autonomy? This would admittedly be true if politicians did not represent the wills of their constituents in good faith. In this respect, we may think of politicians in a representative democracy like legal advocates: to overcome our limited understanding of, and ability to address, legal matters, we "hire" these individuals to represent our wills, and so long as they do so *in good faith*, we are bound to respect the agreements which they make on our behalf as though we had made those agreements ourselves. Likewise, insofar as representatives work honestly to enact the will of their constituents, they are not imposing their own will, and thus do not undermine the political equality required for legitimate authority.

It should be clear by now that in obeying laws which result from the democratic process, far from sacrificing our moral independence, we secure that independence for the future. It is this fact which obligates most Canadians to obey the laws of their government, for to do otherwise would be to risk the collapse of our legal process, and thereby leave ourselves defenseless against coercive control. I say *most* Canadians, because while the Canadian political system has done an admirable job in protecting and respecting the autonomy of a large majority of its citizens, it stands on more questionable ground in its relationship with Indigenous peoples. Historically, the Canadian government has generally failed to provide Indigenous people the

liberty, political equality, and faithful representation necessary for its authority over them to be considered legitimate, and in many cases has actively worked to undermine their autonomy. While reconciliation has brought considerable improvement in these areas, there is still much to be done. Furthermore, many Indigenous peoples are now asserting a *nation-to-nation* relationship with the Canadian government, rendering its authority over them more questionable still. It is beyond the scope of this essay to answer how these issues should be addressed: suffice it to say that they represent perhaps the most pressing challenges for the legitimacy of Canadian democracy.

Works Cited

Christiano, Tom. "Authority". *The Stanford Encyclopedia of Philosophy*, edited by Edward N.
     Zalta, Spring 2013, plato.stanford.edu/entries/authority/. Accessed 10 May 2020.

Christman, John. "Autonomy in Moral and Political Philosophy". *The Stanford Encyclopedia of
     Philosophy*, edited by Edward N. Zalta, Spring 2018, plato.stanford.edu/entries/
     autonomy-moral/. Accessed 28 May 2020.

Hobbes, Thomas. *Leviathan: Parts I and II*. The Liberal Arts Press, 1958.

Wolff, Robert Paul. *In Defense of Anarchism*. Harper & Row, 1970. *The Anarchist Library*,
     theanarchistlibrary.org/library/robert-paul-wolff-in-defense-of-anarchism.pdf. Accessed 6
     June 2020.

Works Consulted

Johnson, Robert, and Adam Cureton. "Kant's Moral Philosophy". *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Spring 2019, plato.stanford.edu/entries/kant-moral/. Accessed 4 June 2020.

Peter, Fabienne. "Political Legitimacy". *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2017, plato.stanford.edu/entries/legitimacy/. Accessed 12 May 2020.

Rauscher, Frederick. "Kant's Social and Political Philosophy". *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Spring 2017, plato.stanford.edu/entries/kant-social-political/. Accessed 4 June 2020.

Tocqueville, Alexis de. *Democracy in America*. Translated by Arthur Goldhammer, Kindle ed., Library of America Paperback Classics, 2012.