
Philosophical Quest for Political Legitimacy

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This paper argues that the desire to outline an ideal state, by philosophers, is also a desire to give political legitimacy to such a state or rulers who evoke their ideal. In this way, article surveys western political history pointing out the connection between theoretical evocation of an, ideal state and how it has been used by actual regimes as justifying their power to rule. Moreover, how this particular idea of legitimacy is seized and materialized by capitalism.

I will begin with Plato's structural stratification and functional specialization¹ which recommended a stable society and state and then move on to other philosophers to explain their shift in their narratives which link the ideal state increasingly to a capitalist structure².

Greek philosopher Plato fabricated a system of structural stratification and functional specialization in his ideal state³ and used education as a paradigm to materialize this goal. His education was a prescribed mechanism to stratify the society based on mental abilities and physical capacities of people. The utopian system classified society into workers, businessmen, warriors and philosopher king. Objective of this whole exercise was to ensure that state was an equal opportunity employer. Everyone was given a fair chance to participate in the system and rise, but only those who would prove their worth were allowed to take up leadership roles. The rest would accept their limitations and offer unconditional support to philosopher king/leader. Education was used as an effective socialization process to build citizens' capacity, offering people prescribed participatory opportunities to make them aware of their capabilities and limitations, and breed a culture of submission to the authority.

Aristotle reinforced Platonic stance that people's capacity building, participation in system and consent to authority were prerequisites to the state. While emphasizing valuable role of citizens, Aristotle compared them with sailors. All the sailors could not be skilled in every job on a ship, nor were they required to be, all got assigned different roles to make a successful voyage. They complemented each other's work for a common goal. Similarly, the citizens would not be equal in their abilities. However, they needed to be skilled in different

fields, so like sailors they could work as a community and complement each other's tasks. The success of a state was based on the jobs of its citizens and the leader who was there to give them directions⁴. Very interestingly Aristotle reinforced Platonic idea of 'prescribed manner of action'. Involvement of citizens in state business would give them ownership and trust. This would be the responsibility of authority to chalk out a plan and devise a route to follow that plan⁵.

Sixteenth century philosopher Machiavelli was an ardent supporter of state's coercive authority. However, even he admitted to the importance of power of common people. In *The Prince*, he rhetorically asked 'What a prince should do to be held in esteem⁶?' The desire of 'esteem', according to him, was a desire of legitimacy and people's support. He understood the power of masses. Therefore, he advised the 'Princes' to set high precedents to earn themselves a reputation was 'worthy of being made a Prince⁷'. He knew a good reputation was a foundation of power. Even if the Prince did not have many good qualities he should still pretend to possess them. He recommended to the Prince to keep people engaged continuously. This engagement could be initiating a war, construction or any new expedition. He wanted his Prince to keep assigning different tasks to his subjects without giving them any break to sit idle and think. This could keep people in constant 'suspense, admiration and occupied with their outcome. Machiavelli had advanced beyond his predecessors' ideas by designing a system based on people's continuous struggle within that society⁸. Whereas Plato and Aristotle were interested in building people's capacity and making them think in a particular way, Machiavelli was eager to prevent people from thinking of anything except building their capacities by indulging them in diverse activities.

All three major social contractualists, Hobbes, Locke and Rousseau were agreed to the phenomenon that state was a human created institution and government need people's support, though, they had different viewpoints about post state role of public in government affairs. Thomas Hobbes was the first among three social contract philosopher who said, people created state and government to launch peace and stability in society⁹. They created it to ensure freedom¹⁰. Thomas Hobbes, while explaining the state of nature, narrated that it was a time when everyone had nothing but enmity. There was no security for anyone and anything. Might is right was the supreme principal at this pre-state age and this had produced absolute uncertainty. There was no industry, no culture, no art and no development. There was a multitude, but not a society. Life was 'solitary, poor, nasty, brutish, and short¹¹'. In order to purge this obnoxious environment, people entered into a contract and they established a government. They surrendered all their right to government to form a political society. Now this was a responsibility of government to make laws that could ensure equality, freedom and liberty in society. People's responsibility was to follow the rules of government to enjoy and

maintain equality, freedom and liberty. Thomas Hobbes made unconditional support to government, a moral responsibility of its citizens.

John Locke, had a radically different position than to Thomas Hobbes on the questions of absolute power of government and obliged participation of masses. He endorsed the idea of government directed participation. He was of the view that law of nature was observed by everyone in a pre-state life. However, sometimes this state of nature was transformed into a state of war¹². According to Locke, when someone could take away someone else's liberty based on his physical power what was the guarantee that this person would not rob everything else? This was something that made the system of state of nature dysfunctional. There was a need to have a political society organized under a single authority with coercive power and a bunch of rules to act in this situation and ensure liberty, peace and freedom in society¹³. Locke did not seem to have a blind trust on abilities of masses that they could use their wisdom to take a rational choice that was impartial¹⁴. He agreed that man at times could be a prey of emotions, ambitions and mistakes. Although, he was in favor of the consent of governed to keep things moving, but he also believed that governed should have trust on political institutions¹⁵. Therefore, the institutions set their preferences and subjects were supposed to obey the laws of these institutions.

Rousseau the third in list among social contract theorists advocated that rules were for everybody. The masses were supposed to support government and government was meant to serve people. If governments failed to serve people, they would discover ways to put governments under pressure. They would withdraw their support and create a legitimacy crisis¹⁶. He urged government to have ability to take pulse of masses. So that it could guide them, direct them and serve them like a good physician who would not write a prescription for his patient before listening and observing his patient¹⁷. So he was connecting government vigilance in reading the minds of people, its ability to give them direction and its performance with people's consent, support and legitimacy. When he talked about 'general will', he seemed closer to Aristotle¹⁸. He said in a society, people would have plural interests. These interests should be aggregated into potential demands from public and government should address these demands of people. However, this 'general will'¹⁹, did not say, the opinion or will of majority or everybody. This was an opinion that gathered weight without its numerical value on the basis of common need, interest and reason. In other manner an opinion that could serve the plural interests of a society with a rational approach was general will.

Bentham and Mill were the proponents of Utilitarianism in the 19th century and had a sequential approach of participation. Bentham said that 'wants and fears'²⁰, were the two main pillars of societal contract. Human togetherness and associations were the product of these two features. The community was supposed to address the wants and fears of every individual and in response to that every

individual was liable to obey societal laws²¹. Once a community was evolved for some common agenda this was obvious that in order to organize that community some authority and laws were essential too. Therefore, the institutions of government were created. These institutions were responsible to protect the interests of larger community and community was bound to obey the rules laid by government for the welfare of society/community. For Bentham this was the 'original contract of society'²², that transformed state of nature to state of government. Now this was a political society. Basic difference between the two conditions, society and political society was the nonexistence or existence of habit of political obedience²³. The habit of political obedience was a compliance with an order, law, request or submission to a political authority. This bonding between the governor and governed was a result of mutual trust and reverence that both enjoyed in a perfect political union. If subordination was coming through the will of majority and not of subjugation for a longer or continuous period of time this was the legitimacy of political authority²⁴. So Bentham agreed that political legitimacy came with the consent of governed.

However, Bentham made the legislature (government) responsible to cater the needs of people. He said, while drafting the laws basic criteria should be the 'greatest happiness' of 'greatest number'²⁵. The institutions could only be legitimized if they had a utility for public. So 'popular sanction'²⁶ according to Bentham, was the fundamental principal of ruling that could be furnished on the utility and system efficacy of a state. He believed that power of popular sanction could shape his society²⁷.

J. S. Mill replicated utilitarian approach of Bentham. He urged the need of a government to ensure a functional and just society. Mill believed that only the government could safeguard the common interests of general public by formulating laws, the laws that could guarantee greatest happiness of the greatest number. The absence of authority could toll the poor heavier compared to the rich in society²⁸. Therefore, he recommended a government that could serve the interests of majority and entrusted masses with a responsibility to obey state law²⁹.

Democracy bagged appreciation from Tocqueville for its participatory nature, majoritarian criteria and government accountability. He appreciated this system for its ability to offer choices, equal opportunities and popular sovereignty. He cherished the system for offering masses the openings to partake in decision making processes. He believed that these features of democracy could draw better intellect on both governor and governed level. With this better intellect new avenues of development could be germinated. Tocqueville thought democracy resolved successfully the questions of legitimacy and people's participation which remained key concerns in monarchy, dictatorship and non-participatory systems. However, he was skeptical of the functioning of this system. Democracy for

Tocqueville though had a different name and different set of rules to participate, he was still following age old narrative of British monarchs ‘King can do no wrong’³⁰. The legacy to support authority was maintained very nicely through the history. He gave example of jury to explain the phenomenon of power in the hand of a democratic authority. He said as the jury was the part of public, but had an extra right to decide for public. Similarly, democratic authority was part of the public, elected by the public, but had an extra right to decide about public³¹.

While explaining majority rule, he stressed that if absolute power corrupts absolutely an individual, same formula was applicable to majoritarian rule. The system that was considered best for mass participation was responsible to exploit rest of the society. Political parties who were obliged to offer a platform for discourse and develop their manifesto through interest aggregation often ignore the voice of people. Their desire to win, keep them somewhere close to middle positions³². Would it still be majoritarian rule? In fact, this system had deprived people from some of their fundamental rights like freedom of expression as previously exercised systems were doing.

Things in democracy though were debated in legislature before reaching to some decision. However, once decided on the basis of majority law the debate was ceased. There still could be a group who would not support this decision, lost its right of debate and discourse³³. Theoretically, people would still have individual liberty and freedom of expression, but all those were abstract rights. Democratic majoritarian authority sometime used euphemistic expression and claimed to take difficult decisions for people’s interests. This would not be the minority only who would be slaved by majority. Even the majority would be ignored by the powerful authority. Authority that sometimes could reach to power corridor by manipulating information, propagating popular clichés or demagogue qualities.

Tocqueville went further to criticize democracy. He asked, was democracy casting vote only? A government that earned majority seats in parliament could be labeled as legitimate³⁴? He himself denied these claims and explained democracy as a complex phenomenon. According to him, the system required a lot of investment of time, energy and sometimes resources to investigate and explore issues and truths in this system. People generally could not afford to pay this entire price. Yes, they often vote, but not with a sole motive of active participation. Sometimes it was their ideological affiliation with any political party that could motivate them going with whatever policies the party in power implementing³⁵. Sometimes they just become indifferent towards political processes and quit participation. Sometimes logrolling involved them in political course of action. So, according to Tocqueville, masses in a democracy often could not realize that it was not they who were ruling, but the authority was reaping all perks and privileges.

The common thing was that every philosopher was convinced of power of people and suggested a mechanism to channel this public power to power of government. Many governments across the world managed to syphon off this authority from people to government through democracy, and good governance. However, the main recipient of this public power was capitalism. Capitalism had neither confined itself to certain geographical boundaries nor to any time period. It used democracy as its chessboard and freedom, individualism, competition and development were the few of its powerful players in this game. It triggered some positivity in society at large. Especially quality of life was improved with frequent availability of gadgets like, variety of transportation facilities, air conditioners, Heaters, refrigerator, telephone, internet, medicines, surgery etc. It offered choices and connected people across the globe. It facilitated people having standardized education and promoted skills at global level. It generated millions of jobs and presented better security services to people. However, on the other side there was lot more negativity associated with this concept.

It was stated that capitalism derived its legitimacy through democracy. People were declared as important stake-holders in this system. They were offered freedom of expression and personal space in political, economic and social matters. The governments were urged to derive their guidelines from articulated and aggregated public interests. Adult suffrage was introduced and people were empowered to bring a peaceful change in their government through vote. Education was emphasized and offered without any class, race or gender discrimination. But capitalism bagged huge criticism in this process. It was stated that primary objective of all this development was to find bright people who could create ideas and materialize those ideas with their knowledge and skills, finding educated labor for industries and a market of people with better purchase power³⁶. Specialized institutions were created and people were assigned roles based on their educational background and experiences. Democratization was an instrument to follow Plato's structural stratification and functional specialization, besides offering an effective socialization in society.

Aristotle's concept of assigning various roles to people in a society was based on their individual capacities. The objective was to make it more functional, interdependent and satisfied society. Capitalism interpreted it in class system and assigned various roles to people based on their classes. The class that had capital, the class that had skills and the class without capital and skills (upper, middle and lower classes in respective order). Capitalism believed that all these classes could complement each other. The elite (bourgeoisie) could offer resources and skilled and unskilled (proletariat) labor through its creativity, engagement in construction industry and household labor respectively could multiply resources³⁷. Together they created a symmetrical system to achieve the goal of an ideal state and until the rise of socialism this was the most celebrated arrangement.

Machiavelli's idea of engaging people was received overwhelmingly by the capitalist world. Imperialism and slavery were ways to engage and control people by using various Machiavellian tactics³⁸. Bourgeoisie were absorbed in investments, promoting refined commodities and regulating human labor to multiply their resources and skilled proletariat were engaged in creativity to receive their nominal share³⁹ in resources. Industry had made majority as gadget addicted⁴⁰ and by provoking a sense of distinction and stardom in a common man, labels were made as human identities. From the employer's perspective, it was exploring niche markets to maximize profit not human welfare⁴¹, and from employee's perspective this was a job without moral responsibility.

Absolute monarchy of Hobbes was adopted through censorship and effective control on education and media⁴². Apparently, institutions were made with specialized functions and powers. However, in reality these institutions had deprived people from their individual voices. People received a specific kind of education and information. By interest articulation and aggregation difference of opinion was jeopardized. World media was controlled by a very small corporate group who had a specific agenda⁴³. Strict censorship did not allow anyone to express any conflicting ideas. Practically it was a modern monarchy without giving people a hint that they had no power. In order to make capitalism a global phenomenon efforts were made to blur nationalism and patriotism. The classical examples were multinational corporations⁴⁴ (MNCs) that were in one way responsible of capital outflow and on other side an effective tool to influence political and economic decision making of weak host countries. These MNCs further contributed in brain drain⁴⁵ of developing countries. These were the ways to control mindset and inspire bright people to be a part of top media houses, businesses, think tanks, banks or non-governmental organizations. In all these cases, they were offering a set agenda of capitalism in the name of people and freedom.

Locke's philosophy of limited authority was appreciated in capitalist world. People were offered to choose government of their choice from a given set of people and political parties. They were offered to choose a mobile, laptop, drink, cigar education and career of their choice. But what they were not offered was true freedom⁴⁶. This was not confined to individuals, but states were also a victim. In the name of global governance, peace, deterrence, human right and many other fancy words, states were forced to follow a set pattern. For instance, states were forced to sign the World Trade Organization (WTO), and then they were discouraged to export in the name of tariff and non-tariff barriers i.e., embargos, quotas, labels and contents, human rights and health hazard issues⁴⁷. Irony was that despite all these restrictions these developing states were considered independent polity.

Rousseau's 'general will' was projected through majoritarian and participatory principles of democracy. Corporate sector twisted these concepts through propaganda and socialization⁴⁸. Either false or exaggerated information was shared with the people about products and convinced them that these commodities could add quality in their lives. Instead of natural products people were encouraged to use processed food. Large sales were interpreted as trust and support of people on a given commodity. The narrative of majority was used to legitimize toxic products. To maximize wealth, industrial production was accelerated and ecology was compromised. Despite the fact that environmental pollution could make an end of human history⁴⁹, majoritarian law remained the most celebrated principle under capitalism.

Bentham advocated that states were created on 'wants and fears' slogans, and they were responsible to fulfill human needs and to offer them security. However, in capitalism wants were fanned to swell out from necessity to luxury and from luxury to snobbery. This was the best way to extract capital from people. Fears were created either to cover up bad governance or to generate resources by puppet governments. In the name of state autonomy, deterrence, and hegemony⁵⁰, weapons were produced, purchased and sold. This was completely ignored that how damaging these weapons could be for environment, human health and human survival? The want for state sovereignty and the fear of enemy were deeply imbibed in societies.

Mill's approach of functional and just society was interpreted by promoting individualism. The institution of family was weakened. Community feeling and social capital were evaporated. Money became god and humans were made earning machines to worship god⁵¹. Life style went through a complete transformation. For young children daycares and nurseries and for senior citizens' old homes were designated because no one had time to look after them⁵². Human beings were made apart through technology. Wealth was concentrated in a few hands and success was determined by the net cash value of a person. Growing old homes, nurseries, and the parents who were either selling or killing their children⁵³ were sufficient evidences to prove human indifference towards a healthy life style.

Tocqueville's ideas that democracy was a majoritarian participatory system, an effective process of accountability and a room to absorb people in decision-making process was compromised by changing the social mindset. Propaganda took away the ability to see or learn true information and capacity to make decisions independently. Moreover, democracy was pilfered by the corporate sector⁵⁴. The people who financed political parties, influenced their manifestos and policies. This whole concept of accountability was diffused in bargain capability. The political governments were made to protect the interests of business tycoons as a result, in any financial crisis big businesses received bail out packages never any small company was ever entitled.

Karl Marx, while investigating the subject of legitimacy and mass participation, pronounced that power had always been lying with bourgeoisie class who practically owned the modes of production⁵⁵. Democracy was used as an instrument to overpower the majority by a trivial minority who owned the resources. This economic structure shaped socio-political structures in a given society. These rules of the game were designed by those who owned modes of production. Proletariats merely followed those rules. They did not have their own opinion, but were the replica of owner class. Marx discredited democracy as a people's government or power. According to him, people were allowed to perform only a limited role in this system. A set of team(s) could be presented to the people after certain intervals and people were asked to choose their masters among the given teams⁵⁶. The set of team(s) were the small minority who owned the resources and could monopolize ideology, culture, and thinking process in a state.

James Bryce the philosopher of 20th century explained in his two volume book 'Modern Democracies' that democracy was nothing but the rule of people. This was not a government of any class, but people in a state elect their government through franchise. However, he admitted that contemporary democracy could not be considered truly a people's government. Larger population sizes of states made it impossible to practice direct democracy. Even indirect democracy could not be practiced without a free press⁵⁷. This was neither possible for statesmen to communicate to masses at large nor for the masses to express their aspirations. Newspapers served as a source that could connect government, leaders and masses. Newspapers used to publish news, post comments, critiques and appreciation from the perspectives of general masses, fellow statesmen and supporters on the news. This process had ability to articulate information and aggregate demands. People had an access to everyday political development and issues of importance, whereas government followed general trends in public opinion and public demands⁵⁸. However, press was a commercial institution. This could have performed both ways as an independent and impartial organization or as an open market where people could trade their ideas to get better off. Stepping into the shoes of independent and impartial organization, press could have been an index of society and could contribute in making people informed and vigilant. This could also escalate civic sense among masses and leaders. However, as an open market place, press served rich people to buy space, to reach to general masses, to propagate their ideology, thinking patterns and drew people's attention towards some specific issue(s)⁵⁹. Press made information a business and transformed itself into an industry. As an industry it created and sold its products without bothering the toll nation might have to pay. As a result, rich were able to create monopoly on information. Distorted, incomplete, or biased information did not allow people to make an informed decision or choice. In a consequence, democracy lost its efficacy and legitimacy.

Capitalism is a brutal race of wealth maximization. Its core is to extract, may they be resources (wealth, skills), values (trust, care, love, responsibility), power (energy, creativity), and time through, monopoly, duopoly or oligopoly. Poverty has blanketed the majority of world and gap between rich and poor is widened. The desire to produce maximum for wealth accumulation has caused irreparable loss to environments. Unfortunately, the way it is progressing it may end the history of humans.

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In this provocative study, Franck employs a broad range of historical, legal, sociological, anthropological, political, and philosophical modes of analysis to unravel the mystery of what makes states and people perceive rules as legitimate. Demonstrating that virtually all nations obey most rules nearly all of the time, Franck reveals that the more legitimate laws and institutions appear to be, the greater is their capacity for compliance. Distilling those factors which increase the perception of legitimacy, he shows how a community of rules can be fashioned from a system of sovereign states. Likewise, the legitimacy of any earthly political regime can be understood only in relative terms: The emperor and the pirate have equally legitimate domains if they are equally just. Nevertheless, political states, imperfect as they are, serve a divine purpose. Traditionally, the philosophical treatment of the just war is divided into two categories: *jus in bellum* and *jus in bello*. As for the church's quest for peace, he writes, "it seems to me that no limit can be set to the number of persecutions which the Church is bound to suffer for her training;" and he opines that persecutions will continue until the final scenes of the current state of human history incidental to the second coming of Christ. 24 Hurd, "Legitimacy and authority in international politics", p. 403; Hurrell, Andrew, "International society and the study of regimes", in Volker Rittberger and Peter Mayer (eds), *Regime Theory and International Relations* (Oxford: Oxford University Press, 1993), pp. 49-72. 25 Henkin, Louis, *How Nations Behave: Law and Foreign Policy* (New York: Columbia University Press, 1979), p. 47. 26 Bodansky, Daniel, "The legitimacy of international governance: a coming challenge for international environmental law?", *American Journal of International Law*, 93:2 (1999), pp. 596-624; Franck, Thomas M., T