“Wantonism” and the Rule of Law

Legitimate Leadership?

What makes a government legitimate? Adams professor of political leadership and democratic values Arthur I. Applbaum believes that legitimacy entails “genuinely having the moral right to rule.” By this right, he explains, governments impose laws and their consequences on citizens and derive immunity from foreign intervention.

The key question is how this right comes about. Americans, Applbaum explains in his recently published book, Legitimacy: The Right to Rule in a Wanton World, tend to discuss legitimacy in procedural terms: if a government comes to power through certain correct steps, such as free elections, it must be legitimate. He ties this notion to what he calls Americans’ “folk theory” of government by consent, whereby legitimacy derives from the consent of the governed.

Applbaum identifies myriad problems with this idea. Most obviously, most people never explicitly consent to be governed. Theories that place initial consent in some earlier moment of societal founding neglect the reality that, in his words, “all foundings are forced,” often enacted against a backdrop of lawlessness. Even if this issue were resolved, the folk theory would run into a different kind of problem: it fails to consider governments that act illegitimately after coming to power through proper means.

By Applbaum’s account, legitimacy depends not only on how power is gained, but also on how it is used. A government, he offers, rules legitimately only if it counts each governed individual as part of itself, and only if its rule furthers each individual’s freedom in the long run. Citizens thus govern themselves by choosing their leaders, who are trusted to determine “the substance of policy and law” to advance their citizens’ freedom, though not necessarily according to those citizens’ wishes.

This conception of legitimacy leads him to several revisionist views. Applbaum believes, for example, that U.S. elections are insufficiently egalitarian, with too many obstacles to voting. He condemns campaign promises, which commit the winning candidates to neglect responsible governance (taking new circumstances into account, for example) in favor of fealty to previous pledges. He rejects limitations on individuals’ spending to promote their own political views, but supports limits on direct, monetary contributions to candidates as likely sources of corruption. He fully embraces civil disobedience, arguing that his view allows—even encourages—citizens to employ this form of protest to move their society closer to the ideal of legitimacy.

He also offers several examples of how governments can fall short of legitimacy. In one scenario, a monarch rules in absolute wisdom, preserving freedom for her subjects in all domains but the political; still, she is illegitimate because her subjects have no say in
who rules them. Another government lacks legitimacy because it disregards individual freedom: majority vote alone determines its laws, including one declaring that any person may be sacrificed for organs to save 15 others. In a third society, where laws are chosen by random selection from citizen proposals, tyranny reigns because its citizens are governed not by themselves, but by chance.

Applbaum calls this third failure wantonism. Borrowing an image from Porter professor of philosophy Christine M. Korsgaard, he likens wantons, whether individuals or governments, to bags full of cats: they may appear to move as single entities, but have neither reason nor discernible mechanisms of cause and effect. Elected leaders who govern by impulse fall in this category, leaving no room for “practices of reason-giving that are public, transparent, and subject to criticism.” As he writes, “Rulers that cannot govern themselves cannot legitimately govern others.”

Applbaum views this wantonism as “the greatest threat to the legitimacy of contemporary democracies,” as evidenced by the Trump administration’s fumblings and the British Parliament’s failure to strike a clear course through Brexit. Still, he emphasized in an interview that “the book is not about Trump,” but grew from his early writing on structures of authority within professions such as law and business, taking shape after Bush v. Gore launched discussions of “legitimacy” in 2000.

Applbaum, who is based in the Harvard Kennedy School, acknowledges nevertheless that the book feels apropos to the present moment. “One of the heartbreaking things about our current politics,” he said, “is that the president thinks he can demand whatever he wants because he was elected, notwithstanding existing laws and regulations. What the White House calls the ‘deep state,’ I call ‘rule of law.’” He did not classify President Trump as a wanton explicitly, but did note that even governments led by wantons can maintain legitimacy through checks and balances that limit the wanton individual’s damage. “In a constitutional order,” Applbaum insisted, “there are brakes that are put on wantonism.”

Those stopgaps, he suggested, could be improved by a better understanding of legitimacy. Institutions such as judicial review, counter-majoritarian protections, and even a culture of reason and collegiality bolster legitimate governance. If some of these practices appear weakened in the current moment, Applbaum insisted, “We’ve done better in the past.” Avoiding the dangers of wantonism—and tyranny in general—requires doing better again. Leaders, in this view, should aspire not only to advance liberty, but also to provide transparency and accountable reason-giving for their actions. The public should demand no less. “You become self-governing,” he argued, “by acting as if you already are.”

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FRONTIERS...

A Disruptor, Decoded

A chemical plasticizer, produced by the millions of tons annually for use in clothing, shampoo, carpets, adhesives, printing inks, and even makeup, has long been linked to birth defects and male infertility. Now a team of researchers led by Harvard Medical School professor of genetics Monica Colaíacovo has shown why. Diethylhexyl phthalate (DEHP)—which softens plastics—disrupts the production of eggs and sperm, causes changes in chromosome structure, and alters early embryogenesis in C. elegans. (The team used female roundworms to study these effects because their molecular processes of reproduction are largely conserved in mammals.) DEHP, they found, causes breaks in DNA, and then impairs natural processes of repair. Federal and state regulations already limit the amount of DEHP and other phthalates in drinking water, food packaging, and children’s toys, but even small amounts, including levels recently measured in U.S. and Dutch women, can harm DNA involved in reproduction—and exposure can occur through inhalation, ingestion, or absorption through the skin.

The Two Faces of Sugar

All sugars are not alike. High levels of fructose, consumed in conjunction with a high-fat diet (HFD), inhibit the liver’s ability to burn fat, researchers at the Joslin Diabetes Center write in Cell Metabolism. Professor of medicine C. Ronald Kahn, chief academic officer at Joslin and senior author, found that in rats on a HFD, those fed water sweetened with fructose developed smaller liver mitochondria (the cells’ energy-producing organelles), and were less able to eliminate small and damaged mitochondria. Their livers therefore had a diminished ability to oxidize fat, and increasingly synthesized and stored it instead. Glucose had the opposite effect, improving overall metabolism. Said Kahn, consuming fructose “is almost like adding more fat to the diet.”
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