

# A Sheep in Wolff's Clothing: Defending the Possibility of a Legitimate State

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**By John Turner**

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Supervisor: Dr. N. Vrousalis

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## **Abstract**

Whether the state can, even in theory, be legitimate was brought into question by Robert Paul Wolff's *"In Defense of Anarchy"* (1970). Wolff argued for the illegitimacy of the state based on the incompatibility of practical authority and autonomy. This thesis aims to refute this claim of state illegitimacy by building on and adjusting Raz's revision of authority, as put forward in *"Morality of Freedom"* (1986), to show that practical authority can in fact be compatible with moral and personal autonomy. It is hoped that this thesis can show by an a priori argument that there can be forms of human community in which some men have the moral right to rule (legitimate practical authority) even if their realization is highly unlikely.

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## Introduction

Robert Paul Wolff's *"In Defense of Anarchism"* (1970) casts aspersions on the possibility of a just and legitimate state. This thesis aims to overcome his denunciation of the legitimate state by showing his premise that state authority is incompatible with autonomy is false. Anarchy is not a necessary solution to the problem posed by Wolff (at least in theory). Whether there can be a moral right to rule, what we will refer to as de jure practical authority, is a question of great importance, given that we live in a world overwhelmingly dominated by entities that purport to have this right (de jure practical authorities, namely states).

"We must demonstrate by an a priori argument that there can be forms of human community in which some men have a moral right to rule. In short, the fundamental task of political philosophy is to provide a deduction of the concept of the state" (Wolff, 1970, p.8).

Wolff's hypothesis of incompatibility certainly calls into question the justification of the state and also its legitimacy. Raz argues his revision of authority is compatible with autonomy. While Raz's authority is compatible with autonomy it is not practical authority; it is not the authority that the state holds. Wolff's argument, therefore, for anarchy (the illegitimacy of the state), based on incompatibility, is not proved wrong by Raz. This thesis attempts to show Wolff to be wrong. This will be done by building on Raz's authority to show that practical authority can be compatible with autonomy. If successfully this would overcome the root of Wolff's argument for the unjustifiability and illegitimacy of the state. The practical authority autonomy antimony will be overcome in order to show that practical authority can be both justified and legitimate.

The thesis is split into four segments; i) The Wolffian Challenge to the Possibility of State Legitimacy, ii) Raz's Compatibilist Argument, iii) Criticizing Raz's Argument, and iv) Creating Legitimate Authority.

i) The Wolffian Challenge to the Possibility of State Legitimacy

As it is Wolff's hypothesis that questions the possible legitimacy of the state it makes sense to start with a reconstruction and analysis of the argument he puts forward. The first section of the essay is dedicated to explaining Wolff's argument for the incompatibility of state authority and moral autonomy and why this should lead Wolff to argue against the legitimacy of the state. In order to do this reference to a conceptual distinction between justification and legitimacy will be utilized. Wolff's thesis seems, to bring all practical authorities into disrepute. This section sets out the challenge for us to overcome in order to defend the possibility of a legitimate state; the incompatibility of practical authority and moral autonomy.

ii) Raz's Compatibilist Argument

Raz attempts to show that Wolff is wrong to argue that authority is incompatible with autonomy, this argument is reconstructed in this section. In order to argue this Raz conceptualizes a revision of authority. This revised authority is in fact compatible with autonomy (moral and personal). If Raz's conception of authority can be accepted it would seem as if Raz has managed to answer Wolff's challenge for us. However, as is argued in the third section, Raz fails to do so.

iii) Criticizing Raz's Argument

In the penultimate section it is argued that Raz's revision of authority cannot be practical authority. Raz's authority does not grant the right to rule, and therefore does

not overcome Wolff's challenge as it does not show us that practical authority is compatible with autonomy, making it legitimate. Raz's, failed, defense against this criticism will also be outlined.

#### iv) Creating Legitimate Authority

The final section of the thesis is given towards proposing a solution to the practical authority autonomy antimony, that shows that authority can be practical, compatible with autonomy and legitimate (at least in theory). Raz's critic, Darwall, will be used in conjunction with Simmons in order to set up the conceptual framework for solving the puzzle. Then Raz's revision of authority will be built on, whilst taking on board the criticisms levelled at his authority in the third section. By adding a promise to obey condition to the establishment of practical authority it is hoped that the demands of political authority can be reconciled with the demands of autonomy showing practical authority to be justified and legitimate.

Wolff casts doubt on the possibility of a legitimate state. It is hoped that this thesis will show that a legitimate state is a possibility (even if it is a remote one).

## **1 The Wolffian Challenge to the Possibility of State Legitimacy**

In this section Wolff's thesis will be taken to its logical end to show that it casts doubt on the possibility of a legitimate state existing. This is the challenge the essay aims to overcome.

The ground work for the challenge, Wolff's argument for the autonomy authority antimony, will initially be explained. Wolff believes that his hypothesis shows that states can never be justified despite being able to be legitimate. It will be argued, however, that

this lack of justifiability (caused by the incompatibility) should actually lead Wolff to rejecting state legitimacy as well. Whether autonomy is important enough that an incompatibility with authority would lead us to reject authority as unjustifiable is not the focus of this paper, what is assumed is that autonomy is of sufficient importance that it at least calls into question the justifiability of practical authority (if they are incompatible) and therefore its legitimacy as well. We sidestep the question of the importance of autonomy by arguing, overall, that Wolff is mistaken that practical authority is incompatible with autonomy, in doing so showing that the state can be justified and legitimate.

### **1.1 Wolff's Hypothesis**

*"In Defense of Anarchism"* (1970) by Robert Paul Wolff is a highly controversial argument for a priori philosophical anarchism. The central question of the book is whether moral autonomy is compatible with the legitimate authority of the state. Wolff argues, from a Neo-Kantian outlook, that they are incompatible. His basic argument is reconstructed here starting with a conceptualization of authority, then autonomy and finally then why they are incompatible.

### **Authority**

Wolff initially disaggregates the concepts of power and authority. Power being "the ability to compel compliance" and authority being "the right to command, and correlatively, the right to be obeyed" (Wolff, 1970, p.4). Wolff defines authority in what we will come to perceive as second personal terms. Authority, is for Wolff, a standing in a relationship between two entities; that of director and directed. Wolff argues that political authority can reside in one person only or in an assembly (or any other

institutional setting occupied by people), in doing so making it clear that authority is a relationship between the ruler(s) and ruled (ibid, p.4). "Authority resides in persons; they possess it- if indeed they do at all- by virtue of who they are and not by virtue of what they command" (ibid, p.6).

Authority is quite separate from persuasion. Authoritative commands are not content-dependent (as a persuasive argument must be); one follows them not because of the rightness of their prescribed action but because one has an obligation to obey the person who issued the directive (ibid, p.9). Furthermore complying with a command does not necessarily constitute an acknowledgement of authority. What one decides is the correct action in a given situation may coincide with what another person has commanded, however in this case you have acted due to your internal moral calculations, you may have been persuaded of the rightness of a prescription, however this is not obedience to authority (ibid, p.6). When acknowledging an authoritative command (for Wolff at least) one must obey, simply because the authority directed one as such, not because it is also the right thing to do. An authoritative command does not attempt to convince one of the rightness of its prescription, it demands obedience and your obligation to obey deriving from the commander's right to rule (Shapiro, 2000). Obedience to an authority is not just doing what you were commanded, it is acknowledging a duty to do what you were commanded because the authority commanded you to.

Wolff then distinguishes between de facto and de jure authority. Clearly de facto authority exists; men accede to the claims of supreme authority for any number of reasons (Wolff, 1970, p.8). De facto is, however, separate from de jure; "Legitimate, or de jure, authority this concerns the grounds and sources of moral obligation." (ibid, p.9). De jure authority is the moral right to rule, and the moral obligation to be obeyed. The type

of authority Wolff is interested in is *de jure* state authority. The state being “a group of persons who have and exercise supreme authority within a given territory” (Wolff, 1970, p.3). To properly understand what Wolff means by state authority we need a further distinction in order to avoid confusion.

There is a difference between being *in* authority and being *an* authority. For instance a judge will be in authority but he will not necessarily be an authority on every area of law that comes through his court (Green, 1990, p.28). Being an authority is being an expert on a certain matter, this is referred to as *theoretical* authority. “Expert advice gives us reason for belief, not action, and this is authority only in the theoretical rather than practical sense.” (Green, 1990, p.27). Being in authority is when your decisions give reasons for action; this is *political* or *practical* authority (ibid). One is in authority when one’s commands demand compliance; it is principles, not expert knowledge and understanding, that bind us to practical/political authority (Green, 1990, p.27). We are not however bound by theoretical authority though, as Wolff notes, it may be prudent to follow it (Wolff, 1970, p.15). While one can be both a theoretical and a practical authority they are conceptually distinct.

Wolff’s practical authority requires us to obey unthinkingly. Its’ commands are peremptory and content-independent reasons for action (Shapiro, 2002, p.389). When a command is peremptory it requires us not to act on any other reasons that may apply to us (ibid). When a command is content independent we are required to comply irrespective of the content of the command (ibid). Therefore we must comply with these commands regardless of their content and regardless of the other reasons we have for action.



Wolff asks the pertinent question, on which this thesis is based, as to what the conditions are under which de facto political authority can exist (ibid, p.8). We will come to this question in due course. First we must describe Wolff's conception of autonomy and why that creates a problem for the establishment of de facto political authority.

## **Autonomy**

Wolff takes part of Kant's ethical theory in for granted (Wolff, 1970, p.viii). Wolff agrees that "The fundamental assumption of moral political philosophy is that men are responsible for their actions" and are therefore metaphysically free (Wolff, 1970, p.12). For this essay Wolff's assumption of metaphysical freedom is accepted to be true, it is not within the remit of this essay to explore the possibility or impossibility of metaphysical freedom, it is simply assumed.

Autonomy literally means self-law-giving, therefore to be autonomous is to take oneself as the ultimate authority of moral questions (Shapiro, 2002, p.388). Wolff argues that this idea relies on his assumption of metaphysical freedom. In order for us to be morally responsible for our actions and for autonomy to make any sense, we must believe that we are transcendently free (Korsgaard, 1996, p.176; Rawls, 2007, p.286). Individuals who are metaphysically free are responsible for their actions as they can freely choose them (Wolff, 1970, p.12).

Wolff delineates the idea of being responsible from taking responsibility; being responsible is simply our natural state of being whereas taking responsibility for one's actions involves deliberating over what one should do (ibid, p.12). Taking responsibility for our actions is the act of acknowledging that we are responsible for our actions and therefore have a duty to work out the right thing to do. Whilst one can clearly choose not

to take responsibility this does not entail a lack of responsibility for ones actions. Since we are responsible for our actions, due to us being metaphysically free, we have a duty to take responsibility for our actions. This, in and of itself, seems self-evident. If one does not deliberate on the correct action, one does not take seriously ones duty to do the right thing, which is derived from one's ability to rationally decide on the right thing and to act on that decision.

Taking responsibility is an obligation to ascertain the right thing to do and subject ourselves to our own will, in doing so becoming autonomous; "The autonomous man, insofar as he is autonomous, is not subject to the will of another." (Wolff, 1970, p.14). Moral autonomy is being subject to our own will, this entails taking responsibility for our actions (ibid, p.14).

Wolff derives his moral autonomy from Kant. Kant argued that autonomy is when we impose laws on ourselves, and when our will is determined by no external forces (Wood, 2006, p.21; Korsgaard, 1996, p.25). We are autonomous only if we impose laws upon ourselves (Korsgaard, 1996, p.27). Heteronomy (the lacking of autonomy) is being subject to the will of another. Autonomy is therefore a scale, measured with reference to how subjected we are to our own will and how subjected we are to the will of others (Wolff, 1970, p.14-15). Since autonomy is taking responsibility for one's actions men can clearly forfeit autonomy at will (ibid, p.14). This, obviously, does not entail a lack of responsibility for ones actions (ibid).

If men choose to take responsibility for their actions, and maximize their autonomy, they must come to an independent conclusion about the right thing to do (not be subject to another's decision). Therefore we have an obligation to learn as much as we can about any issue we are making a decision about (as far as is possible/plausible) (ibid, p.17). In

order to do this it is reasonable and prudent to take expert advice in certain circumstances, as long as one is still the final arbiter of the decision (ibid, p.17). Since expert advice gives reasons for belief rather than action it does not limit moral autonomy. However, Wolff argues, that we must not rely purely on the testimony of others for making a decision on a matter (Wolff, 1970, p.17). While an autonomous person can learn from other, one does so in the way a mathematician does, always checking the validity of what he has been taught (ibid, p.13).

This is, however, problematic; if it is not possible to check advice then we must either disregard it or follow it without checking it (Green, 1990, p.108). Therefore, what I interpret Wolff as claiming is that we should not take expert advice as giving us content independent reasons for action. There is nothing wrong with taking expert advice, however it must be taken only as reasons for belief, not as reasons for action. As long as we understand this and act on it we remain autonomous. The autonomous individual can seek advice but must not be controlled by the advice, he must remain his own man.

Due to our being rational agents we appear to have a duty to take responsibility for our actions, that binds us to moral autonomy (Korsgaard, 1996, p.21). "Autonomy is the only possible source of intrinsic normativity, and so of obligation" (ibid, pp.65). If one acts heteronomously one does not take responsibility for one's actions despite being responsible for ones actions; one cannot act morally (in a Kantian sense) if one is heteronomous. It is this idea that we can only act morally if we are autonomous from which Wolff derives the importance of autonomy; "The moral condition demands that we acknowledge responsibility and achieve autonomy wherever and whenever possible" (Wolff, 1970, p.17). The obligation to take responsibility for ones actions, derived from the fact that we are responsible for our actions, means that moral autonomy is of great

value to Wolff (ibid, p.12). Wolff cannot accept giving up moral autonomy; “Men are reduced to children if they accept the state and forfeit their duty to weigh up the merits of the actions they perform” (ibid, p.72).

## **The Incompatibility of Practical Authority and Moral Autonomy**

Wolff argues that to strictly obey a command would undermine autonomy. Therefore there is no such thing as a command for the autonomous man (ibid, p.15). This gives man a choice between maximizing autonomy and denying the authority of the state or accepting the states authority and denying his autonomy (ibid, p.40). Wolff argues that due to our overriding obligation to autonomy we should reject all authority, accepting anarchy (ibid, p.18-19).

It is the idea of practical authority as giving content-independent and peremptory reasons that means that authority and autonomy clash. One acts heteronomously if one complies with an order simply because one believes that the fact one has been ordered gives one a reason to act as ordered (Shapiro, 2002, p.389). “It is the fact that he was commanded to act, rather than what he was commanded to do, which gave him conclusive reason to do as he did” (Shapiro, 2002, p.390). An autonomous person can never treat a command as a content independent and peremptory reason for action. The autonomous man looks at the reasons for action and therefore must investigate the content of the command. The autonomous person does not acknowledge the existence of content independent or peremptory reasons (Shapiro, 2002, p.390).

Content independent commands sever any link one may have between reasons for action and the action (except that of obligation to the authority). To truly obey an authority involves one doing  $\Omega$  because one has been commanded to do  $\Omega$ . When one

does  $\Omega$  because it is the morally correct course of action the reason for action is not obedience (Higgins, 2004, p.9).

Since it is content independence that means we lack autonomy, theoretical authority does not compromise our autonomy in the same way. Expert advice is a content independent and preemptory reason for believing that the expert is correct; “the purpose of giving advice is to alert the advisee that the recommended course is supported by the balance of content-dependent reasons” therefore when you use expert advice you are acting for content dependent reasons, despite not knowing what they are (Shapiro, 2002, p.390). Theoretical authorities, such as doctors, do not pose a threat to autonomy then.

Wolff himself admits that it is reasonable to act on expert advice for instance that of a medical doctor (Wolff, 1970, p.15). This is clearly different from a command from a practical authority. What an expert (theoretical authority) tells us to do is not a command, they have no moral right to command, their directives are advice. This difference in the type of directive practical and theoretical authorities make shows us the difference in their impact on autonomy. Clearly we are not morally bound to obey advice from the theoretical authority in the same way we are bound to commands made by practical authorities. Therefore instead of limiting our autonomy theoretical authorities protect our autonomy, they help us understand what the best course of action may be by giving useful advice and information whilst still allowing that we may be the final arbiter of the right course of action. When we talk of an incompatibility we are talking of an incompatibility between practical authority and autonomy only (not theoretical authority).

If authoritative commands give content-independent preemptory reasons and one is subject to authority then one does not take responsibility for one's actions. This makes practical authority hard to morally justify. Since no one can change moral law it is hard to see how practical authorities could claim this right (Shapiro, 2002, p.391). Additionally Shapiro (2002) claims that authoritative reasons can never be reasons for action in and of themselves (if agents are to act only on the balance of reasons that apply to them, as Wolff proscribes for autonomy). If we are directed to do the morally correct action then the directive is irrelevant, and if we are directed to do something that is not the morally correct thing to do, given the reasons that apply to us, then the directive is morally pernicious and obedience is unreasonable (ibid, p.391). This leads Shapiro to state that rational agents never have reason to obey authority (though they may have reason to act in ways that coincide with directives). Directives seem morally irrelevant or immoral according to this analysis.

Authority and autonomy seem to be incompatible. If we truly obey authority then we are not coming to an independent conclusion, or taking responsibility for our actions, and therefore cannot be acting autonomously. Furthermore practical authoritative directives, according to Shapiro's additional analysis seem to be irrational ever to follow as reasons for action in and of themselves. Wolff puts forward a strong argument for the incompatibility of practical authority and moral autonomy.

### **The Consequence of Incompatibility**

Wolff's prescription, given his argument for incompatibility, is rather confused and inconsistent. Whilst rejecting the state he argues that it can be legitimate, which is strange (and wrong). Wolff argues, throughout, that consent can create a legitimate authority, despite the incompatibility. Consent, for Wolff at least, being a promise from

the citizens to obey the commands of the state (Wolff, 1970, p.70). Wolff further argues that because the obligation comes purely from the promise of the citizen to obey that democracies have no special legitimacy as compared to any other form of government the people have chosen to promise to obey (ibid, p.43). Whilst democracy may have benefits, this gives it no special moral standing in Wolff's eyes.

Wolff is correct to argue that benefits do not grant legitimate practical authority. For instance if Daniel is very poor and Thomas decides freely to give him money (benefits) that does not give Thomas authority over Daniel. It is only if Daniel enters into a contract, a standing in a relationship, with Thomas that then Thomas may gain authority. The same is true of the state. Simply because a state can bring about benefits for the individual gives the state no more legitimate authority over the individual than the philanthropist has over those to whom he freely gives charity. Benefitting others does not give one the moral right to rule (Wolff, 1970, p.40). Benefits can act as justifications, however as we will see, justification is necessary though not sufficient for legitimacy.

Incompatibility leaves us with two options, Wolff tells us. We can choose between a moral autonomous life and a life with the state in which we cannot take moral responsibility for our actions (ibid, p.72). Wolff cannot accept giving up moral autonomy as he believes it is the basis of human dignity (ibid). Wolff's argument, thus far, has set the groundwork for the challenge that will be set in the next section that the incompatibility of practical authority and moral autonomy casts doubt over the possible legitimacy of the state.

## **1.2 Justification and Legitimacy**

The incompatibility of authority and autonomy, it will be argued, stands in the way of the justification and therefore the legitimation of the state. To understand this we need a

better understanding of what Wolff says about the justification and legitimation of the state. After this elucidation John Simmons' distinction between justification and legitimacy will be described. This distinction will be utilized to argue that Wolff should, in fact, be challenging the very legitimacy of the state (rather than just its justification).

## **A Legitimate State?**

Wolff is inconsistent throughout his book over whether he believes that the incompatibility of autonomy and authority means that a legitimate political authority cannot exist. Wolff states that "all authority is equally illegitimate" and conversely that "a contractual democracy is legitimate, to be sure, for it is founded upon the citizens promise to obey its commands." (Wolff, 1970, p.19, p.69). This gives two different characterizations of legitimate authority. On the first authority is illegitimate. On the second authority is legitimate if it is founded on a promise to obey (Beauchap and Witowski, 1973, p.533). Wolff seems to believe that a promise to obey is necessary and sufficient to grant legitimate authority. He quite simply contradicts himself. However, in a later personal correspondence Wolff clarifies this point;

"The consent [a promise to obey] creates de jure legitimate states, but only at the expense of moral autonomy. Since writing the book, it has become clear to me that I somewhat mis-state my position. I ought not to say that there is no such thing as a legitimate state, but only that there is no way to make the autonomy of the individual compatible with the legitimate authority of the state... I conclude that no man ought ever to submit himself to the authority of the state."  
(Beauchap and Witowski, 1973, p.534)



Wolff is claiming that practical authority can be legitimate despite its incompatibility with autonomy. This state authority can be legitimate if the subjects of that state promise to obey; “a contractual democracy is legitimate, to be sure, for it is founded upon the citizens’ promise to obey its commands. Indeed, any state is legitimate which is founded upon such a promise.” (Wolff, 1970, p.69). Despite arguing that the state can be legitimate, Wolff argues, due to incompatibility and our overriding duty to maximize autonomy, that it cannot be justified. It will be argued, after clarification over the difference between justification and legitimation, that actually this lack of justification should lead Wolff to reject the legitimacy, or at least question, the legitimacy of the state (even if subjects promise to obey it).

## **Justification**

Simmons (1999) argues that justification involves something to be prudentially rational or morally acceptable (or both). For Simmons this involves rebutting comparative and non-comparative moral obligations; in the case of the state it is justified if it is morally permissible and is rationally superior to all feasible non-state alternatives. Therefore evaluating whether a state is justified involves making a *generic* evaluation of it, grounded in general moral virtues and benefits (Simmons, 1999). Therefore if Wolff is right that practical authority denies morality of the individual it surely questions whether the state could be justified (as Wolff argues).

Justification gives no legitimate authority over the individual; it merely justifies the existence of an institution. While we may have reasons not to undermine a just state, it being just gives no grounds for control over us. Firstly individuals can discharge moral duties without the help of the state and secondly because bringing about benefits does not confer authority (Simmons, 1999). For instance if my neighbor is a just man, then

while I have reason not to undermine him, he, simply by virtue of being just, gains no legitimate authority over me. Governments can obviously be just in the absence of consent or promise to obey (Higgins, 2004, p.124).

## **Legitimacy**

Legitimacy and obligation, so Simmons (1999) argues, comes only from a subject freely consenting to power and when the power is exercised according to the terms of the consent. This idea of legitimacy is grounded in a *transactional* evaluation; the morally significant features of specific interactions between individuals and/or institutions (Simmons, 1999). Through a free transaction between the subject and authority this legitimate authority gains the exclusive moral right to impose binding duties (he also argues that it gives them the right to enforce them coercively and while it may this is not what authority is as) (ibid).

“It is typically agreed all around that genuine, freely given consent can, at least sometimes, create de jure political authority and ground political obligations” (Simons, 1995, p.197). Even Hume agreed that genuine consent creates political authority (ibid). What consent is exactly is not within the scope of this essay. However Simmons legitimacy is based on a transaction between the subject and authority. This is compatible with Wolff’s idea of consent as a promise to obey. Therefore a freely given promise to obey is seen as equivalent, in this case, to consent which Simmons argues is necessary but not sufficient to legitimate state authority (Simmons, 1995, p.198).

A good way of further understanding the distinction between justification and legitimacy is to think about the laws a state may pass. For instance an illegitimate state may act in a just way by passing a law prohibiting rape. Whilst we should support just

laws, such as prohibiting rape, acting morally does not simply create legitimate authority over the individual, something more is clearly needed. What is needed is a promise to obey from its subjects (a valid transaction).

### **The Justification Condition for Legitimacy**

Simmons puts forward another condition necessary, though not sufficient, for legitimate authority, namely justification (Simmons, 1995, p.209). In order for our promise to create a binding obligation on us to obey, making the authority legitimate (we only have a binding obligation to obey the authority if it is legitimate), what we promise to must be justifiable. This promise to obey is necessary for political obligation and authority, but not sufficient, there is a further condition that enables the promise to be valid and create a binding obligation; namely justifiability.

Promises are only binding on us if what we promise to do is not grossly immoral (Raz, 2006, p.1013; Green, 1990, p.47). Therefore our promise to obey is only valid and only creates a binding obligation to obey (of whatever weight) if the authority itself is justifiable and will not command the subject to do immoral things.

Promises do not create binding obligations in certain circumstances. If one promises to obey a state that will enslave and kill people arbitrarily (or perform or command one to perform any other range of mala in se actions) that surely does not make the state legitimate or give me a binding obligation to obey it (as Wolff would have us believe). To grant such a state legitimacy purely on the bases of a promise would be to afford the validating power of the will a far greater power than it is reasonable to do (Higgins, 2004, p.124). While one can promise to obey an immoral state or make a promise to do something immoral they do not bind the individual and therefore cannot give the state

legitimate authority (otherwise it would bind the individual to obedience). “There is no practice of demanding the performance of immoral promises and, indeed, a practice of prohibiting it” (Green, 1990, p.47).

Wolff’s practical authority is therefore too strong. We cannot bind ourselves to slavery, or to contracts to perform grossly immoral actions; they are not morally binding on us (even if they are freely taken). Green (1990) correctly argues that practical authority cannot be absolute, it can be overridden if categorically required (Wolff’s version of practical authority we have promised to obey does not allow for this and is therefore too strong). Authority must be justifiable in order for our promise to create a binding obligation on us to obey making the state a legitimate authority (Beauchap and Witowski, 1973, p.536).

Wolff’s archaic conception of practical authority does not allow for this and so must be revised. Either practical authority must in general be justified and must only give pro tanto obligations, making it preemptive, rather than peremptory as Wolff conceptualizes it (it can preempt certain reasons for action, but not all reasons in this new conceptualization). Practical authority at most gives preemptive rather than peremptory obligations as it exist only pro tempore.

Promising to obey being a necessary precondition of authority necessarily entails that justifiability is a precondition as well, as justifiability is a condition of the validity of promises in creating binding obligations. Therefore practical authority, it would seem, needs to be justifiable and requires a promise to obey in order to become legitimate and create binding obligations upon its subjects. The absolute external authority Wolff envisages, whilst surely existing in de facto terms, simply cannot exist in de jure terms.

Promising to obey unjustifiable directives does not create a binding obligation meaning that the authority is not legitimate (if it were legitimate the obligation would be binding).

Earlier in this section we saw that Wolff argues that the state is unjustifiable due to the incompatibility of autonomy and authority. This analysis shows that this un-justifiability should lead Wolff to reject the state as illegitimate, due to justifiability being a necessary condition for creating binding obligations. This incompatibility, if we give any value to autonomy, is worrying and casts doubt on the justifiability of the state. This in turn obviously casts doubt on the legitimacy of the state, due to justifiability being a condition of legitimacy.

### **Promises and Autonomy**

While a promise to obey seems to undermine autonomy most promises do not surrender autonomy in the same way. It is only promises that bind us to the will of another that undermine autonomy. When one makes a promise one creates a binding commitment to do what one promised to do. This, generally, allows one to become subject to one's own law. That we can create binding obligations to do what we will to do shows that we can be subjects to ourselves. Promises generally enhance one's control over one's own life, promoting autonomy. It is only when one promises to subject oneself to the will of another that a promise undermines autonomy. Whilst there is still a way in which one is still subject to one's own will because one willed to be subject of another the result is still heteronomy, even if heteronomy was autonomously willed. It is only promises that subject us to the will of another ('I promise to do whatever you want' or 'I promise to obey you' etc.) that undermine autonomy.

### **1.3 The Challenge to the Legitimate state.**

We now see that Wolff was mistaken to argue for a legitimate state. Justification is a precondition of legitimate authority, therefore the incompatibility of authority and autonomy calling the states justifiability into question necessarily further calls the legitimacy of the state into question. This need not necessarily lead us to reject all authority as illegitimate (I am not claiming that lacking autonomy is important enough to deem a system is unjustifiable), however it does question whether practical authority can be legitimate at all, as incompatibility puts the justification of the state at least in doubt. The easiest way to get round this would be to show, as this essay attempts to, that practical authority can be compatible with autonomy, and that it can therefore be justified and ultimately legitimate.

The challenge for Raz is to show that authority can be compatible with autonomy (justifying it) and justified besides the compatibility. While Raz achieves this unfortunately he does not manage to show that practical authority is compatible with autonomy as his revision of authority is not practical authority.

## **2 Raz's Compatibilist Argument**

Raz puts forward a revisionist conception of authority that is compatible with autonomy. If this conception of authority is correct then the problem posed by Wolff would cease to be a problem at all.

Raz's work, in contrast to Wolff's laconic style, is verbose and often nebulous. This makes it fairly difficult to elucidate Raz's final position on the issue in hand clearly, concisely or confidently. However his position will be expounded as best we can. Despite the lack of lucidity Raz puts forward a fuller conception of authority than Wolff

managed. In this section Raz's revision of authority, conception of autonomy and their interaction will be reconstructed and analyzed. Upon this first examination it will be shown that Raz's authority is compatible with autonomy.

## **2.1 Raz's Revision of Authority**

Raz perceives a revisionist version of authority, the starting point for analysis is therefore not what he believes makes authority just or legitimate, but rather, what authority actually is; "the analysis of authority cannot consist exclusively of an elucidation of the conditions under which one has either legitimate or effective authority. It must explain what one has when one has authority" (Raz, 2009, p.6).

Raz rejects the idea of authority as the right to command as political authorities can do more than simply command, they legislate, grant permissions, advise etc. (Raz, 2009, p.8). Raz argues that a man has authority if it follows from him saying that  $\Omega$  *should* happen that  $\Omega$  *ought* to happen (Raz, 2009, p.10). Authority is the ability to perform an action that changes the normative situation for another actor (ibid, p.11). Since authority changes the normative situation subjects have a duty to obey their directives (Raz, 2006, p.1012).

This authority is a special type of normative power that changes protected reasons and gives us positive second-order exclusionary reasons for action (Raz, 2009, p.17). This type of authority is split up by Raz into two types. There is the authority to do something, which is quite separate from having authority over someone (ibid, p.20). For instance having the authority to open someone's mail due to their giving me permission does not grant me authority over that person as it gives me no power to change their normative situation.

Authoritative directives give us second-order preemptive reasons for action, the function of which is to improve our conformity to reason. Preemption denotes that the directive is an exclusionary reason, it is a reason for not following certain reasons that conflict with the rule (Raz, 2006, p.1022). Raz's conception of authority is a revision, in part, because one can obey authority because we are required to or for reasons that justify the command or both (Raz, 2006, p.1022). This is a different idea of the obligation to authority as put forward by Wolff. Wolff claims that we only obey authority when we follow its directives purely because of the source of the directives. For Raz, authority is not always even a conclusive reason for action, whilst authoritative directives preempt some reasons not to do certain thing, sometimes conflicting reasons cause us to do things that the authority does not direct, as long as they are not excluded by the authoritative directive (Raz, 2006, p.1023).

Raz's authority is not initially split up into theoretical and practical authority. What Raz attempts to do is present a justification test for the legitimacy of anyone being in/an authority (Hershovitz, 2011, p.2). Simply put "a claim to authority is legitimate if the subject would better conform to reason by following the alleged authority's orders than by deciding what to do on her own" (ibid).

This holistic idea of authority, that can be justified as practical or theoretical is much weaker than the ideal of practical authority as put forward by Wolff.

### **The Conditions of authority**

Raz argues that a person has legitimate authority when these three these are fulfilled; the Preemption Thesis, the Dependence Thesis and the Normal Justification Thesis.



## **1) The Preemption Thesis**

“The fact that an authority requires performance of an action is a reason for its performance which is not added to all other relevant reasons when assessing what to do, but should exclude and take the place of some of them.” (Raz, 1986, p.46)

Authority gives us reasons (second order or exclusionary reasons) to, or not to, act on particular reasons (first order reasons) to act. A quick explanation and expansion on the aforementioned idea of second and first order reasons;

First order reasons- Ordinary reasons for action- ideals, desires, interests or needs. The conflicts among these reasons are solved by balancing them against one another (Green, 1990, p.38).

Second order reasons- Reasons for, or against, acting on first order reasons. E.g. temporary incapacitation may stop you from taking a decision of great importance (Green, 1990, p.38).

When a second order reason excludes actions taken on the first order basis it becomes an exclusionary reason; they overcome certain first order reasons due to the kind of reason they are, not due to their weight (they stop deliberation/weighing-up of certain first order reasons) (Green, 1990, p.38).

## **2) The Dependence Thesis**

“All authoritative directives should be based on reasons which already independently apply to the subjects of the directives and are relevant to their action in the circumstances covered by the directive.” (Raz, 1986, p.47)

It is from the Dependence Thesis that Raz derives the idea that consent or a promise to obey is unnecessary for practical authority to exist. All authoritative directives, according to this idea, derive from reasons which, independent of the authority, apply to the subject. We all have duties that apply to us independent of authority. These duties (e.g. the duty to minimize suffering) apply to us independent of our consent, they are duties we have as beings capable of asking the normative question. This thesis requires that authoritative directives are based on completing these duties that apply to us independently of authority and consent (Raz, 2006, p.1037). Therefore when an authority gives us a directive, whilst it changes the normative situation, it is not imposing, strictly speaking, a new duty upon us. The directive shows us how to better fulfill our preexisting duty(s). Our duty to follow the directive is based purely on our preexisting duties and therefore needs no consent, and by the same token no promise to obey, in order to be binding upon us.

Raz is in partial agreement with Wolff in that he rightly points out that “no one can intentionally impose an obligation on a person without the consent of its subject” however the obligation to obey the directives of a legitimate authority are not new obligations and therefore do not require consent (Raz, 2006, p.1038).

In many ways the picture of authority that Raz paints is benign, since we do not promise to obey, the authority should not ask us to do anything that we do not already have reason to do. We are not really binding ourselves to the will of another. However while this is clearly true of theoretical authorities (they simply inform us how best, through expert advice, to fulfill our duties) as we will come to see this has some problems for practical conceptualizations of authority. For practical authority Raz does not deny that

consent, or a promise to obey, can play a role however he claims neither is necessary nor sufficient for legitimate authority (Raz, 2006, p.1040).

### **3) The Normal Justification Thesis (NJT)**

“The normal way to establish that a person has authority over another person involves showing that the alleged subject is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly.” (Raz, 1986, p.53).

A legitimate authority is, therefore, an authority that will help us achieve the result of conforming better to reason (Raz, 2006, p.1019). Agents or institutions that fulfill the three theses have authority over us. This requires simply the agent/institution to fulfill the criteria and brings us to what Raz dubs ‘the Service Conception of Authority’.

### **The Service Conception**

Raz argues that his revision of authority best brings out the true character of legitimate authority in that it is a service to its subjects; “The service conception of the function of authorities, that is, the view that their role and primary normal function is to serve the governed” (Raz, 1986, p.56). Authorities help us by instructing us in ways that help us better conform to our duties (ibid, p.67).

Authority can help us better conform to reason and bring about better outcomes than if we personally decide on the right action at every available opportunity due to five characteristics authority often has;

- 1) Authority can be wiser than the individual.
- 2) Authority can be less biased than the individual.
- 3) Actions guided indirectly can best get individuals to follow right reason.
- 4) Deciding everything for oneself causes anxiety and exhaustion, therefore we should defer to an authority.
- 5) Authority, as it can coordinate effectively, is in a better position to achieve what the individual has reason to achieve but is not in a position too. (Raz, 1986, p.75)

It seems plausible that authority could be superior in these five ways (possibly with the exception of 4 which is quite a weak point). Additionally that it is desirable for authority to be a service to its subjects seems hard to deny. This overcomes the criticism as put forward in section 1.2 by Shapiro that authoritative directives are either morally irrelevant or pernicious. Clearly authority can direct us in ways that we would not think to act on without it (due to these five characteristics). Therefore we would not act in this way that helps us act better in line with our duties without authority meaning that this authorities directive are morally relevant.

It is not simply benefits, in general, that grant authority. It is only when an agent or institution can use something like coordination power it has to help us better conform to reasons that apply to us that it gains authority (Raz, 2006, p.1030). For instance if we accept that people have a general interest in improving their economic position the coordinating power of the state can help them achieve this. Authority can help us pursue our duties and goals in ways that are not open to us. Raz, rightly, recognizes that coordination itself does not require authority and therefore one cannot enjoy authority purely due to your coordination powers, it is only when one fulfills the three criteria that

one can enjoy authority (ibid, p.1031). However in order to fulfill the NJT authority must have at least one of the five characteristics mentioned above otherwise it will not be able to help us conform to reason better than we are able to ourselves. The five characteristics and the three criteria for legitimate authority are intrinsically linked.

### **The scope of authority**

Raz's conception of authority, and its' scope, is quite clearly much more fluid than most traditional interpretations of authority. This is primarily because the NJT requires that authority helps us better conform to reasons that apply to us. The scope of authority is dependent on the individual it is to be exercised over (Raz, 1986, p.73). The individual's knowledge and character will determine whether they are more likely to conform to reason by following an authority or by her own judgment (ibid.). We regularly assess how far to pursue an inquiry before we choose how to act, this same behavior applies to how we come to have authorities (Raz, 2006, p.1013).

These limits are conceptually plausible if not sensible, however Raz confuses the issue. Raz argues that subjects are not allowed to second guess the wisdom of an authoritative directive (Raz, 2006, p.1023). Even if the legitimate authority is mistaken then we should conform to its directive (ibid). Raz can explain this by saying that while the directives make me more likely to conform to reason that does not mean that the directives will always conform to reason or my following them will necessarily help me conform to reason. Making one more likely to do something is different from making sure one does something every time. Further one could argue that one should follow a mistaken directive by an otherwise just and legitimate authority in order to maintain the system which has promoted this just and legitimate authority. Either explanation is acceptable for this conceptual peculiarity.

Finally Political authorities must also not be overly interfering in people's own lives. This is because people living life how they see fit is a reason that applies to all of us, to an extent, , therefore the government in order to fulfill the NJT must leave at least some room for us choosing how we want to live (ibid, p.35).

## **2.2 Razian Political Authority**

Obviously political authority must fulfill the three theses put forward by Raz, with special emphasis generally placed throughout Raz's works on the critical importance of the NJT (Raz; 1986, 2006, 2009, 2010). Raz recognizes, correctly, that a political authority must be able to create duties (Raz, 1986, p.27). Controversially Raz argues that practical and theoretical authorities share the same basic structure, and that the dependence thesis holds for both theoretical and practical authorities (meaning consent or a promise to obey is neither necessary nor sufficient for authority due to the Dependence Thesis) (ibid, p.53). In fact since a practical authority has to fulfill the NJT it must be, due to the need to help us better conform to reason, a theoretical authority. Theoretical authority is a necessary condition for Raz's practical authority.

Raz believes that recognition (recognition  $\neq$  promise to obey, or even a very weak form of consent) from citizens is necessary in order for political authorities to exist (ibid, p.34). Whilst unrecognized theoretical authorities are still theoretical authorities, it is difficult to argue that there could be a completely unrecognized practical authority as part of being a practical authority is actually ruling. This idea of recognition being needed for practical authority is intrinsically linked to the five characteristics and the ability to coordinate people effectively. Effective power is also a necessary condition of legitimate authority then, but clearly not sufficient as an evil government is not a legitimate authority purely because it can coordinate its people (ibid, p.76).

Practical authority being based largely on the NJT means that whether something has authority is dependent on both the subject and the directives of the authority. "The main argument for the legitimacy of any authority is that in subjecting himself to it a person is more likely to act successfully for the reasons which apply to him than if he did not subject himself to its authority" (Raz, 1986, p.70-71). Whether an entity has practical authority then is reliant on both the entity and subject. It depends on whether the entity has the theoretical authority that will ensure the subject better conforms to reason. For instance a medical doctor (MD) would fulfill the NJT for a layman when directing him when someone is having a heart attack. The same, however, would not apply were the layman now a coronary expert with superior expertise than the MD. Fulfillment of the NJT is dependent on the knowledge and characteristics of both the subject and the authority. Legitimate political authority is dependent "on the person over whom authority is supposed to be exercise: his knowledge, strength of will, his reliability in various aspects of life, and on the government in question" as they determine whether the individual will better conform to reason (ibid, p.73). So while authority does rest, largely, on the NJT in turn the NJT and whether it is fulfilled in certain circumstances is dependent on the individual's different skills and characteristics.

If we consent, promise to obey or recognize a reasonably just government we are subject to their authority (ibid, p.99). This point is somewhat nullified however because even if we do not voluntarily recognize or place ourselves under a fairly just government we are under an obligation to recognize it according to Raz (ibid, p.100). This makes the role of recognition less plausible, it is unclear whether it is a voluntary or involuntary act (or whether it is even a positive act at all); recognition is conceptually ambiguous (ibid). This raises the question of how just a government must be in order for us to be required

to recognize it (furthermore what value can recognition really be of if we are under an obligation to recognize). No concrete answer is given to these questions which is frustrating for the reader and means that Raz's conceptualization lacks clarity.

Raz admits to the vagueness of his argument; "The puzzling aspect of our conclusions is in the refusal to give a yes or no answer to the question: is the authority of the government legitimate? We concluded that it is legitimate to various degrees regarding different people." (ibid, p.104). Whilst this makes some conceptual sense, it is frustratingly Delphic. This lack of clarity, does not undermine his theory as a whole, however it does make it harder to accept as an answer to our question. The final section, when altering Razian authority, will attempt to improve the lucidity of the conditions necessary for political authority.

### **2.3 Raz's Conception of Autonomy**

Raz has a different conception of autonomy than Wolff. He chooses to describe personal rather than moral autonomy.

"The ruling idea behind the ideal of personal autonomy is that people should make their own lives. The autonomous person is a (part) author of his own life. The ideal of personal autonomy is the vision of people controlling, to some degree, their own destiny, fashioning it through successive decisions throughout their lives." (Raz, 1986, p.369).

Raz's view of what constitutes autonomy is not so far from Wolff's conception. However usefully Raz adds the condition that the autonomous person needs to have integrity; the ability to make decisions and commitments and stick with them. If we are not able to stick to decisions we have made (within reason) we are guilty of self-deception and this



is not autonomy (ibid, p.384). This addition makes the ability to create promises an explicitly integral part of being autonomous.

Raz points to three conditions necessary for living an autonomous life;

- 1) Mental abilities- to be autonomous man needs the minimum rationality to comprehend the means to realize his goals (Raz, 1986, p.373).
- 2) To have a morally acceptable range of options- variety of options not range is important (after all what good is 100 options that all lead to the same outcome) (ibid, p.375).
- 3) To be free from coercion and manipulation by others (independence). Clearly one is not autonomous if one is being coerced or manipulated (ibid, p.377).

Raz correctly identifies that autonomous is not something we either are or are not. When talking of autonomy one should talk in degrees of autonomy, not full autonomy or heteronomy (generally) (ibid, p.373).

Raz and Wolff are describing two different types of autonomy. Raz describes personal autonomy and Wolff describes moral autonomy. They discuss these different types of autonomy due to what they perceive the role of autonomy to be in their theories. Wolff sees our ability to be autonomous as our means for achieving morality. Raz, conversely, sees morally good options as allowing autonomy, only once we have morally good options to pick from can we act autonomously (ibid, p.380). Wolff sees autonomy as allowing us to live as moral agents, whereas Raz sees moral options as allowing us to live autonomously. This explains why they perceive the types of autonomy as important to each of their theories. In Wolff's theory autonomy allows us to be moral and is therefore of great value. In Raz's theory morally good options allow autonomy (he does

not assume that autonomy is necessary for morality) and therefore this personal autonomy is not seen as so important.

Due to the role Raz sees autonomy as playing he does not value it as highly as Wolff. For Raz the value of autonomy is correlated to how much people personally value it (ibid, p.390). Part of autonomy is deciding on whether you value autonomy or not, it does not have a fixed intrinsic value (ibid, p.391). Whilst it has value, the value we hold it to have is largely based on the culture we live in and whether it promotes an autonomous life style or not (ibid, p.392).

A truly compatible conception of authority needs to be compatible with both moral and personal autonomy. However, due to the intrinsic value of moral autonomy the focus will remain on the compatibility of moral autonomy and authority. Raz argues that with his revisionist view of authority the paradoxes of authority can be successfully dissolved. Now we understand his views of autonomy and authority we can see whether he succeeds in making them compatible.

## **2.4 The Compatibility of Razian Authority and Autonomy**

Raz argues that if authority changes our reasons for action then one does not abandon reason or autonomy if one follows a command (Raz, 2009, p.25). The existence, at least in principle, of second order reasons means that the principle of autonomy need not require the rejection of authority; autonomy and authority only clash if authority gives first order reasons for action (ibid, p.27).

Raz's authorities give us preemptive second order reasons for action. Therefore we do not surrender the final judgment as to what we ought to do. This means that we can take responsibility for our actions and act autonomously even if we accept an authority

(Shapiro, 2002, p.406). Raz's authority does not require us to surrender our judgment. To be sure, it changes the reasons that apply to us, however this does not strictly stop us from coming to an independent conclusion about the right thing to do. If changing the reasons that applied to us meant that we could not act autonomously then someone changing the reasons that apply to me by being in danger and in need of my help will have compromised my autonomy and this simply cannot be true.

Since authorities are only legitimate if their directives enable subjects to better conform to reason authorities do not deny autonomy (Raz, 2006, p.1018). Authority is an arrangement which allows people to achieve the goals of their rational will, admittedly indirectly (ibid).

Raz's authority, in its rightful form, enables its subjects to conform better to the dictates of reason, in this way it cannot possibly be at odds with personal autonomy. If autonomy is acting on the reasons that apply to you, or working out the right way in which to act then authority, in this form, fulfills both these roles for us. In fact it is in following a legitimate authority that "one's ultimate self-reliance is preserved, for it is one's own judgment which directs one to recognize the authority of another, just as it directs one to keep one's promises, follow advice, use technical devices and the like." (ibid, p.1018). If authority never required agents to act against the balance of reasons it would not clash with rationality or autonomy (Shapiro, 2002, p.394). Therefore if we accept Raz's revision of authority, then it seems that there may be some credence to his argument that personal autonomy and authority are compatible.

Raz conception of authority is clearly compatible with moral autonomy, even though he only argues for the compatibility of authority and personal autonomy. Raz's authority does not require that its subjects become subject to the will of another (heteronomous),

due to the Dependence Thesis. The Dependence Thesis ensures that all commands help us better comply with reasons that apply to us independently of the authority existing. Therefore the reason we are acting on when the authority directs us is a reason that already applies to us irrespective of the authority (we have reason to act on the reason irrespective of the authority). Since the authority creates no new reasons for us, simply different ways to act on these reasons we cannot be seen as being subject to the will of another. Furthermore that the commands are second-order exclusionary reasons shows for certain that Raz's revision of authority is compatible with moral autonomy. Second order reasons do not cause subjects to be subject to the will of another (Shapiro, 2002, p.390). One does not take the fact that one has been ordered as the reason for acting as ordered, one acts on the reason because it helps one comply better with one's duties, therefore one cannot be acting heteronomously (even by a Wolffian standard) (ibid, p.389).

### **Overcoming The Compatibility Critics**

Green argues that if one takes others directives into account at all in one's practical reasoning this means that one is not forming an independent judgment (Green, 1990, p.25). In doing so he argues that even the Razian authority that only gives preemptive exclusionary reasons is still incompatible with autonomy.

The problem with authority cannot be that of the possible justification of one being subject to reasons originating outside of oneself. Certain facts, that originate outside oneself provide agents with normative reasons for action, these reasons clearly do not rest on properties internal to the agent (Star and Delmas, 2011, p.160). For instance if someone is need of help, that gives us reason to help them. This reason has its origin outside of ourselves, however, the existence of that reason does not stop us from

attaining autonomy. It is the internalization of these reasons for action and from there deciding the right course of action that gives us autonomy (at least in a moral sense). The existence of reasons that have their origin outside of ourselves does not even necessarily entail a restriction on our personal autonomy, and certainly not on our moral autonomy.

Raz's authority, does exactly that, it gives us new reasons (second order reasons). We have the duties that the commands help us fulfill regardless of whether the authority commands us. We have a duty to fulfill these duties regardless of whether there is an authority directing us to or not, if our autonomy is restricted by these duties it could hardly be because of authority.

Finally the NJT, as we have seen, leaves space for self-determination as a reason that applies to us. The best way to help us conform to this reason is not to have authoritative directives over certain aspects of our life, therefore Raz's practical authority confirms our autonomy in a second way in that it promotes us as author of our own lives, it promotes our choosing how we should live. Whether autonomy is conceptualized as moral or personal Raz's authority seems to help maximize it. It promotes rationality by showing how to act more rationally than we could of without it (due to its five characteristics), it gets us to act more in line with reasons that apply to us than we could of without it (due to the NJT) and it promotes self-authorship as a reason that applies to us allowing us to choose, largely, how we want to live our lives. Raz's authority is surely compatible with, and capable of maximizing, both personal and moral autonomy.

It would seem that Raz has overcome the problem posed by Wolff, and that he has not only solved the compatibility crisis and in doing so shown that authority can be justified and legitimate. This revision of authority is certainly compatible with autonomy,

however it is hard to see Raz's conception of authority as being real practical political authority (as will be argued in the subsequent section) meaning that Raz has not actually solved the challenge set by Wolff.

### **3 Criticizing Raz's Argument**

This section will argue that while Raz's authority is compatible with autonomy it is not actually practical authority. Practical authority, requires, a right to rule, an obligation to obey and a certain amount of answerability from its subjects. Raz's authority fulfills none of these criteria which are key components of the natural definition of practical authority. Recognition of an authority's ability to help us better conform to reason in and of itself does not grant practical authority. This means that Raz has not overcome the overarching challenge set by Wolff to show that practical state authority can be compatible with autonomy making a legitimate state a possibility.

Darwall's argument against Raz's conception of authority being practical authority will be used to show that something more than simply justification is necessary for legitimation and practical authority. This criticism leaves us without a solution to the question of whether legitimate authority can without question exist.

#### **3.1 Criticizing Raz's Practical Authority**

Raz's revision of authority is, at best, an extremely weak conceptualization of practical authority. However this weakening led to a perversion of the concept. Raz's revision of authority, denies that authority is the right to rule and correlative obligation to obey claiming authority rather to be the ability to change the normative situation of another. The root of the issue is the failure to adequately separate practical and theoretical authority from each other.

## **Separating Theoretical and Practical Authority**

A distinction between advice (directives from a theoretical authority) and commands (directives from a practical authority) is shown through the intentions of subjects and the reactions of the directors to non-compliance (Green, 1990, p.26). One who fails to act on good advice is imprudent, but one who fails to act on a command is insubordinate. To properly understand authority this distinction must be taken account of (ibid).

Practical authority must include, at least to some extent, a coherent notion of a right to rule and an obligation to obey. Raz's practical authority fails to create a right to rule or an obligation to obey and in doing so fails to purport to true practical authority and therefore cannot truly answer the challenge set by Wolff.

We clearly have a prima facie obligation to obey directives that fulfill the NJT. However this obligation to obey is not to obey the directing authority. Since the directive is content dependent the obligation to obey is derived from our preexisting duties. If a theoretical authority gives us advice that fulfills the NJT we have an obligation to obey, however we would not say that we have an obligation to obey the theoretical authority, we would rather say we have a duty to act in line with what they have advised in order to fulfill our preexisting duty, we are simply heeding and acting on good advice; the obligation we have to obey is not an obligation to obey the authority. Complying with a command does not necessarily entail an acknowledgment of authority, or an obligation to obey the authority itself. We do not have any obligation to the authority itself. Since we are not obligated to the authority, it is hard to see how it has a right to rule.

It is persuasive directives, not commands, that this authoritative engages in. We have no obligation to this authority deriving from its right to rule, as it has none. Obedience is the

act of acknowledging authority, which in this case does not apply. While we have a duty to do as authorities direct when they fulfill the NJT this is not, strictly speaking, an obligation to obey the authority itself. We have no obligation to obey experts (unless one is a proponent of a technocracy) simply due to their status as experts, despite their directives fulfilling the NJT. Darwall builds on this argument by showing that entities that fulfill the NJT cannot be practical authorities.

### **Darwall's Criticism of Raz**

Darwall (2010) continues this attack on Raz by agreeing that Razian authorities are not practical authorities as they have no right to rule. Darwall argues that practical authority must be understood in second-personal reasons: "By the 'second-person standpoint', I mean the perspective you and I take up whenever we address (putatively valid) claims or demands to someone, whether explicitly, in speech, or implicitly, in thought, whether to others or to ourselves (as in self-addressed feeling of guilt)." (Darwall, 2010, p.216). Practical authority is about being able to make claims and demands on others due to your status as ruler, these are second personal reasons, they denote a standing in a relationship between the addresser and addressee. For example I have the authority to demand that others do not stand on my foot and can hold them answerable if they do (ibid). Practical authority is about agent relative reasons (ibid, p.217).

These second personal reasons operate in a circle of mutually constitutive inter-definable concepts of practical authority none of which can be defined without reference to the other three;

- 1) Practical authority to make a claim or demand on another- you have this "If, and only if, the latter has a second-personal reason to comply with the former's valid



claims and demands and is responsible to the former for doing so.” (Darwall, 2009, p.142; Darwall, 2010, p.217-218)

- 2) Responsibility to- you are responsible to the authority “If, and only if, the latter has the authority to make some valid claim or demand of the former that the former is thereby given a second-personnel reason to comply with.” (ibid)
- 3) Valid Claim or Demand- “one that is within the authority of someone having practical authority with respect to another to make of the latter and that the latter thereby has a second personal reason to comply with and some responsibility to the former for doing so.” (ibid)
- 4) Accountability- a second-personal reason “consisting in or deriving from some valid claim or demand of someone having practical authority with respect to the agent and with which the agent is thereby accountable for complying.” (ibid).

All these concepts rely on and imply each other. Practical authority therefore implies accountability, the existence of second person reasons for others to comply and the legitimacy of the authoritative demands (Darwall, 2010, p.218). Furthermore this conceptual circle cannot be entered from the outside (ibid).

Holding someone responsible or accountable involves feelings of resentment, guilt or moral blame (so you can hold yourself accountable) (Darwall, 2010, p.219). This resentment or moral blame entails an expectation of behavior of yourself or others, it makes a demand of them, that they act in a certain way. Therefore we have an obligation (of some weight) to do what we can be held responsible for. This means that authority must be able to hold us accountable/answerable for certain actions/inactions.

Wolff clearly (as is described in section 1.1) understands practical authority in second-personal terms. Furthermore Darwall agrees that we can hold ourselves responsible,

therefore Wolff's notion of taking responsibility for our actions can be seen as entirely accepting Darwall's premise of second-personal reasons and authority. Both Wolff and Darwall agree that second-personal reasons are necessary in order to be moral agents (Darwall, 2010, p.228).

Darwall utilizes this conceptualization of practical authority as only giving second-personal reasons to argue that the NJT does not grant practical authority. Darwall rejects the idea that someone can acquire practical authority over another with entirely non-second-personal claims.

Darwall begins his criticism by correctly stating that there are obligations we have (duties) that no person has any standing to require of us, for example we are required by reason not to believe propositions that contradict the logical consequences of our known premises however only under certain circumstances can others demand that we reason logically (Darwall, 2009, p.138). Practical authority, due to its second-personal nature, however, creates an obligation for us with a directive. The subject is responsible to the authority for fulfilling his obligation and therefore must be in some way answerable to the authority (ibid, p.141). As practical authority is a second personal it implies answerability. Therefore if A is a practical authority and directs B (A's subject) to  $\Omega$  then not only does B have reason of some weight and priority to do  $\Omega$  but B must also be in some way answerable to A for doing so (ibid).

Whilst the preemptive exclusionary reasons that the NJT purports to give can be theoretically second-personal the NJT itself is not sufficient to establish authority, as it does not establish answerability or a right to rule (ibid, p.149).

One can accept that “If B would do better in complying with independently existing reasons were B to treat A’s directives as preemptive reasons, then A’s directives actually are such preemptive reasons for B” without accepting that the NJT grants the director authority over the directed (Darwall, 2009, p.150). Whether satisfaction of the NJT gives us preemptive reasons is not under scrutiny, what instead is being argued is that the NJT does not grant genuine legitimate authority if it is satisfied. Whilst it is plausible that one has an obligation to treat authoritative directives as preemptive reasons it does not necessarily follow from this that the alleged authority gains any authority to hold one to moral demands (Darwall, 2009, p.151).

Additionally whilst beneficial consequences gives us reasons to desire the right to hold someone accountable this itself does not ground authority (Darwall, 2010, p.218). In essence there is no way in which the normal justification thesis grants any right to hold people responsible, and without this Darwall argues there can be no right to command or rule. The normal justification thesis does not explain how it can create moral obligations but not give someone the right to hold them responsible;

“The mere fact that we will do better in performing acts on the list is impotent by itself to explain the authority to hold morally responsible, since an act’s being morally obligatory, and so on the list, is not itself independent of the authority to hold morally responsible and make demands of one another.” (Darwall, 2009, p.152)

Moral obligation is independent of Raz’s authority and therefore we do not owe the authority an obligation to obey we owe it to ourselves (we are responsible to ourselves for fulfilling our moral obligations, the authority simply shows us the best way of doing it) we are not answerable to the authority at all. Unless moral obligation is dependent on

the authority, not the other way round as with Raz, we are unable to be held responsible by the authority. An authority that cannot hold its subjects responsible has no right to rule.

Authority being second-personal, and therefore a standing in a relationship, has further implications for both the authority and the subject (Star and Delmas, 1022, p.144). The subject has reason to obey the authority. In turn the authority can hold the subject responsible, the subject is answerable. However Raz's authority fails to create an obligation to obey the authority, or answerability to the authority.

We can demonstrate that we do not owe the authority an obligation through use of an example; if I set an alarm clock with a voice recording that tells me to get out of bed, it may be desirable for me to treat it as a binding order, however this does not mean that its directive creates preemptive reasons to get out of bed. Additionally one cannot say that the alarm clock has practical authority over me. The alarm clock does not have standing over me and cannot blame me for not complying. The alarm clock lacks the standing to issue the directive and the capacity to hold me responsible; it cannot therefore create preemptive reasons (Star and Delmas, 2011, p.299; Darwall, 2011, p.113-116). Additionally any reasons given by the alarm clock cannot really be said to come originate from the alarm clock. The order originates from the person who set the alarm. Whoever they may be has really given the order. If one has set the alarm for oneself then one does have preemptive reasons not to stay in bed, however their source or origin must be oneself in this case. It cannot be the case that an inanimate object such as an alarm clock has the authority to hold me accountable.

To demonstrate that the NJT does not make the subject answerable to the authority or give the authority the right to rule we can use a further example that Raz (1986, p.63-64) puts forward;

If John is an expert at Chinese cooking and Susan has no reason other than to cook the best Chinese meal she can then she has a preemptive reason to follow the instructions of the expert- John. Her following the instructions, according to Raz, makes John an authority over her, as his instructions help her better comply to the reasons she has (Raz, 1986, p.64). However at this point we come across a bit of an issue: it is very difficult to see how John now has a right to rule, or Susan an obligation to obey John. Whilst Susan would be foolish not to follow John's cooking instructions John does not really have any right to complain or to hold her to account if she fails to (Darwall, 2009, p. 151). Whilst we get preemptive reasons from expert instructions it is hard to see how that gives the expert any right to complain should we choose not to comply (Hershowitz, 2011, p.7). I do not, for instance, feel that I am beholden to Delia Smith or Raymond Blanc (or any other chef), or that they can make valid claims or demands of me, when I enter my kitchen despite their superior culinary expertise and my reasons to cook as best I can.

While we may have reason to defer to a theoretical authority we do so purely because of their expertise, not because of their official status or standing in a relationship with us. An obligation to obey cannot simply depend on the personality of those directing (Shapiro, 2002, p.402). Without this idea the distinction between theoretical and practical authority ceases to exist in any meaningful way. Just because we have reasons to treat directives that fulfill the normal justification thesis as binding (e.g. we all have reason to follow a government directive to drive on a certain side of the road in order to

promote our safety) does not actually entail that we are answerable to the entity that espouses them (Hershowitz, 2011, p.8).

The root of this issue is the lack of distinction between theoretical and practical authority and that Raz does not view practical authority in second-personal terms, but rather as a relationship between reasons and persons. If we view authority as second-personal then it becomes clear that we must be answerable to the authority, however since Raz sees authority as between reasons and persons our answerability and obligation is not to the authority at all, which makes all authority non-practical in nature. Furthermore that it is rational for a subject to follow orders does not necessarily entail that the subject is obligated to follow orders (Hershowitz, 2011, p.9).

Just because an entity can benefit us, such as by helping us better conform to reasons that apply to us, neither gives us an obligation to obey them or makes us answerable to them. As justifications for cooperation with the state beneficial considerations are adequate (Wolff, 1970, p.40). So whilst we have reason not to undermine such states, beneficial consequences do not demonstrate the authority of the state's right to command the individual or his obligation to obey (ibid; Darwall, 2010). Simply because an entity can bring beneficial consequences if its directives are complied with does not mean that that entity gains the right to address people with putatively valid claims or demands (Darwall, 2010, p.216). We can deduce from this that Darwall believes that denying others a socially desirable situation (such as a just authority) does not justify moral resentment on their part as people do not have the right to demand that you acknowledge a socially desirable situation. Quite simply the desirability of being able to hold someone responsible does not grant one the ability to hold that person responsible (Raz, 2010, p.21). The desirability of practical authority does not, in and of itself, create

practical authority. This seems self-evident; simply because I wish myself or others to be a practical authority because I or others deem it desirable cannot actually, in and of itself, grant practical authority. The validating power of the will is clearly not that strong.

Through this analysis we see that Raz's practical authority cannot live up to a natural interpretation of practical political authority; the right to rule and the obligation to obey (Hershowitz, 2011; Wolff, 1970; Green, 1990; Shapiro, 2002). It is unclear that Raz's authorities have any right to rule as we are not accountable to entities that fulfill the NJT. Furthermore we do not strictly have an obligation to obey them, we have an obligation to fulfill our preexisting duties and therefore have reason to conform to their directives, however this is not obeying, and our obligation is to our duty not to the purported authority.

### **3.2 Raz's Defense**

Raz, in an attempt to defend himself against Darwall's attack, conflates sanctions and answerability; "That an authority is entitled to impose a duty to  $\Omega$  does not entail that is entitled to impose a sanction for failing to  $\Omega$ , or a remedy should any right be violated thereby" (Raz, 2010, p.300). In doing so he misinterprets what Darwall is claiming. Darwall clearly states that answerability and accountability are about feelings of resentment or blame, not about the ability to sanction the morally blameworthy subject (though a practical authority may also be able to do this if it has effective power).

Raz attempts to undermine Darwall's criticism by claiming that "I am more used to the idea that those in authority are accountable to their subjects than to the thought that their subjects are accountable to them" (Raz, 2010, p.299). While a good ethos for authority to have this nevertheless ignores the major criticism laid at Raz's door that the NJT fails to establish grounds for true practical authority. Raz fails, in his answer to

Darwall to explain why directives that help us act more in line with reason make us answerable to the source of the directive, or give the source of the directive a right to rule.

While Raz rejects the second personal necessity of authority one could read Raz's idea that recognition is a necessary precondition of practical authority as creating a second personal relationship (Raz, 1986, p.34). In Ralph Ellison's "Invisible Man" the protagonist (an invisible man) claims that he is not responsible for beating a man as the man could not see him, and therefore could not recognize him claiming that "Responsibility rests on recognition, and recognition is a form of agreement" (Ellison, 1952, p.11). Whilst the idea that responsibility rests on recognition is preposterous, clearly it rests on metaphysical freedom, the idea that recognition is a form of agreement is an interesting hypothesis that could overcome the problems as put forward by Darwall. Were recognition, in and of itself, a form of agreement it would set up some kind of relationship between authority and subject. However I think that both Raz and Darwall would refute this relationship were second personal. Raz explicitly rejects the necessity of a second personal relationship for practical authority in doing so implying that practical authority need not be second personal (ibid). Darwall would also reject that recognition creates a second personal relationship because whilst recognition may create a relationship between two people it does not give the authority the right to address claims or demands upon the subject. Recognition may create a relationship between two entities, but that relationship is not one of ruler and subject. Simmons also implicitly agrees with Darwall that Raz's authority could not be legitimate, even if it is practical, as it cannot pass a transactional evaluation (only a generic one). While



recognition may, or may not, denote some kind of interaction between subject and authority, it does not grant practical authority.

Raz does not effectively overcome the criticism put forward by Darwall that his authority is not practical. Since Raz's authority is not practical authority he does not manage to prove Wolff wrong. Raz does not show that practical authority and autonomy are compatible, despite his authority being compatible with autonomy, as his authority is not practical in form. In the final section it will be argued that if we adjust Raz's revision of authority we can create a practical authority that is compatible with autonomy thus overcoming the challenge set by Wolff.

## **4 Creating Legitimate Authority**

Wolff's hypothesis of practical authority and moral autonomy's incompatibility has not yet been refuted. Since this undermines the justification and therefore the legitimacy of the state that is what we must yet overcome. It is argued, in this section, that practical authority can, in fact, be reconciled with moral and personal autonomy. This will be done by utilizing Raz's revision of authority and the criticisms put towards that revision in conjunction with the arguments outlined by Simmons in section 1.2. A promise to obey criteria will be added to Raz's conditions for the creation of practical authority. This will create practical authority in a form that is compatible with autonomy, justified and therefore legitimate. This proves Wolff's hypothesis that practical authority and autonomy are incompatible to be false which, in turn, negates what he argues follows from incompatibility, namely the unjustifiability and illegitimacy of the state.

## 4.1 The Promise to Obey

Since Razian authority clearly cannot overcome Wolff's problem we now turn to Darwall and Simmons for guidance. In combining the analysis of Darwall and Simmons we can establish a conceptual framework to help us solve the problem.

Darwall and Simmons are compatible in their conceptualization of what it means to gain legitimate practical authority. Simmons (1999) talks of legitimacy as granting the right to rule and therefore he is exclusively of practical authority when he talks of legitimacy. Similarly when Darwall talks of legitimate authority he talks exclusively of the right to rule meaning that both understand legitimate authority as referring to practical authority (Darwall, 2009, p.150). Both, then, are talking of legitimate practical authority exclusively.

Simmons argues that legitimacy is gained through certain transactions between subjects and authorities. Darwall argues legitimate authority entails a second personal relationship. Both would agree that a promise to obey is sufficient to create legitimate practical authority.

While Darwall does not think that a promise is necessary to create a second personal relationship they are certainly sufficient. Promises can, clearly, create second personal relationships between individuals. If Sarah promises John that she will do  $\Omega$ , then John has a valid claim on Sarah to do  $\Omega$  and can hold her responsible if she fails to do  $\Omega$ . If Sarah promises to obey John then the second personal relationship is one of ruler and ruled, granting John practical authority over Sarah. In the same way if subjects promise to obey an authority the authority has a valid claim on subjects to obey it. Promises create a standing in a relationship between promisor and promised too. A promise to obey creates an obligation to obey the person you promised to obey, it gives the

authority a right to rule and makes the subject answerability to the authority. A promise to obey entails legitimate practical authority in the second personal way that Darwall requires.

Simmons would agree that a promise to obey would create practical authority. However as we have seen Simmons would add the condition that the authority be justified in order for this practical authority to be legitimate. A promise to obey a justified authority would fulfill the transactional evaluation Simmons posits as the measure of legitimacy.

Therefore as long as the entity that is being promised too is justified it would seem Darwall and Simmons would agree that a promise to obey it grants the entity legitimate practical authority in second personal form. This idea of promising to obey being able to create legitimate practical authority will be utilized in the next section of the thesis. It will be used to adjust Raz's revision of authority into practical authority. This will be done by adding a promise to obey condition to create practical authority.

## **4.2 The Solution**

The puzzle can be solved by combining the mediation and arbitration models of authority. This would make our practical authority instrumentally valuable and bind its subjects to the authority whilst ensuring the compliance of others. The mediation and arbitration models are two models of practical authority. The mediation model claims that the function of authority is to mediate between reasons and persons. Obedience is instrumentally valuable to subjects, it is through this instrumental value that directives gain their legitimacy (Shapiro, 2002, p.433). The arbitration model claims that processes bind the parties generating a moral obligation for the subject to abide by the outcome (e.g. a social contract). Directives do not gain legitimacy through their instrumental value, legitimacy is gained through a promise or a set of institutions.

The mediation model, as put forward by Raz, has already been criticized for failing to create a second personal relationship. In order to show that the Razian model, after adjustment, can fulfill both models we need to add a process that binds the parties (a transaction between subject and authority). To do this a promise to obey condition (on the part of the citizen) will be added to the conditions for Razian authority to become practical. By adding this condition the Razian authority will become legitimate. This legitimacy entails practical authority because it will grant it a right to rule, answerability and give subjects an obligation to obey. In doing so we combine the mediation and arbitration models, creating a model where legitimacy is gained through both the instrumental value of commands and a transaction between subjects and authority.

The Razian authority fulfills the mediation model and our generic evaluation of authority, it is justified. However as we know it does not purport to be practical authority despite fulfilling the mediation model of practical authority. In order to remedy this situation we must utilize the arbitration model of thinking. We must add a promise to obey condition for the creation of practical (not theoretical) authority:

**Promise to Obey Condition:** In order to create a practical authority the subject must promise to obey the authority as far as that authority fulfills the Preemption Thesis, the Dependence Thesis and the Normal Justification Thesis.

The Razian authority was already justified, however with this new condition this revised Razian authority is now clearly legitimate as well. One would be hard pushed to argue that the Razian authority pre-promise to obey condition is not justified, however once one promises to obey it, it surely fulfills the transactional evaluation (as put forward by Simmons) as well meaning that it is legitimate. The authority is now recognizably practical in form. By promising to obey the authority (as far as it fulfills the three theses)

a standing in a relationship between subject and authority is created. This gives the subjects a clear obligation to the authority to obey their directives. This obligation to obey the authority means that not only are we answerable to them but it now becomes clear that they have a tangible right to rule.

When a subject promises to obey an authority a second personal relationship is created. The authority now has standing to address putatively valid claims or demands on the subject. The subject is now answerable to the authority that has the right to rule and correlative obligation to be obeyed. By promising to obey the Razian authority the authority overcomes the criticism put to it by Darwall and becomes practical authority in form.

The directives of this authority will still carry the weight of the Razian authority, but in so far as they fulfill the NJT (remembering that subjects only promise to obey the authorities as far as they fulfill the NJT) their directives become content independent within this sphere. This allows us to harness the conceptual power of content independent obligations to create a practical authority whilst utilizing the justificatory benefits of Razian content dependent authority.

This authority is both practical and legitimate. We owe this authority obedience, however this entity will only direct us to do as we already have reason to do, only instructing us to do things that will improve our conformity to reason. The obligation to obey only extends to directions that help us to act according to our preexisting duties.

This may seem to bring the same problems as Raz's authority had; how can we be obeying the authority when we are obligated to conform to our preexisting duties. However the promise to obey the authority means that we are obligated to obey it. Since

we are only obligated to it insofar as it fulfills the NJT (and the other two thesis) it is not a content independent political authority that can ever demand we do anything we do not already have reason to do. Subjects clearly owe obedience to this authority, it has a clear right to rule and subjects are answerable to it. It has successfully avoided the criticisms Darwall laid at Raz's door due to it now being a standing in a relationship.

This authority seems to be practical, justified and legitimate. However to make sure this authority is legitimate we must ensure that it is still justifiable (beyond doubt). This involves checking that this practical authority is still compatible with moral and personal autonomy.

When a directive is given from such an authority we will have two distinct types of reasons for action. The authority retains the Razian authorities reason for action giving us second order (exclusionary) reasons for action that help us better conform to reason. Secondly because we promised to obey the authority as long as his directives help us better conform to reason we have a first order reason to obey the directive as well. This first order reason is content dependent (because it relies on the content of the directive fulfilling the NJT for it to be legitimate as that is all we promised to obey). This first order reason must be weighed up against other first order reasons for action that are not excluded by the second-order reasons that the authority also gives subjects. Directives from our new, revised, authority give subjects both second-order reasons (preemptive) and first order content dependent reasons for action.

Clearly, if the arguments in the prior section are correct, the second order exclusionary reasons given by the authority are compatible with moral and personal autonomy in exactly the same way as the directives given by the Razian authority are (as they are

exactly the same). The question is whether the first order reason now given by authoritative directives (commands) are compatible with personal or moral autonomy.

The first order reasons this authority gives do not violate personal autonomy. The directives that subjects will receive from this new authority are only binding if they are likely better to help the subject conform to reason and they are to be weighed up against other considerations (obligations and duties). Directives are therefore neither content independent nor preemptive. By promising to obey we personify the preexisting duties the authority helps us to better conform to. The directives that are binding on us we already have reason to follow. This surely cannot involve a violation of moral or personal autonomy. If fulfilling the NJT means that directives do not violate autonomy then making it an obligation to obey the authority that is only legitimate if it fulfills the NJT means that its directives cannot violate autonomy. If the directive does not fulfill the NJT our obligation to obey the directive is not binding, therefore we only have a binding obligation to obey directives that do not violate personal autonomy (and we already have a binding obligation to act on the reasons the authority is helping us act better on). The content dependence also means that we are not being subjected to the will of another, and therefore this is compatible with moral autonomy.

These first order reasons do not detract from our moral autonomy, in the same way that having duties and obligations in general do not detract from our moral autonomy. This anthropomorphizing of certain duties (the ones the authority helps us comply with better than we could have without it) in the authority creates a second personal relationship between us and our preexisting duties. We have an obligation to obey this personification of duty only so far as we have an obligation to the preexisting duty that the directive is helping us better conform to. Being able to improve our conformity to

our duties while not giving up our place as the final arbiter of moral decision maximizes our moral autonomy.

This new authority is therefore compatible with moral and personal autonomy, meaning it proves Wolff to be wrong that practical authority is not compatible with autonomy. This authority is justified, legitimate and practical; the challenge set by Wolff has been overcome. We have shown that practical authority can be simultaneously compatible with moral and personal autonomy, justifiable (thanks to the compatibility in part) and ultimately legitimate.

In this form practical authority is compatible with moral and personal autonomy. In showing this we have shown the premise and the logical ends of Wolff's argument, namely that there is a question over whether the state can ever be justified and therefore legitimate, to be false. If the state utilizes this form of authority then the state could be a practical authority that is compatible with autonomy, justifiable and legitimate.

## **Concluding Remarks**

This thesis has attempted to argue that legitimate practical authority can exist. Wolff's proposition for philosophical anarchy has been refuted. Practical authority can be compatible with autonomy. While this authority is at least a logical possibility it does not seem to be a likely form of authority to exist in the world we inhabit. Such an authority has probably never existed and seems unlikely ever to. This should not, however, deter others from trying to establish such an authority or from showing that a different form of practical authority, more suited to the world we live in, is also compatible with autonomy, justified and legitimate.



“A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing. And when Humanity lands there, it looks out, and, seeing a better country, sets sail. Progress is the realization of Utopias.” (Wilde, 1912, p.43).

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