3 The Justification of Authority

This chapter develops and defends the conception of the nature of practical authority outlined in the previous chapter, i.e. authority as involving essentially the power to require action. The explanation proceeds through normative theses of three kinds. One concerns the type of argument required to justify a claim that a certain authority is legitimate. The second states the general character of the considerations which should guide the actions of authorities. The last concerns the way the existence of a binding authoritative directive affects the reasoning of the subjects of the authority. The explanation and defence of the three theses is preceded by an introductory section defending the general approach to the analysis of authority adopted here, and introducing some of the themes which are explored in greater detail later in the essay.

1. 'Surrendering One's Judgement'

How is authority to be related to the nebulous notion of a valid requirement for the obedience of one's subjects? As Richard Flathman disapprovingly remarked, 'There has been a remarkable coalescence of opinion around the proposition that authority and authority relations involve some species of "surrender of judgment" on the part of those who accept submit or subscribe to the authority of persons or a set of rules and offices. From anarchist opponents of authority such as William Godwin and Robert Paul Wolff through moderate supporters such as John Rawls and Joseph Raz and on to enthusiasts such as Hobbes, Hannah Arendt and Michael Oakeshott, a considerable chorus of students have echoed the refrain that the directives . . . of authority are to be obeyed by B irrespective of B's judgments of their merits'.[18]

[18] Richard E. Flathman, *The Practice of Political Authority*, Chicago 1980, p. 90 .

But what is 'a surrender of judgment'? H. L. A. Hart, who has recently added his voice in support of this kind of analysis, provides the following explanation: 'The commander characteristically intends his hearer to take the commander's will instead of his own as a guide to action and so to take it in place of any deliberation or reasoning of his own: the expression of the commander's will . . . is intended to preclude or cut off any independent deliberation by the hearer of the merits pro and con of doing the act.'[19] Understood literally, this explanation is, however, implausible. Surely what counts, from the point of view of the person in authority, is not what the subject thinks but how he acts. I do all that the law requires of me if my actions comply with it. There is nothing wrong with my considering the merits of the law or of action in accord with it. Reflection on the merits of actions required by authority is not automatically prohibited by any authoritative directive, though possibly it could be prohibited by a special directive to that effect.

Richard Friedman offers an explanation aimed at the same target which avoids this objection:

> The idea being conveyed by such notions as the surrender of private judgment . . . is that in obeying, say, a command simply because it comes from someone accorded the right to rule, the subject does not make his obedience *conditional* on his own personal examination and evaluation of the thing he is being asked to do. Rather, he accepts as a sufficient reason for following a prescription the fact that it is prescribed by someone acknowledged by him as entitled to rule. The man who accepts authority is thus said to surrender his private or individual judgment because he does not insist that reasons be given that he can grasp and that satisfy him, as a condition of his obedience.[20]

Is this conception of authority correct? One point to remember (it is consistent with Friedman's account) is that a person may have limited authority (e.g., in matters concerning football only, or in military affairs but not in the

[19] H. L. A. Hart, *Essays on Bentham,* p. 253. I used to hold a similar view. See my 'Reasons, Requirements, and Practical Conflicts', in S. Korner (ed.), *Practical Reasoning,* Oxford 1974 .

[20] R. B. Friedman, 'On the Concept of Authority in Political Philosophy', R. E. Flathman (ed.), *Concepts in Social and Political Philosophy,* Macmillan, NY, 1973, p. 129 .

conduct of the economy). It should be noted that Friedman's explanation shows how misleading the metaphor of 'surrendering one's judgment' can be. Unlike Hart's, Friedman's explanation shifts the emphasis from the subjects' deliberations to their action. The subjects accept that someone has authority over them only if their willingness to do his bidding is not conditional on their agreement on the merits of performing the actions required by the authority.

This condition is open to two interpretations. The minimalist interpretation maintains that they are willing to obey if they have no judgment of their own on the merits of performing the required action. They will not then defer decision until they form their own judgment. The maximalist interpretation claims that the subjects accept that they should obey even if their personal belief is that the balance of reasons on the merits is against performing the required act.

The minimalist interpretation is too weak since it assumes that people are never bound by authority regarding issues on which they have firm views. The maximalist interpretation is more promising, and the views to be argued for in the rest of this chapter explore and develop it. Either way no surrender of judgment in the sense of refraining from forming a judgment is involved. For there is no objection to people forming their own judgment on any issue they like. Nor does one surrender one's judgment if that means acting against one's judgment. For an authority is legitimate only if there are sufficient reasons to accept it, i.e. sufficient reasons to follow its directives regardless of the balance of reasons on the merits of such action.

There are more ways than one in which a metaphor can mislead. It can sometimes mislead people who perceive clearly the fallacies the metaphor invites and therefore reject it altogether, turning a blind eye to the true insight it encapsulates. This has happened to the many theorists who thought they had a simple explanation for the confusion of thought which led to the surrender of judgment metaphor. According to them, to accept the legitimacy of an authority is simply to accept that whatever other reasons there may be for a certain action, its being required by the authority is

an additional reason for its performance. Inasmuch as that additional reason may tip the balance one can perhaps overdramatize the situation by saying that an authoritative requirement is a reason to act against the balance of reasons on the merits of the case. This means no more than that the authoritative requirement is an additional factor. Much the same can be said of any reason for action. The fact that it will rain tomorrow, for example, may mean that I should not go to London, even though the balance of reasons on the merits of my going (i.e. all the reasons pro and con but the rain) suggest that I should go.

This description of the relevance of authority to practical reasoning is profoundly misguided. It is wrong not in what it says but in what it leaves out and implicitly denies. To be sure, if a person accepts the legitimacy of an authority then its instructions are accepted by him as reasons for conforming action. But until we understand how and why they are such reasons and how they differ from ordinary reasons we will not begin to understand the nature of authority. Perhaps the point can be best brought out by considering first authority as it functions in one, not untypical, context.

Consider the case of two people who refer a dispute to an arbitrator. He has authority to settle the dispute, for they agreed to abide by his decision. Two features stand out. First, the arbitrator's decision is for the disputants a reason for action. They ought to do as he says because he says so. But this reason is related to the other reasons which apply to the case. It is not (like the rain in the example of my going to London) just another reason to be added to the others, a reason to stand alongside the others when one reckons which way is better supported by reason. The arbitrator's decision is meant to be based on the other reasons, to sum them up and to reflect their outcome. For ease of reference I shall call both reasons of this character and the reasons they are meant to reflect dependent reasons. The context will prevent this ambiguity from leading to confusion. Notice that a dependent reason is not one which does in fact reflect the balance of reasons on which it depends: it is one which is meant to do so.

This leads directly to the second distinguishing feature of

the example. The arbitrator's decision is also meant to replace the reasons on which it depends. In agreeing to obey his decision they agreed to follow his judgment of the balance of reasons rather than their own. Henceforth, his decision will settle for them what to do. Lawyers say that the original reasons merge into the decision of the arbitrator or the judgment of a court, which, if binding, becomes *res judicata*. This means that the original cause of action can no longer be relied upon for any purpose. I shall call a reason which displaces others a pre-emptive reason.[21]

It is not that the arbitrator's word is an absolute reason which has to be obeyed come what may. It can be challenged and justifiably refused in certain circumstances. If, for example, the arbitrator was bribed, or was drunk while considering the case, or if new evidence of great importance unexpectedly turns up, each party may ignore the decision. The point is that reasons that could have been relied upon to justify action before his decision cannot be relied upon once the decision is given. Note that there is no reason for anyone to restrain their thoughts or their reflections on the reasons which apply to the case, nor are they necessarily debarred from criticising the arbitrator for having ignored certain reasons or for having been mistaken about their significance. It is merely action for some of these reasons which is excluded.

The two features, dependence and pre-emptiveness, are intimately connected. Because the arbitrator is meant to decide on the basis of certain reasons, the disputants are excluded from later relying on them. They handed over to him the task of evaluating those reasons. If they do not then deny them as possible bases for their own action they defeat the very point and purpose of the arbitration. The only proper way to acknowledge the arbitrator's authority is to take it to be a reason for action which replaces the reasons on the basis of which he was meant to decide.

2. The Dependence Thesis

The crucial question is whether the arbitrator's is a typical authority, or whether the two features picked out above are

[21] In ch. 1 of *The Authority of Law* I explained some of the formal features of pre-emptive reasons. My analysis has been criticised by Flathman in *The Practice of Political Authority*, among others. It is not possible to reply to the criticism here.

peculiar to it and perhaps a few others, but are not characteristic of authorities in general. It might be thought, for example, that the arbitrator is typical of adjudicative authorities, and that what might be called legislative authorities differ from them in precisely these respects. Adjudicative authorities, one might say, are precisely those in which the role of the authority is to judge what are the reasons which apply to its subjects and decide accordingly, i.e. their decisions are merely meant to declare what ought to be done in any case.

A legislative authority on the other hand is one whose job is to create new reasons for its subjects, i.e. reasons which are new not merely in the sense of replacing other reasons on which they depend, but in not purporting to replace any reasons at all. If we understand 'legislative' and 'adjudicative' broadly, so the objection continues, all practical authorities belong to at least one of these kinds.[22] It will be conceded of course that legislative authorities act for reasons. But theirs are reasons which apply to them and which do not depend on, i.e. are not meant to reflect, reasons which apply to their subjects. A military commander should order his troops in the way best calculated to achieve victory at a minimal cost. If he wisely orders his men to occupy a certain hill it does not follow that they had reason to occupy that hill even before they were ordered to do so. Parliament is to distribute the burden of taxation in an equitable way, but it does not follow that the citizens had any reason to pay tax before the passing of the (just) tax law.

These are telling points. But the argument is by no means over. First, even if not all legislative authorities share the characteristics of dependence and pre-emptiveness we found in the arbitrator's case, it is plain that some do. Consider, for example, an Act of Parliament imposing on parents a duty to maintain their young children. Parents have such a duty independently of this Act, and only because they have

[22] This would be a very wide interpretation indeed. It would, for example, count my instruction to my son to be back by midnight as legislative, and the policeman's order to move on when a driver stops in a prohibited zone as adjudicative. But this liberality does not affect the argument.

it is the Act justified. Parliament, of course, is not limited to the enactment of laws where there is a prior obligation on the subjects to behave in the required way. But there can be, and perhaps there are, authorities which are so limited. Note that the decrees of such a body will be binding even if they in fact err as to what people's obligations are. The arbitrator's decision is binding even if mistaken and so are the decrees of our imagined legislator. Both are meant to decide on the basis of dependent reasons and their decisions are therefore pre-emptive.

The example shows that the objector's neat distinction between adjudicative and legislative authorities is mistaken. The mark of the adjudicator is simply that he is called upon to decide what parties in dispute should have done or should do in the circumstances of a particular case. Nevertheless, the objector may well remain convinced that many legislative authorities are not meant to act on dependent reasons and that their directives are not pre-emptive. So let us consider his examples with some care.

One simplifying assumption has to be explained before we proceed. We have been concerned with the authoritative imposition of duties. But authorities, even practical authorities, do much else besides. They can declare that a certain day shall be a national holiday, that a certain organization shall have legal personality, that a person shall be granted citizenship or shall be divorced or excommunicated, that certain land shall be dedicated to the public, or that some people shall have certain rights, and much else. Concentration on the imposition of duties does not, however, distort our understanding of authority since all the other functions authorities may have are ultimately explained by reference to the imposition of duties. The possession of citizenship, for example, is important because it confers rights (such as the right to vote in general elections) and duties (such as the duty of loyalty). Rights themselves are grounds for holding others to be duty bound to protect or promote certain interests of the right-holder. Legal personality is the capacity to have rights and duties. In every case the explanation of the normative effect of the exercise of authority leads back, sometimes through very circuitous routes, to the

imposition of duties either by the authority itself or by some other persons. Therefore, while it is impossible to 'reduce' rights, status, etc., to duties, it is possible to explain 'authority' by explaining the sense in which authorities can impose duties.

One difficulty is that prising apart the imposition of duties from other effects of the exercise of authority is far from straightforward. Consider a tax law again. It not only imposes a duty to pay, but also sets up (not necessarily in the same statute) the machinery for collecting and distributing the money. When the imagined objector said that there was no reason to pay the money now due as tax before the tax law was passed he was of course right. But is this because there was then no machinery for collecting and distributing the money or because there was no authority-imposed duty to pay it?

For the first two years of the First World War there was no conscription in Britain, but there was machinery to recruit volunteers. So this may be the sort of case we are looking for, a case in which the effect of the duty can be separated from the effect of other aspects of authoritative action. In this case at any rate the conclusion is clear. By and large, those who approved of conscription when it came did so because they believed that it was everyone's duty to serve in the armed forces in any case. They would have denied that the conscription law imposed a completely new duty. It merely declared what people ought to have done. Because the doubters were bound, by the fact that they were subject to the authority of Parliament, to follow Parliament's judgment as to what their duties were, its Act is not merely dependent on those duties but also pre-empts them.

We are to imagine a situation in which the State provides all the services it currently provides, let us say roads and a sewerage system, free education and a free health service, social security and unemployment benefits and the like. They are provided by raising money from the public for a state-run charity, contributions to which are voluntary but which publishes guidelines for self-assessment for those who wish to use them. I hope it will be agreed that those who think that the tax law is justified do so partly because they

believe that there is in the circumstances imagined a reason voluntarily to contribute a sum which is equivalent to a just tax.

Let us take stock of the argument so far. One thesis I am arguing for claims that authoritative reasons are pre-emptive: *the fact that an authority requires performance of an action is a reason for its performance which is not to be added to all other relevant reasons when assessing what to do, but should exclude and take the place of some of them.* It will be remembered that the thesis is only about legitimate authority. It is relevant for the explanation of the character of *de facto* authorities because every *de facto* authority either claims or is acknowledged by others to be a legitimate authority. But since not every authority is legitimate not every authoritative directive is a reason for action.

Furthermore, authoritative directives are not beyond challenge. First, they may be designed not finally to determine what is to be done in certain circumstances but merely to determine what ought to be done on the basis of certain considerations. For example, a directive may determine that from the economic point of view a certain action is required. It will then replace economic considerations but no others. Or the authority may direct that the final decision must be based on economic considerations only, thus replacing all but the economic factors. Even where an authoritative decision is meant finally to settle what is to be done it may be open to challenge on certain grounds, e.g. if an emergency occurs, or if the directive violates fundamental human rights, or if the authority acted arbitrarily. The non-excluded reasons and the grounds for challenging an authority's directives vary from case to case. They determine the conditions of legitimacy of the authority and the limits of its rightful power.

This point is worth emphasizing not only because of its importance in the developing argument to follow, but also because it marks the way in which my use of 'the limit of an authority's rightful power' differs from some common uses (though it conforms with others, including the legal usage). Sometimes authorities are understood to be limited by the kinds of acts which they can or cannot regulate (given some

restrictive ways of classifying acts). In this book authorities are said to be limited also by the kinds of reasons on which they may or may not rely in making decisions and issuing directives, and by the kind of reasons their decisions can pre-empt.

The argument for the pre-emption thesis proceeds from another, which I shall call the dependence thesis. It says: *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.* Such reasons I dubbed above 'dependent reasons'. The examples of conscription and taxation were intended to give the dependence thesis some plausibility, and in particular to disprove the suggestion that dependence is the mark of adjudication. But doubts are bound to linger and further clarifications are required to dispel them.

A few preliminary points. The dependence thesis does not claim that authorities always act for dependent reasons, but merely that they should do so. Ours is an attempt to explain the notion of legitimate authority through describing what one might call an ideal exercise of authority. Reality has a way of falling short of the ideal. We saw this regarding *de facto* authorities which are not legitimate. But naturally not even legitimate authorities always succeed, nor do they always try to live up to the ideal. It is nevertheless through their ideal functioning that they must be understood. For that is how they are supposed to function, that is how they publicly claim that they attempt to function, and, as we shall see below, that is the normal way to justify their authority (i.e. not by assuming that they always succeed in acting in the ideal way, but on the ground that they do so often enough to justify their power), and naturally authorities are judged and their performance evaluated by comparing them to the ideal.

Remember also that the thesis is not that authoritative determinations are binding only if they correctly reflect the reasons on which they depend. On the contrary, there is no point in having authorities unless their determinations are binding even if mistaken (though some mistakes may disqualify them). The whole point and purpose of authorities,

I shall argue below, is to pre-empt individual judgment on the merits of a case, and this will not be achieved if, in order to establish whether the authoritative determination is binding, individuals have to rely on their own judgment of the merits.

Nor does the thesis claim that authorities should always act in the interests of their subjects. Its claim is that their actions should reflect reasons which apply also to their subjects, but these need not be reasons advancing their interests. A military commander, for example, should put the defence of his country above the interests of his soldiers. He may therefore order them to act against their own interests. But then soldiers are supposed to put their country above their personal interests and but for this they would not have to obey their commander.

Much of the resistance to the dependence thesis comes from confusing it with a claim about what authorities do in fact, or with the view that requires authorities to act only in the interests of their subjects. But the most common confusion is between the dependence thesis and the no difference thesis, which was briefly discussed in the last chapter. The no difference thesis asserts that *the exercise of authority should make no difference to what its subjects ought to do,* for it ought to direct them to do what they ought to do in any event.[23] It may appear that the dependence thesis entails the no difference thesis, but this is not the case. There are at least three ways (others will be discussed in the next chapter) in which an authority acting correctly may make a difference to what its subjects ought to do, which are all consistent with the dependence thesis.

First, many aspects of every action we perform for a reason are not uniquely determined by reasons. I have a reason to buy a loaf of bread, but, let us assume, no reason to prefer a sliced loaf to an unsliced one or vice versa. Since I have a reason to buy a loaf of bread I have a reason to buy a sliced loaf, as well as a reason to buy an unsliced one. But I have no reason to get one rather than the other. Since there is no

[23] The no difference thesis is about what happens if authorities reach the right decision. Since their directives are binding even when mistaken, they do then make a difference.

other kind of bread, inevitably if I do as I have reason to and buy a loaf I will buy one or the other. That is, in acting on the best reasons I will also inevitably transcend reason and take a deliberate decision (e.g. to buy a sliced loaf) concerning some aspects of which reason is undetermined.

The same general considerations apply to directives issued by authorities. The legislator, for example, has reason to impose a certain tax. There are reasons showing that it is better to require that the tax due shall be paid either in quarterly or in monthly payments. These intervals are superior to all others. But while some reasons favour monthly payments and others favour quarterly ones, neither is sufficient to establish the superiority of doing it one way rather than the other. In this situation the authority may leave the choice to individuals. But sometimes there are decisive reasons against doing so. Then the authority has to decide for one of the two or more acceptable options.[24] When this happens the authoritative directive does make a difference. Without it individuals would have had a choice as to which of the acceptable solutions to adopt. The authority quite properly denies them the choice, and exercises it itself.

Second, as was mentioned in the last chapter, one important function of authoritative directives is to establish and help sustain conventions. Conventions are here understood in a narrow sense in which they are solutions to co-ordination problems, i.e. to situations in which the vast majority have sufficient reason to prefer to take that action which is (likely to be) taken by the vast majority. Where there is a co-ordination problem the issuing of an authoritative directive can supply the missing link in the argument. It makes it likely that a convention will be established to follow the authoritatively designated act. It is often the proper job of authorities to issue directives for this purpose. Such authoritative directives provide the subjects with reasons which they did not have before. They therefore make a difference to their practical deliberations, and serve to refute the no difference thesis.

[24] It would be a mistake to think of them as exactly tied options. All that is here assumed is that reasons are insufficient to establish the superiority of one option over the others.

It is true that once a useful co-ordinating convention is established every person has reason to adhere to it, a reason which is independent of the existence of the authority, a reason deriving entirely from the existence of the useful convention. The same is true where there is a good prospect that such a convention will emerge. The point of my argument is that sometimes authoritative intervention creates that prospect, and that it creates it because of its authoritativeness. Similarly, the existence of an authoritative directive may prevent or delay processes which, but for it, would have undermined the convention.

These cases are not only common, though hardly ever in the much over-simplified form we have considered, but also of some theoretical interest. Once the directive is issued, individuals have reasons to take the action it requires which they did not have before, because now there is ground to expect that a convention will be formed. But while this shows that the directive made a difference, it does not refute the dependence thesis. The authority took the action in order to help generate a convention. In so acting it acted for a dependent reason, for the assumption is that individuals have reason to wish for a convention and hence reason to take action to help form one. Every person in the group concerned has, before the directive is issued, a reason both to form a convention and to follow it once formed. This is the reason for which the legislation is adopted and it is, for the legislator, a dependent reason.[25]

Third, Prisoner's Dilemma type situations are another class of cases where authorities make a difference while conforming with the dependence thesis. In these cases while

[25] The importance of authorities for the generation and maintenance of conventions has led on occasion to ill-conceived attempts to explain the nature of authority exclusively by reference to conventions. Such accounts fail, as L. Green has shown in his 'The Authority of the State', a D.Phil. thesis approved by the University of Oxford 1984, to account for the pre-emptive force of authoritative directives. My account is consistent with Green's arguments on this point. The nature of authority is explained by the combination of the three theses we are discussing. Conventions are relevant only as one illustration of the non-equivalence of the dependence and the no difference theses. Conventions can arise in other ways and authorities can do other things. But one way of generating or protecting and stabilizing conventions is by authoritative intervention. Sometimes it is the best, or even the only feasible way. Even when it is not it is often a good way of generating conventions.

people have reason to act in a certain way, given the situation they are in, they also have reason to change the situation, though they are unable to do so by themselves. It is this feature, shared by cases where there are co-ordination problems, which enables authorities to make a difference while acting on dependent reasons. It should be remembered that many moral theories may land their adherents in Prisoner's Dilemma type situations. The problem does not arise merely through lack of moral fibre.[26]

Another source of doubt about the validity of the dependence thesis can be removed by eliminating an ambiguity in its formulation. It speaks of authoritative directives being based on or reflecting reasons which apply to their subjects in any case. This can be taken to mean that the one proper way for an authority to decide its actions is to ask itself what are the reasons which apply to its subjects and attempt to follow them. This is indeed a way of trying to meet the requirement of the dependence thesis. But it is not the only one, nor is it always the best. The dependence thesis does not exclude the authority from acting for other reasons which apply to it alone, and not to its subjects. All it requires is that its instructions will reflect the reasons which apply to its subjects, i.e. that they should require action which is justifiable by the reasons which apply to the subjects. Sometimes the best way to reach decisions which reflect the reasons which apply to the subjects is to adopt an indirect strategy and follow rules and considerations which do not themselves apply to the authority's subjects. Sometimes, in other words, one has to act for non-dependent reasons in order to maximize conformity to dependent reasons.

The clearest example of considerations which affect authoritative decisions but which do not apply to individuals acting on their own are considerations arising out of the needs and limitations of bureaucracies. Bureaucratic factors have to be considered alongside substantive considerations which do apply to the individual subjects of the law or any other

[26] For the relevance of Prisoner's Dilemmas to the study of authority see E. Ullman-Margalit, *The Emergence of Norms,* Oxford, 1980 . For an analysis of the way Prisoner's Dilemmas arise within the bounds of various moral theories see D. Parfit, *Reasons and Persons,* Oxford, 1984 .

authority. Bureaucracies, for example, are almost invariably forced to embrace a *de minimis* rule in order to be able to achieve their tasks where it really matters. The intrusion of the bureaucratic considerations is likely to lead to solutions which differ in many cases from those an individual should have adopted if left to himself. Reliance on such considerations is justified if and to the extent that they enable authorities to reach decisions which, when taken as a whole, better reflect the reasons which apply to the subjects. That is, an authority may rely on considerations which do not apply to its subjects when doing so reliably leads to decisions which approximate better than any which would have been reached by any other procedure, to those decisions best supported by reasons which apply to the subjects.

These considerations point to another way in which the no difference thesis distorts. Even while authoritative actions reflect the subjects' reasons, indeed in order that they should do so, they may well lead to different outcomes on particular occasions, and that without being in any way wrong or mistaken on those occasions.

I will return briefly to these considerations in the next chapter, where their importance in pointing to the source of doctrines of the authority of the State will appear. For the time being let me conclude by admitting that the considerations adumbrated in this section do not prove the dependence thesis. They adduce support for it mainly by removing misunderstandings and a few possible objections. Implicitly the argument appeals to our common understanding of the way authority should be exercised. The argument gains much strength by considering the case of theoretical authority, i.e. authority for believing in certain propositions. Nowadays it is not the fashion to talk of authorities in this context. Instead we have experts. But the notions are very similar, at least in all that matters to our concerns.

There is likely to be ready agreement that experts of all varieties are to give advice based on the very same reasons which should sway ordinary people who wish to form their minds independently. The expert's advantage is in his easy access to the evidence and in his better ability to grasp its

significance. But the evidence on which he should base his advice to me is the same evidence on which it would have been appropriate for me to form my own judgment. It is possible that practical and theoretical authorities have little in common. But it is more likely that, while they provide reasons for different things, they share the same basic structure. If so, the fact that a dependence thesis is true of theoretical authorities is strong evidence to suppose that it holds for practical authorities as well.

3. The Justification of Authority

The dependence thesis, it will be remembered, is a moral thesis about the way authorities should use their powers. It is closely connected with a second moral thesis about the type of argument which could be used to establish the legitimacy of an authority. I shall call it *the normal justification thesis*. It claims that *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.*

This way of justifying a claim that someone has legitimate authority, i.e. that those subject to his authority should acknowledge the authoritative force of his directives, is not the only one. It is, however, the normal one. Consider the case of a person whose reason for accepting his friend's advice is that the friend will be hurt if he does not. This may well be a perfectly good reason for accepting advice. But it is not the normal reason. It is regrettable that the friend will be hurt if his advice is not followed after it was given due consideration, or at least it is regrettable that he will be hurt to a degree which justifies this reaction. The friend himself does not intend his advice to be accepted for that reason, and is likely to be doubly hurt if he finds out that his advice was judged mistaken on its merits but was followed in order not to hurt him. The reason is that even when this is a good reason to accept advice it is not a reason to accept it as a

piece of advice. It is a reason to accept it as a way of being kind to a friend.

The normal reason for accepting a piece of advice is that it is likely to be sound advice. The normal reason to offer advice is the very same. It will be clear that these judgments of normality are normative. But the very nature of advice can only be understood if we understand in what spirit it is meant to be offered and for what reasons it is meant to be taken. The explanation must leave room for deviant cases, for their existence is undeniable. But it must also draw the distinction between the deviant and the normal, for otherwise the very reason why the 'institution' exists and why deviant cases take the special form they do remains inexplicable.

The example of advice is close to the case of authority. Indeed some, though not all, advice is authoritative advice. It is, for example, sometimes justifiable to accept someone's authority in order not to hurt his feelings. Many grown-up people feel obliged by such considerations to continue to acknowledge the authority of their parents over them. But just as in the case of advice, and for the very same reasons, such grounds for recognizing the authority of another, even though sometimes good, are always deviant grounds.

Slightly different considerations show that some reasons for recognizing the authority of another are secondary. To call them secondary means that they are valid reasons only if they accompany other, primary, reasons which also conform to the normal justification thesis (whereas deviant reasons may validly replace the normal reasons). Accepting the authority or leadership of a person or an institution is, for example, a way of defining one's own identity as a member of a nation or some other group, though needless to say it is unlikely to be the only way any person will express his identification with such a group. Such a reason can be a perfectly valid reason, but only if there are other reasons which, in accord with the normal justification thesis, support the authority of that person. The secondary reasons help to meet the burden of proof required to establish a complete justification, i.e. they may suffice in conjunction with the primary reasons in circumstances in which the primary

reasons alone will not be enough to establish the legitimacy of an authority. But reasons of identification and self-definition cannot by themselves establish the legitimacy of an authority.

Identification is a common and often proper ground for accepting authority. It is therefore important to establish the reasons why it is no more than a secondary justification dependent on the availability, at least to a certain degree, of another justification. Acceptance of an authority can be an act of identification with a group because it can be naturally regarded as expressing trust in the person or institution in authority and a willingness to share the fortunes of the group which are to a large extent determined by the authority.

But trust in the authority is trust that the authority is likely to discharge its duties properly. It therefore presupposes a principle which should govern its activities. Accepting the authority as a way of identifying with a group will be justified only if the trust is not altogether misplaced. Otherwise the odd situation may result that a person will quite properly express his identification with a group by supporting an institution which grossly betrays its duties to the group. For the same reasons one cannot properly express one's willingness to share the fortunes of a group by submitting to an authority which grossly betrays the trust it owes to the group. Identification with the group in such circumstances calls for the rejection of that authority.

The dependence and the normal justification theses are mutually reinforcing. If the normal and primary way of justifying the legitimacy of an authority is that it is more likely to act successfully on the reasons which apply to its subjects then it is hard to resist the dependence thesis. It merely claims that authorities should do that which they were appointed to do. Conversely, if the dependence thesis is accepted then the case for the normal justification thesis becomes very strong. It merely states that the normal and primary justification of any authority has to establish that it is qualified to follow with some degree of success the principles which should govern the decisions of all authorities. Together the two theses present a comprehensive view of the nature and role of legitimate authority. They articulate

the service conception of the function of authorities, that is, the view that their role and primary normal function is to serve the governed. This, to repeat a point made earlier, does not mean that their sole role must be to further the interest of each or of all their subjects. It is to help them act on reasons which bind them.

It will be noticed that the normal justification thesis identifies the case that must normally be established to show that a person has authority. It is not a matter of showing that he is entitled to have authority, but that he has it, that he is in authority, with all the consequences which follow from this fact. The main objection to this point revolves round the feeling that a person can have authority, or be in authority only if his authority is recognized by some people, whose identity varies with the nature of his authority. The difficulty in assessing this point is that in most cases the normal justification cannot be established unless the putative authority enjoys some measure of recognition, and exercises power over its subjects. There is a strong case for holding that no political authority can be legitimate unless it is also a *de facto* authority. For the case for having any political authority rests to a large extent on its ability to solve co-ordination problems and extricate the population from Prisoner's Dilemma type situations.

These considerations explain why to say of someone that he is entitled to have authority means that he should be in a position of real power and then he will have legitimate authority. They may be sufficient to account for the feeling that as a matter of meaning, recognition is a condition of possession of legitimate authority. If I am right then this is not a matter of meaning, but of normative justification.

The normal justification thesis allows for deviant reasons. Apart from these it is meant to account for all the reasons there can be for accepting authorities. But a complete justification of authority has to do more than to provide valid reasons for its acceptance. It has also to establish that there are no reasons against its acceptance which defeat the reasons for the authority. Because the reasons against the acceptance of authority vary it is not possible to discover in advance

how strong the reasons for acceptance of the authority need be to be sufficient.

Some reasons against the acceptance of authority pertain, with varying force, to many situations. One recurring kind of reason against accepting the authority of one person or institution is that there is another person or institution with a better claim to be recognized as an authority. The claim of the second is a reason against accepting the claim of the first only when the two authorities are incompatible, as are the claims of two governments to be legitimate governments of one country. Sometimes there are two compatible authorities whose powers overlap, as is the case with the authority of both parents over their children.

Another cluster of recurring considerations concerns the intrinsic desirability of people conducting their own life by their own lights. This obviously applies to some areas of life more than to others, to choice of friends more than to the choice of legal argument in a court case. The case for the validity of a claim to authority must include justificatory considerations sufficient to outweigh such counter-reasons. That is one reason why the case is hard to make. But if anarchists are right to think that it can never be made, this is for contingent reasons and not because of any inconsistency in the notion of a rational justification for authority, nor in the notion of authority over moral agents.

4. The Pre-Emptive Thesis

From the dependence and normal justification theses it is but a short step to the pre-emption thesis. It turns on the general relation between the justification for a binding directive and its status as a reason for action, and more generally on the relation between rules as reasons for action and their justification. Consider the rule that, when being with one person and meeting another, one should introduce them to each other. The fact that this rule is a sound, valid or sensible rule is a reason for anyone to act in accordance with it. It is a sound rule because it facilitates social contact. But the fact that introducing people to each other in those circumstances facilitates social contacts is itself a reason for

doing so. Do we then have two independent reasons for introducing people? Clearly not. When considering the weight or strength of the reasons for an action, the reasons for the rule cannot be added to the rule itself as additional reasons. We must count one or the other but not both. Authoritative directives are often rules, and even when they are not, because they lack the required generality, the same reasoning applies to them. Either the directive or the reasons for holding it to be binding should be counted but not both. To do otherwise is to be guilty of double counting.

This fact is a reflection of the role of rules in practical reasoning. They mediate between deeper-level considerations and concrete decisions. They provide an intermediate level of reasons to which one appeals in normal cases where a need for a decision arises. Reasons of that level can themselves be justified by reference to the deeper concerns on which they are based. The advantage of normally proceeding through the mediation of rules is enormous. It enables a person to consider and form an opinion on the general aspects of recurrent situations in advance of their occurrence. It enables a person to achieve results which can be achieved only through an advance commitment to a whole series of actions, rather than by case to case examination.

More importantly, the practice allows the creation of a pluralistic culture. For it enables people to unite in support of some 'low or medium level' generalizations despite profound disagreements concerning their ultimate foundations, which some seek in religion, others in Marxism or in Liberalism, etc. I am not suggesting that the differences in the foundations do not lead to differences in practice. The point is that an orderly community can exist only if it shares many practices, and that in all modern pluralistic societies a great measure of toleration of vastly differing outlooks is made possible by the fact that many of them enable the vast majority of the population to accept common standards of conduct.

More directly relevant to our case is the fact that, through the acceptance of rules setting up authorities, people can entrust judgment as to what is to be done to another person

or institution which will then be bound, in accordance with the dependence thesis, to exercise its best judgment primarily on the basis of the dependent reasons appropriate to the case. Thus the mediation of authorities may, where justified, improve people's compliance with practical and moral principles. This often enables them better to achieve the benefits that rules may bring as explained above, and other benefits besides.

These reflections on the mediating role of authoritative directives and of rules generally explain why they are reasons for actions. Ultimately, however, directives and rules derive their force from the considerations which justify them. That is, they do not add further weight to their justifying considerations. In any case in which one penetrates beyond the directives or the rules to their underlying justifications one has to discount the independent weight of the rule or the directive as a reason for action. Whatever force they have is completely exhausted by those underlying considerations. Contrariwise, whenever one takes a rule or a directive as a reason one cannot add to it as additional independent factors the reasons which justify it.

Hence the pre-emption thesis. Since the justification of the binding force of authoritative directives rests on dependent reasons, the reasons on which they depend are (to the extent that the directives are regarded simply as authoritative) replaced rather than added to by those directives. The service conception leads to the pre-emption thesis. Because authorities do not have the right to impose completely independent duties on people, because their directives should reflect dependent reasons which are binding on those people in any case, they have the right to replace people's own judgment on the merits of the case. Their directives pre-empt the force of at least some of the reasons which otherwise should have guided the actions of those people.[27]

[27] A. M. Honoré pointed out that even if an (informal) arbitration concluded in my favour, if I later become convinced that my original claim was mistaken I should acknowledge the claim of the other litigant rather than rely on the arbitrator's decision. Here it seems as if, contrary to the pre-emption thesis, the original reasons are not pre-empted by the arbitrator's decision. Nevertheless one's duty undergoes a complete change in such circumstances. I may rely on the arbitrator. I may say that we both agreed that our relations will be governed by his decision, that I would have gone along with it had he made a mistake which harmed me. I would be rather ungenerous and unfriendly but nevertheless formally correct. The situation is the same as in cases of agreement. I buy a chest from you and a price is agreed. It then transpires that the chest is a valuable antique and the price I paid is ludicrously low. If I ought to pay a fair price for what I buy then I ought to come back and add to the agreed price.

The pre-emption thesis helps explain one additional respect in which the no difference thesis is wrong. The three respects surveyed in Section Two above depended on the difference that the existence of a legitimate authority makes to what one ought to do. The pre-emption thesis shows how its existence makes a difference to the reasons why one ought to do what one ought to do. In a sense this point is a trivially obvious one. If one ought to act because of an authoritative directive one's reasons are different than if one ought to perform the same act for other reasons. The non-trivial point I am making is that the difference is not in the presence of an additional reason for action, but in the existence of a pre-emptive reason. That is why what is validly required by a legitimate authority is one's duty, even where previously it was merely something one had sufficient reason to do. Authoritative directives make a difference in their ability to turn 'oughts' into duties.[28]

The pre-emption thesis will be readily accepted inasmuch as it concerns successful authoritative directives, i.e. those which correctly reflect the balance of reasons on which they depend. But, a common objection goes, the thesis cannot justify pre-empting reasons which the authority was meant to reflect correctly and failed to reflect. Successfully reflected reasons are those which show that the directive is valid. They are the justification for its binding force. Therefore, either they or the directive should be relied upon, but not both, that is not if relying on both means adding the weight of the directive to the force of the reasons justifying it when assessing the weight of the case for the directed action. Reasons that should have determined the authority's directive but failed to do so cannot be thought to belong to the justification of the directive. On the contrary they tell against it. They are reasons for holding that it is not binding. The

[28] On the pre-emptive character of duties see my 'Promises and Obligations', *Law, Morality and Society,* ed. by P. M. S. Hacker and J. Raz, Oxford, 1977 .

pre-emption thesis is wrong in claiming that they too are pre-empted.

So much for the objection. It fails because its premiss is false. Reasons which authoritative directives should, but fail to, reflect are none the less among the reasons which justify holding the directives binding. An authority is justified, according to the normal justification thesis, if it is more likely than its subjects to act correctly for the right reasons. That is how the subjects' reasons figure in the justification, both when they are correctly reflected in a particular directive and when they are not. If every time a directive is mistaken, i.e. every time it fails to reflect reason correctly, it were open to challenge as mistaken, the advantage gained by accepting the authority as a more reliable and successful guide to right reason would disappear. In trying to establish whether or not the directive correctly reflects right reason the subjects will be relying on their own judgments rather than on that of the authority, which, we are assuming, is more reliable.

These reflections suggest another objection to the pre-emption thesis. It says that in every case authoritative directives can be overridden or disregarded if they deviate much from the reasons which they are meant to reflect. It would not do, the objection continues, to say that the legitimate power of every authority is limited, and that one of the limitations is that it may not err much. For such a limitation defeats the pre-emption thesis since it requires every person in every case to consider the merits of the case before he can decide to accept an authoritative instruction.

The objection does not formally challenge the pre-emption thesis. It does not claim that the reasons which are supposed to be displaced by authoritative instructions are not replaced by them but should count as additional independent reasons alongside the instructions. Its effect is to deny that authoritative instructions can serve the mediating role assigned them above. That role is to enable people to act on non-ultimate reasons. It is to save them the need to refer to the very foundations of morality and practical reasoning generally in every case. But as the directives are binding only if they do not deviate much from right reason and as we should act on them only if they are binding, we

always have to go back to fundamentals. We have to examine the reasons for and against the directive and judge whether it is justified in order to decide whether its mistake, if it is not justified, is large or small. The mediating role is unobtainable.

The failure of this objection stems from its confusion of a great mistake with a clear one. Consider a long addition of, say, some thirty numbers. One can make a very small mistake which is a very clear one, as when the sum is an integer whereas one and only one of the added numbers is a decimal fraction. On the other hand, the sum may be out by several thousands without the mistake being detectable except by laboriously going over the addition step by step. Even if legitimate authority is limited by the condition that its directives are not binding if clearly wrong, and I wish to express no opinion on whether it is so limited, it can play its mediating role. Establishing that something is clearly wrong does not require going through the underlying reasoning. It is not the case that the legitimate power of authorities is generally limited by the condition that it is defeated by significant mistakes which are not clear.

The pre-emption thesis depends on a distinction between jurisdictional and other mistakes. Most, if not all, authorities have limited powers. Mistakes which they make about factors which determine the limits of their jurisdiction render their decisions void. They are not binding as authoritative directives, though the circumstances of the case may require giving them some weight if, for example, others innocently have relied on them. Other mistakes do not affect the binding force of the directives. The pre-emption thesis claims that the factors about which the authority was wrong, and which are not jurisdictional factors, are pre-empted by the directive. The thesis would be pointless if most mistakes are jurisdictional or if in most cases it was particularly controversial and difficult to establish which are and which are not. But if this were so then most other accounts of authority would come to grief.

5. Objections

I will conclude this chapter by considering a few objections to the account of authority suggested above which challenge

its general orientation. I shall start with a misunderstanding which the method of explanation adopted here is likely to give rise to among readers used to philosophical explanations of concepts such as authority being presented as accounts of the meanings of words.

Three theses were presented as part of an explanation of the concept of authority. They are supposed to advance our understanding of the concept by showing how authoritative action plays a special role in people's practical reasoning. But the theses are also normative ones. They instruct people how to take binding directives, and when to acknowledge that they are binding. The service conception is a normative doctrine about the conditions under which authority is legitimate and the manner in which authorities should conduct themselves. Is not that a confusion of conceptual analysis and normative argument? The answer is that there is an interdependence between conceptual and normative argument.

The philosophical explanation of authority is not an attempt to state the meaning of a word. It is a discussion of a concept which is deeply embedded in the philosophical and political traditions of our culture. The concept serves as an integral part of a whole mesh of ideas and beliefs, leading from one part of the net to another. There is not, nor has there ever been, complete agreement on all aspects of the concept's place and connections with other concepts. But there is, as part of our common culture, a good measure of agreement between any two people on many, though frequently not the same, points. Accounts of 'authority' attempt a double task. They are part of an attempt to make explicit elements of our common traditions: a highly prized activity in a culture which values self-awareness. At the same time such accounts take a position in the traditional debate about the precise connections between that and other concepts. They are partisan accounts furthering the cause of certain strands in the common tradition, by developing and producing new or newly recast arguments in their favour. The very activity is also an expression of faith in the tradition, of a willingness to understand oneself and the world in its terms

and to carry on the argument, which in the area with which we are concerned is inescapably a normative argument, within the general framework defining the tradition. Faithfulness to the shape of common concepts is itself an act of normative significance.

Since this chapter is meant as a normative-explanatory account of the core notion of authority, it can be extended to explain reference to authority in various specific contexts. But such extensions are neither mechanical nor automatic. For example, the three theses apply in the most straightforward way to discourse of people being in authority or having authority over others. It is an account of authority relations between a legitimate authority and those subject to it. How does it help to understand discourse of someone being an authority? It is false that only a person in authority is an authority. There are various contexts in which we speak of a person or institution being an authority. Consider as an example cases where a person (but only exceptionally an institution) is said to be an authority on a certain matter, as in 'John is an authority on Chinese cooking' or 'Ruth is an authority on the stock exchange'. Neither John nor Ruth has authority over me, even though my Chinese cooking and my financial affairs will prosper if I follow their advice rather than trust my own judgment.

One may say that to be an authority on a certain matter is to be an authority about what to believe rather than about what to do. While generally true this does not solve the difficulty in the case of John and Ruth since each of them may claim to be both a theoretical and a practical authority. They do not have authority over me because the right way to treat their advice depends on my goals. If I want nothing but to prepare the best Chinese meal I can manage then I should just follow John's instructions. If I want to maximize my savings I should follow Ruth's advice. But if I wish to enjoy myself dabbling in cooking or in playing the stock exchange then I should try and form my own judgment. I should not yield to theirs unless I see its point and come to agree with them. Here the normal justification thesis establishes the credentials of John and Ruth as authorities in their fields. But whether or not there is a complete justification

for me to regard their advice or instructions as guides to my conduct in the way I regard a binding authoritative directive depends on my other goals. In such cases while talking of a person as being an authority one refrains from talking of him as in authority over oneself, and avoids regarding his advice or instructions as binding, even when, given one's goals, one ought to treat it in exactly the same way as one treats a binding authoritative directive.

My proposed account of authority is not even an account of the meaning of the phrase 'X has authority over Y'. It is an account of legitimate authority, whereas the phrase is often used to refer to *de facto* authorities. There is no purely linguistic way of generally marking the intended use. As indicated above, the notion of a *de facto* authority depends on that of a legitimate authority since it implies not only actual power over people but, in the normal case, both that the person exercising that power claims to have legitimate authority and that he is acknowledged to have it by some people. In some unusual cases one is willing to apply the term when only one of these conditions obtains.

What is it to claim authority or to accept that someone has authority over one? It means to believe that one has legitimate authority, or that that person has authority over one. Here we encounter one of the main differences between normative-explanatory accounts such as the ones offered here of authority or the later account (in Chapter 7) of rights, and the purely linguistic explanations often advocated by analytic philosophers. A purely linguistic account of authority claims to yield a simple explanation of what people believe who believe that someone has legitimate authority. Had the above account been a linguistic account, an explanation of the meaning of 'legitimate authority', it would have followed that anyone who believes of a person that he has legitimate authority believes that that person satisfies the condition set by the justification thesis. This implication does not hold for a normative-explanatory account. In being normative it avows that it does not necessarily conform to everyone's notion of authority in all detail. It does claim to be an explanatory account in singling out important features of people's conception of authority. It helps explain what

they believe in when they believe that a person has authority. But some people's beliefs may not conform to the account here given in all respects.

This is a key to the difference between linguistic and explanatory-normative accounts. The latter, while providing a crucial guide for the understanding of the way terms are used in different contexts, does not allow for a simple explanation based on substitutivity. This might have been a drawback of such accounts but for the fact that linguistic accounts understood in accord with the current consensus among analytic philosophers either are not possible or lack any philosophical interest. But that is a matter for an extensive argument which will have to wait another occasion.[29]

How can the account of authority here offered be thought to represent important strands in Western thought? If there is a common theme to liberal political theorizing on authority, it is that the legitimacy of authority rests on the duty to support and uphold just institutions, as, following Rawls, the duty is now usually called. But that duty is of course dependent on a prior understanding of which institutions are just. The account here offered is meant as a beginning of an answer to that question. Or rather it contributes by setting the question in a certain way. One has a duty to uphold and support authorities if they meet the conditions of the service conception as explained above.

Furthermore, the duty to uphold and support just institutions is, in some respects, wider than the duty which devolves on one as a result of the fact that someone has legitimate authority over one, in three different ways. First, there are just institutions which neither possess, nor claim to possess, any authority. Think of the British Council, or the BBC, for example. One owes them the duty to uphold and support them. But this has nothing to do with any issue concerning authority. Second, the duty involves more than a duty of obedience. One may be obligated to help fight opponents of the institution or help overcome obstacles to its successful operation in ways which one is not required

[29] For an incisive critique of much of the current consensus regarding language among analytic philosophers see G. Baker and P. M. S. Hacker, *Language, Sense and Nonsense,* Oxford, 1984 .

by its laws to do. Third, the duty is owed to institutions which may have authority but only towards other people. For example, one may owe the duty to the just government of foreign countries. We must conclude, therefore, that the duty to support just institutions, where it has to do with just authorities, is parasitical on the normal justification thesis, and not an alternative to it. In other ways the duty to uphold and support just institutions is narrower than the duty corresponding to the right of a legitimate authority. One has a duty to obey those in authority over one even in circumstances in which disobedience does not imperil their existence or functioning.

To the extent that legitimate authorities have power over us, the pre-emption thesis governs our right attitude to them. The duty to uphold and support just institutions does not come into play. It is primarily an other-regarding duty. I have a duty to support just governments in foreign countries, even though they have no legitimate power over me. I have reason to support the authority of my neighbours over their children, etc. In other words, the duty to uphold and support just institutions comes into play when the conditions of legitimacy implied by the service conception of authority are satisfied. It then supplements the pre-emption thesis by showing that we should be concerned not merely to have the proper attitude to those in authority over us, but also to those in authority over others.

Finally, let us return to our starting point. What is wrong with regarding an authoritative directive as one additional prima facie reason for the action it directs, which supplements, rather than supplants, the other reasons for and against that action? The service conception establishes that the point of having authorities is that they are better at complying with the dependent reasons. Take a simplified situation. I regularly confront a decision, for example, whether or not to sell certain shares, in varying circumstances. Suppose that it is known that a financial expert reaches the 'right' decision (whatever that may be) in 20% more cases than I do when I do not rely on his advice. Should I not, when confronting such decisions, carry on as before

but take his advice as a factor counting in favour of the decision he recommends?

Perhaps I should always take the case for his solution as being 20% stronger than it would otherwise appear to me to be. Perhaps some other, more complicated formula should be worked out. In any case would not the right course require me to give his advice prima facie rather than pre-emptive force? The answer is that it would not. In cases about which I know only that his performance is better than mine, letting his advice tilt the balance in favour of his solution will sometimes, depending on my rate of mistakes and the formula used, improve my performance. But I will continue to do less well than he does unless I let his judgment pre-empt mine.

Consider the case in a general way. Suppose I can identify a range of cases in which I am wrong more than the putative authority. Suppose I decide because of this to tilt the balance in all those cases in favour of its solution. That is, in every case I will first make up my own mind independently of the 'authority's' verdict, and then, in those cases in which my judgment differs from its, I will add a certain weight to the solution favoured by it, on the ground that it, the authority, knows better than I. This procedure will reverse my independent judgment in a certain proportion of the cases. Sometimes even after giving the argument favoured by the authority an extra weight it will not win. On other occasions the additional weight will make all the difference. How will I fare under this procedure? If, as we are assuming, there is no other relevant information available then we can expect that in the cases in which I endorse the authority's judgment my rate of mistakes declines and equals that of the authority. In the cases in which even now I contradict the authority's judgment the rate of my mistakes remains unchanged, i.e. greater than that of the authority. This shows that only by allowing the authority's judgment to pre-empt mine altogether will I succeed in improving my performance and bringing it to the level of the authority. Of course sometimes I do have additional information showing that the authority is better than me in some areas and not in others. This may be sufficient to show that it lacks authority over me in those

other areas. The argument about the pre-emptiveness of authoritative decrees does not apply to such cases.

This way of reasoning is unrealistically simple even in the relatively straightforward circumstances of simple stock selling decisions. But it helps to illustrate the general lesson. If another's reasoning is usually better than mine, then comparing on each occasion our two sets of arguments may help me detect my mistake and mend my reasoning. It may help me more indirectly by alerting me to the fact that I may be wrong, and forcing me to reason again to double check my conclusion. But if neither is sufficient to bring my performance up to the level of the other person then my optimic course is to give his decision pre-emptive force. So long as this is done where improving the outcome is more important than deciding for oneself this acceptance of authority, far from being either irrational or an abdication of moral responsibility, is in fact the most rational course and the right way to discharge one's responsibilities.