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# Political Authority, Practical Identity, and Binding Citizens

*Carl Fox*

## **Abstract**

Allen Buchanan (2002) argues that it doesn't matter whether a state has authority in the sense of being able to create binding obligations for its citizens, so long as it is morally justified in wielding political power. In this paper, I look at this issue from a slightly different angle. I argue that it matters a great deal whether citizens *relate* to their state in an obligatory fashion. This is for two reasons. First, a fully morally justified state must be an efficacious state; it must be able to realise its values and make its rules stick. My contention will be that enduring stability can only be secured when citizens, or at least a significant proportion of citizens, are tangibly bound to regulate their conduct in accordance with a principle of obedience to just states. Second, it is only when individuals interact in the right way with the justification for state power that the state itself as a pervasive and coercive entity does not pose a problem for them as reason-responsive agents. In fact, under the right circumstances, submission to state authority can greatly enhance autonomy as it facilitates collective responses to challenges that individuals would struggle to overcome alone.

**Keywords:** Authority, Legitimacy, Identity, Obligation, Autonomy

## **1. Introduction**

In a celebrated lecture to the Free Students Society in 1919 on 'Politics as a Vocation', Max Weber defined legitimacy as an attitude of support or compliance held by the populace of a state towards their political masters. This support plays a crucial role in Weber's theory of political organisation because it makes the large-scale use of coercive force possible over an extended period of time:

'Like the political organizations that preceded it historically, the state represents a relationship in which people *rule over* other people. This relationship is based on the legitimate use of force (that is to say, force that is

perceived to be legitimate). If the state is to survive, those who are ruled over must always *acquiesce* in the authority that is claimed by the rulers of the day' (Weber 2004, p.34, original emphasis).

Weber (2004, p.35) believed that this submission was a necessary component of a functional state because continuous administration 'requires that human action should be predisposed to obedience toward the rulers who claim to be the agents of legitimate force'. In essence, unless people are prepared to obey, there is no way to manage a modern state in all its complexity.

Weber's descriptive approach reminds us of a point stressed by thinkers as different as Waldron (1993) and Hobbes (1985). The permissibility of state coercion depends on the ability of the state to do the job for which it requires permission to coerce people in the first place. The moral status of any particular state, and its ability to serve the interests of its citizens, is not independent of how those citizens relate to it. In this paper I will draw on that insight to respond to Buchanan's contention that political authority is a concept that political philosophers can do without. He argues that all we need be concerned with is the question of whether a state is morally justified in wielding political power. It may be desirable that justified states would also be authoritative and possess the power to create new reasons for individuals when they issue commands, but the further ability to bind citizens is not something to worry about.

I think that Buchanan holds a mistaken view of authority and that this leads him to misunderstand its significance in a political context. On his view, the ability to issue binding commands is the ability to thereby generate brand new reasons for citizens to do whatever it is they have been ordered to do. In fact, the reasons that political authorities create for their citizens are dependent upon the prior reasons that apply to those citizens. As Joseph Raz (1986) argues, you are an authority for

someone if he will do better by following your directives than if he attempts to go it alone. Once we appreciate this point, we can see (1) that political authority may not be so hard to come by as Buchanan thinks, and (2) that a genuine political authority would be a tremendously useful thing to have.

However, the main line of argument that I will pursue in this paper revolves around the thought that Buchanan is insufficiently sensitive to a crucial, descriptive, dimension of the normative evaluation of states. This is their capacity to deploy binding, tangible force simply by issuing commands. When the justification for a state's right to rule follows from principles which form a regulative part of a particular citizen's practical identity – how she understands and thinks about herself – then she must comply with the laws and orders of the state on pain of unravelling her self-conception. This, I shall argue, is a severe cost to bear and one that can, therefore, constitute a meaningful sanction to tie individuals to their political responsibilities.

It is doubly significant for our purposes here. In the first place, it can underpin state efficacy which is a necessary condition of the moral justification of state power. I shall go on to argue that it is only when citizens relate to their political leaders in an obligatory fashion that the long-term stability of a state can be founded on the voluntary compliance of citizens, which is preferable to the threat of brute force.

Second, it matters from the citizen's perspective. Only when an individual understands herself in a way that is compatible with the authority of the coercive state can that state assist her in living an autonomous life. There are two senses of autonomy at stake here. One is the thought that it is important to view the social world as somehow our own, and feel at home within the structures and institutions of power that affect our lives so profoundly. The other has to do with the notion that we are rational beings who have a defining interest in responding to reasons. One

way of responding to reasons, I shall contend, is to incorporate principles that seem to us sufficiently justified into how we think about ourselves. The principle of obedience to a just state can, therefore, form part of a citizen's self-conception as part of an overarching strategy to live an intelligible life. Relating to a suitably just state in an obligatory fashion can not only be autonomous on this view, it can enhance one's autonomy since it buttresses the state's ability to respond to reasons as a collective. As part of that collective, we can respond appropriately to reasons that are too complex or too demanding for individuals on their own.

I will begin, in Section 2, by explaining Buchanan's rejection of political authority. Ultimately, he views the significance of authority as a source of additional reasons to support a state's entitlement to wield coercive force over and above the role that states play in securing justice. Section 3 will argue that this is a mistaken view of obligation<sup>1</sup> generally, and that the distinction he makes between authority and authoritativeness relies on a misreading of Raz. Obligations are not additional reasons. Rather, to be under an obligation is to relate to one's reasons in a special way. There is, therefore, only a difference of degree between an entity's being authoritative and its having authority. Since Buchanan acknowledges that state authoritativeness might be important, he faces a choice between conceding that authority itself might be important or retreating to his major claim that all we need worry about is establishing political legitimacy. Section 4 will explore the idea of practical identity, setting the scene for Sections 5 and 6, where my approach will be to show, respectively, that a concern for legitimacy as moral justification itself suggests that the practical ability to bind citizens is important, and that states can only serve certain interests that we have as reason-responsive agents when we relate to them in an obligatory fashion.

## **2. Authority, Authoritativeness, and Legitimacy**

Buchanan equates political legitimacy with moral justification and claims the Rawlsian mantle in pursuing this line.<sup>2</sup> He (2002, p.689) provides this definition: ‘an entity has political legitimacy if and only if it is morally justified in wielding political power, where to wield political power is to attempt to exercise a monopoly, within a jurisdiction, in the making, application, and enforcement of laws’. His position is that we can establish the legitimacy of some governing body by providing sufficient reason for it to have the power to coercively impose some suitably constrained system of rules. Making a good enough case for a particular state’s right to wield political power is enough to render its use of coercive force morally permissible.

The key point for our investigation is that Buchanan thinks that questions about obligation are a sideshow in political philosophy and serve only to detract from the real issues surrounding the normative foundations of states. In a sense, he is offering a more sophisticated version of Robert Ladenson’s (1980) notion of a justification right since he places most of the emphasis on the question of whether political actors are entitled to take charge: ‘In other words, political legitimacy is an agent-justification notion, having to do only with the normative sufficiency of the justification for the act of imposing rules, not with whether those upon whom the rules are imposed have obligations to those who impose the rules’ (Buchanan 2002, p.695).<sup>3</sup>

Buchanan (2002, pp.268-269) claims that there are four major questions that political philosophers traditionally ask about political power. First, what justifies governments in wielding it? Second, where (if at all) do we get an obligation to obey

that government? Third, what makes it the case that the fact that the government issues a rule gives us a reason to comply with that rule? Fourth, under what conditions do we have sufficient reason to comply with such rules? Buchanan skilfully distinguishes these questions, but his main contribution is to cast doubt on the importance of the second question. He argues that if we can justify a government's claim to hold a monopoly of coercive force then we have cleared the most important hurdle. Political authority, understood as the right to be obeyed within a certain jurisdiction, is a luxury that is prohibitively difficult to achieve and distracts attention from the bread and butter of political philosophy.

It is prohibitively difficult to achieve because the most obvious source of obligations to obey the state would lie in our actual consent, and actual consent theories are hamstrung by the practical impossibility of arranging for everyone (or nearly everyone) to voluntarily submit to the authority of the state.<sup>4</sup> It distracts attention from more pertinent issues because, Buchanan (2002, p.695) argues, '[a]n entity may be morally justified in attempting to exercise a monopoly on the making, application, and enforcement of laws without it also being the case that those upon whom it enforces the laws owe it an obligation to obey'.

Now, he does consider the third and fourth questions enumerated above to have some significance. In particular, Buchanan (2002, p.694) acknowledges that whether or not citizens tend to treat a state's directives as creating new reasons for action will likely impact on its effectiveness. In explaining this he draws heavily on Raz's (1986) general theory of authority, but (2002, p.692) is careful to distinguish political authority from what he calls 'authoritativeness'. He appeals to the thought that we can have good cause to treat experts such as financial advisors and fitness instructors as authoritative because they are better placed to help us to comply with our own reasons. When my financial advisor calls me and tells me to put my money

in a new investment scheme, I should, presuming she is trustworthy, put my money in the new scheme just because she told me to. Similarly, if my fitness instructor tells me to stop struggling with large weights and to do more sets with small ones then that is enough reason to change my workout.

However, it is implausible to suggest that we are under a duty to obey either of them, and the same might be true of states. The passage of a new bye-law forbidding me to walk on the grass might be reason enough to stick to the path, but perhaps this can be true without it being the case that I am duty-bound to do as the state says because it said so. There may be perfectly good moral and prudential reasons for keeping off the path and perhaps I will do better at complying with them if I simply take the bye-law as a reason in its own right.

For Raz (1986), authority consists in the ability to create reasons that operate at one remove from someone else's ordinary reasons for doing, or refraining from doing, something. These intermediary reasons replace the original ones by imposing a more efficient structure on our reasoning and should not (1986, p.42) be understood simply as contributing more weighty considerations to the balance of reasons. This is a crucial point and I will return to it in the next section.

Buchanan rejects the idea that to possess this kind of authority is to have a right to be obeyed, and this is why (2002, p.695) he thinks that states can be authoritative without anyone having an obligation to obey them. This position is further complicated by the possibility that a state may be authoritative precisely because complying with its laws might help us to discharge genuine moral obligations, such as assisting those in dire need.<sup>5</sup> However, his central claim is clear enough. If states are justified in imposing their laws, then it is morally permissible for them to use coercive force to do it.<sup>6</sup> Of course, there are limits on how states



might engage in coercion and if they act beyond their mandate then their legitimacy will suffer.

Questions about legitimacy cover a great deal of the territory that traditionally makes up political philosophy. For Buchanan, questions of authoritativeness and about what we have conclusive reason to do make up all the rest. The objections I raise here are that he fails to connect efficacy to legitimacy in the right way and that he neglects to consider the possibility that states can serve our interests in a special way when they have the power to bind us by their directives. I will discuss these ideas in Sections 5 and 6 respectively. In the next section I will argue that Buchanan has a muddled view of Razian authority and obligation, and conclude that this explains why he is so eager to consign the question of political authority to the philosophical scrapheap.

### **3. Authority and Obligation**

Buchanan thinks that the attraction of political authority is a chimerical promise to provide a neat answer to questions one and three, and to offer some guidance in identifying the boundaries of question four.<sup>7</sup> He thinks this because he understands obligations as reasons in their own right that have a great deal of weight. This is mistaken. To be under an obligation to an authority is not to have an extra reason to obey that authority, nor is it for that authority to be able to spin new reasons for you out of thin air. Rather, it is for you to relate to your reasons for complying with its orders in a special way, where those orders take on the binding, imperatival form that characterises obligation. It is not the case that our being under an obligation to obey a state is what justifies it in telling us what to do. Rather, its justification serves as the basis for an obligation to do as it says. To be sure, the efficacy of a prospective political authority is not independent of the nature of our relationship with it, but

this only serves to underline the connection between the moral justification of the state and the origin of our political obligations. In order to show this we need to look again at Raz's conception of obligation.

A soldier has an obligation, for Raz, to obey his commanding officer because it is no longer up to the soldier to decide whether or not he'd rather curl up with a good book by the fire than get down in the mud to do another twenty press-ups. The satisfaction of reading the book or the pleasant warmth of the fire are first-order factors that would ordinarily count against strenuous exercise in the cold and the rain, but they are rendered inert by the structure that rationality imposes on his deliberations because of the greater strength of the reasons that count not only in favour of the soldier doing the twenty press-ups, but also in favour of the officer's being in a position to demand that the soldier do them.<sup>8</sup> This is not to say that the officer can order the soldier to do anything at all. There are important conditions of legitimacy on any authority since authorities must serve the interests, broadly construed, of those over whom they claim jurisdiction. This is why Raz calls his account of authority the 'service conception'.<sup>9</sup> The officer in our example would not be helping the soldier to better comply with his reasons by ordering him to torture prisoners, say, so it follows that the officer would be acting *ultra vires* and the relationship would have to be opened up to scrutiny on the first-order and, indeed, the second-order level.<sup>10</sup>

We must include the second order because the soldier's reasons about his reasons are relevant too. His interest in making his own decisions, for instance, is not in tension with the authority of his commanding officer, it has been properly accounted for and, in military matters, simply superseded on the basis of the balance of all of his reasons. I will argue later that submission to authority can actually be a very important expression of autonomy.

They key for Raz is that when things are running smoothly the soldier better complies with his reasons overall by trading in his first and second-order reasons for intermediate ones and acting on foot of those. When his commanders issue orders they are simply giving him intermediate reasons that exclude the force of those considerations that have already been counted. Obligations in general are supposed to take this shape, even if they are not owed to a single identifiable individual such as a commanding officer. The duty to respect others' bodily integrity, for instance, just is an intermediary reason that excludes, among many other, more significant things, the pleasure I would take in flicking my brother's ear when he is not paying attention. Rather than comparing strength, conflicts between levels are avoided 'by a general principle of practical reasoning which determines that exclusionary reasons always prevail' (Raz 1990, p.40).

Thinking about reasons in this way sets a trap for the unwary, and it is my contention in this section that Buchanan walks straight into it. He (2002, p.696) says the following: 'if we are thus obligated, then the fact that they [the government] say that we are to do something gives us a reason to do it,' and this; '[o]ne would only conclude that general lawlessness is the likely result of the lack of political authority if one assumes that most people will not find the other reasons for compliance (apart from being obligated to the government to obey it) compelling' (2002, p.697). As I understand him, he conceives of obligations to obey somebody as additional reasons that weigh in favour of doing what they tell you to do. Raz (1986, p.41) describes this account of the relevance of authority to practical reasoning as 'profoundly misguided'.

In one sense, it is uncontroversial that authorities do give us additional reasons when they order us to do something. The very making of a particular demand and the context in which it is made, particularly the likely effects of both

compliance and noncompliance, will generate all kinds of considerations that will have to be taken into account. However, this is true of many actions and not a feature unique to authority. Authorities also give us reasons when they solve coordination problems by identifying one of a range of roughly equally attractive options to be put into effect. If we are struggling to decide as a political community whether we should invest in solar, wind, or wave power, then a government announcement that solar power is the way forward can end the debate by tipping the balance in favour of a single course of action. However, this does not distinguish authority either. In the right circumstances anybody can generate reasons in this fashion. What makes a relationship of authority special, Raz suggests, is that whoever holds that authority issues reasons that *sum up and replace* some subset of the reasons that apply to the party who is subject to the authority.

The difference between an entity's being authoritative and its having authority is not a further question to the one about how we best comply with our reasons. We have reason to treat experts as genuine authorities for Raz. What makes them authoritative is that some of our pre-existing reasons for listening to them can be encompassed and replaced by an exclusionary reason to simply do as they say. However, the scope of the exclusionary reason to do as my financial advisor says is very small and disappears entirely when we consider some of my other reasons. This is partly because it only applies to financial matters, but it is mostly because when we consider the value of autonomy and the store that we set in making our own decisions it is generally worth retaining the final say on what we do with our money. We might say that while she really is a theoretical authority in financial matters, she is not an all-things-considered practical authority. States claim to be all-things-considered practical authorities. Even though there are very important limits on what states can justifiably tell us to do, they claim the right to make laws that affect

all aspects of our lives on the basis of all of our reasons. The distinction between exuding some authoritativeness and being an actual authority in the end turns out to be one of degree. I conclude that Buchanan has misinterpreted Raz on this key point.<sup>11</sup>

Here is what Raz has to say about the concept of duty generally: ‘I tend to think that in contemporary usage, “duty” does not signify a normatively distinctive category, other than the fact that only categorical reasons, that is, ones whose application is not conditional on the agent’s inclinations or preferences, and so on, can give rise to duties’ (Raz 2010, pp.290-291). As I interpret him, Raz is suggesting two points here. The first is that an individual cannot be under a duty unless he is bound in such a way that it is still required of him, even if he does not feel very much like meeting his responsibilities. The second is that an account of ‘duty’ or ‘obligation’ is a story that we tell about the *structure* of our reasons. To have a duty or to be under an obligation is just for reasons to stack up in such a way that the potential force of some particular considerations, that might otherwise count as reasons for or against a course of action, is excluded.

One might object that this misses the point. We owe a duty *to* someone, or something in the case of the state, in particular, and we wrong that person by violating it.<sup>12</sup> I do not wrong my financial advisor when I put all my money in tulips,<sup>13</sup> therefore I cannot be under an obligation to do as she says. Maybe I do not wrong the state when I saunter onto the freshly-cut lawn, even if I have sufficient reason to restrain myself. If so, I am under no obligation, but the state may still be legitimate, authoritative, and supported by sufficient reasons for me to comply with its laws.<sup>14</sup>

Whether or not somebody is wronged by my action is determined by the reasons that support her claim against me that I refrain from performing that action. It is what supports the judgment that an action wrongs someone that really matters.

If there is sufficient reason for me to take the state to be an all-things-considered practical authority, then I have an obligation to obey it. If this is right, then what matters is the extent to which a principle of obedience to a just state is justified and what considerations will be excluded on that basis. Deciding who, if anyone at all, has been wronged by a violation of the duty to obey a just state seems to me peripheral to the main issue, which remains the significance of a tangible political duty of obedience.

Buchanan claims that political authority is extremely difficult to achieve and of very limited value. Before I move on, I will pause briefly to disagree with him on both counts. If you assume that only an individual's consent can generate an obligation to obey somebody else then it is natural to despair of the possibility of grounding widespread political authority.<sup>15</sup> We can now see that although the standard of justification that any prospective political authority must meet remains very high, consent is not a necessary condition. Our interest in living an autonomous life is weighty enough that we do not have to do what our financial advisors and fitness instructors tell us to do, but this does not automatically extend to political authorities since the latter can help us to comply with other heavy-hitting reasons such as our reasons of justice. This also illustrates the value of genuine political authorities. If they really can, within a well-defined sphere, help us to do better as rational agents who care about responding to reasons then, as political philosophers, we would be very foolish indeed to renounce the concept of political authority.

#### **4. Extending the Practical Identity of Citizens**

It is time to leave Raz behind. In this section I will sketch an account of what it means in practice for a state to have political authority. When a state stands in a relationship of authority to its citizens, I think that it possesses an ability that has

far-reaching implications that are of enormous significance for political philosophers. If the justification of a state's right to make laws and issue orders follows from principles which form a regulative part of how citizens conceive of themselves, then that state can extend those citizens' practical identities<sup>16</sup> around the legitimate laws that it makes and the commands that it issues. In effect, a political authority can not only create intermediate, exclusionary reasons, it can establish new commitments with which individuals are compelled to identify.

In all likelihood, dear reader, you are a human being. You probably have a family, a nationality, hobbies, a favourite sports team, an opinion on Blur vs. Oasis, and on and on. To be a Liverpool fan, for example, is to have a special relationship with the team such that you have a reason to cheer for them when they play, to boo Manchester United or Everton with almost equal vigour, and to engage in heated arguments about tactics and players at every opportunity. If you didn't do these things then you wouldn't be a fan, not really, and being a fan is one of the things that can give meaning to a person's life. 'The conception of one's identity... is better understood as a description under which you value yourself, a description under which you find your life to be worth living and your actions to be worth undertaking' (Korsgaard 1996, p.101). To conceive of oneself in this way is to view oneself as having compelling reasons to act accordingly, but that presupposes something important. We are, most of us at any rate, engaged in the project of living an intelligible life, which is to say one in which we are responsive to reasons. It is this commitment that forms the basis of our practical identities and ties the more concrete identities that we endorse together into something approaching a coherent whole.

Just as it would be foolish for NASA to send an astronaut into space without a clearly-defined set of operating procedures for dealing with the kinds of challenges

and problems likely to befall your average space traveller, so too would it be unwise for a person to head out the front door without developing her own set of operating procedures for navigating in the world. The difference is that my operating procedures are not stored in a manual that can be consulted when needed. Rather, they are incorporated into my identity. We sometimes describe our commitments by saying that we ‘have a rule’ about something, but this is an awkward way of getting at an elegant solution. It is not, strictly speaking, the case that I have a rule about helping little old ladies cross the road.<sup>17</sup> Instead, I understand myself as the kind of person who helps little old ladies across the road. A principle such as this is exclusionary in the way that Raz suggests. That I could shave a few seconds off my travelling time by ignoring my fellow pedestrian will not count as a reason against assisting her. There will, it is important to stress, be some considerations that are not excluded, but this is to be expected.

Were a person to violate a principle to which she was committed as a part of her identity, she would face the following consequence: she would not be who she thought she was. An individual is unintelligible to herself on my account when her actions are at odds with the principles that together constitute her self-conception. This kind of tension is something that almost all human beings are, as a matter of empirical fact, dead set against. When we relate to genuine political authorities as reason-responsive agents, countermanding or ignoring their directives comes at the not insignificant cost of unintelligibility. This means that the rational imperative of an exclusionary reason is backed up by the tangible force of a self-imposed sanction in the event of a breach.

What happens to my normative situation when my, let’s imagine, suitably justified state makes a new law? We have already noted that, so long as the state acts within its remit, it establishes an intermediary reason for me to do whatever it



specifies in the law just by passing and promulgating it. The justification for my conformity is derived from my pre-existing reasons, but when a genuine authority gives me an order it changes my normative situation all the same. What we must add to this picture is the understanding that if I identify as a rational agent, and can be brought to see how disobedience undermines that identity, then I am thereby tangibly bound to obey the orders of the state.<sup>18</sup>

I will help myself to an empirical claim to illustrate how this would work. In liberal democratic societies, at any rate, most people are deeply committed to something like Rawls's notion of respect for persons. If we could show that he is correct that a duty to obey and support just states<sup>19</sup> can, ultimately, be derived from it then, as reason responsive agents, those people must accept that they are committed to comply with the legitimate orders of a just state. To reject this conclusion is to reject part of their self-conception, either as someone who respects persons as free and equal or as someone who responds appropriately to reasons. Both options will come at a high price.

So, in the same way that I would damage my self-conception by failing to appropriately support Liverpool, I can damage it by flouting the command of a political authority that exists and applies to me. Genuine political authorities are empowered by the existence of this self-imposed sanction to extend the practical identities of those citizens who are committed to support and obey it. In the next section I will explain why this is significant.

### **5. Authority, Efficacy, and Legitimacy**

Consider again the state that is not only justified, but justified by my own lights. Since its authority is morally justified it will be appropriate for me to suffer a sanction if I flaunt its rules but, crucially, it will also destabilise my self-conception to

do so without suitably good, non-excluded reasons. Such a state stands in a special relationship to me. It has the ability to create new rules for me that, other things being equal of course, I must follow on pain of self-censure. This is what I mean by the capacity of a political authority to extend the practical identity of its citizens. Its decisions have a direct effect by specifying new laws that citizens with compatible practical identities must follow if they are not to compromise their identities. My contention in this section is that political authority is important because it contributes something substantial to the efficacy, and thereby the moral justification, of states.

It is not difficult to see just how the efficiency of a state depends, in part, on its particular relationships with each of its citizens. If it does not have the ability to extend the practical identities of enough people then it cannot rely on them to self-police their legal responsibilities as they would other behaviour required by principles with which they identify. Without this reserve of willing compliance to call upon, a state will find it harder to effectively impose its will. This potentially affects its permission to deploy coercive force against dissenters, while at the same time making it more likely that it will have to resort to harsh measures.

Justification rights depend on the bearer's capacity to perform the relevant role. I cannot, for example, acquire a justification right to direct traffic around the scene of an accident if I have a debilitating fear of anything with a combustion engine and freeze at the mere thought of setting foot on a road. States are distinguished from conscientious individuals, according to Locke (2004, p.282), by their claim to serve justice on a scale that precludes a general state of war. It is always difficult to say precisely at what point a state fails in this regard, but it is nonetheless true that it can happen and that when it does the agents and institutions of the state lose their privileged status.

To be committed to a principle in the fashion I have suggested is not an abstract proposition. If acknowledged, it will shape a person's deliberations. Even if someone is not aware of how an action will destabilise her identity, it remains significant because she could be brought to see the conflict and would then suffer the sanction. The fit between the justification underpinning a state and the identities of its citizens is, therefore, relevant to its moral justification and, ultimately, its legitimacy.

In the opposite direction, if large numbers of its citizens are bound to observe its authority in this way, then a state will likely be stronger and more effective. This conclusion may seem irrelevant. After all, if a state passes the threshold for permissibly deploying coercive force then why should it matter if it can demonstrate extra efficiency? But this thought can be bolstered by considering another way in which a state's relationship with its citizens is relevant to its moral justification. Most theories of the state assume that part of what justifies a state's ability to compel individuals to behave in certain ways is that it guarantees for its citizens large spheres of personal freedom and cedes to them some control over the composition and policy goals of their government so that they can precipitate changes if they are unhappy. A condition of legitimacy is, therefore, that the state actively seeks to treat its citizens with respect, for example by consulting and including them in its decision-making processes.<sup>20</sup>

Morally legitimate states, then, must walk a very fine line between respecting their citizens and standing over them, prepared to force them to comply with directives where necessary, and all the while taking care to cultivate their goodwill. When a high proportion of citizens feel obliged to back the state it will need to rely less heavily on brute force and emergency measures to maintain order and, as a result, will be better placed to treat its citizens with maximal respect.

One other advantage of this approach is that it facilitates finer-grained judgments about the ability of a prospective authority to meet requirements of efficacy and qualify as legitimate. It is clear enough that even a thoroughly worthy political administration is in deep trouble if nobody acknowledges its authority. On my view, it is not just a question of whether public opinion explicitly supports an administration. It is also significant if that government is still in a position to extend the practical identities of its citizens. This is sometimes the case when an unpopular, though still justified, government holds office in a state with solid institutions and traditions. Although many people may be negatively disposed towards the particular political actors who occupy official roles, they are still bound by their allegiance to the system and this permits the office-holders to issue binding directives. The legitimacy of an unpopular administration is thus underpinned by the motivational salience of those considerations that support its all-things-considered authority.

I will make one final point in this section. To be morally justified, a state must at least aim to reduce its reliance on coercive tactics and to rely primarily on the voluntary compliance of its citizens.<sup>21</sup> Only then will it be stable for the right reasons, in Rawls's terms.<sup>22</sup> Although Buchanan is right that there are circumstances in which states can get away with meeting a minimal standard of moral justification, this must be the exception rather than the rule. In times of war or great hardship, an iron fist may be permissible. Over the longer term, however, a state has a responsibility to pursue justice and cultivate the conditions in which individuals can relate to themselves and to one another as free and equal rational beings. As the value of a state progresses beyond emergency utility, it will become more authoritative. A morally justified state that ascends to the status of a genuine political authority serves the interests of its citizens by helping them to better comply with all of their reasons, including, it must be noted, their reasons for living autonomously. So, it

would be remiss of any state to think that it could rest on a minimal level of moral justification, sufficient to ground its right to deploy coercive force. If, as it should, it exists to serve its citizens, it will develop competencies and pursue policies that will take it far beyond legitimacy, as Buchanan understands the concept, and towards authority, as I do. In fact, political authorities can play an indispensable role facilitating our efforts to live autonomous lives, and I will discuss this idea in the next section.

## **6. Authority and Autonomy**

States feature in our attempts to live autonomous lives in two ways. First, they play a negative role insofar as they must contribute to a comprehensible and predictable social order if they are not to frustrate and alienate us as we go about our business. On this level, identification with the authority of the state means that one does not feel oppressed or dominated, or even just confounded. Second, states positively contribute to our efforts to respond to reasons when they successfully direct collective action and resources to solve large or otherwise intractable problems. Identifying with the justification of the state and its ability to extend your practical identity, therefore, serves to enhance your ability to live an intelligible life as a response to reasons. I will deal with each of these points in turn.

Given the sorts of thinking, reasoning creatures that we are, citizens will, sooner or later, demand good reasons to back up their coercive political institutions. And they are right to do so since one of the functions that governments perform is the gradual construction (and reconstruction) of a rational social world.<sup>23</sup> It is a familiar feeling in our day-to-day existence to chafe under rules that have not been justified to us and which therefore appear arbitrary. As many children will no doubt testify, ‘Because I said so!’ is, in the end, not much of a reason. Subjective

acknowledgment that the state is justified and generally doing a good job provides the foundation for citizens to feel at home in their political community. They can then see the police force as protectors, rather than oppressors, and politicians as their agents, rather than their masters.

Out of respect for the individual, liberal theorists insert a publicity condition into the moral justification of states. Waldron (1987, p.149), for example, says the following: ‘Liberals demand that the social order should in principle be capable of explaining itself at the tribunal of each person’s understanding’. Buchanan might object that so long as the moral justification that secures the legitimacy of a state is available to its citizens then they need not perceive its power as an alien imposition.

The trouble with this response is that it becomes difficult to see why a legitimate state that can be justified in this way, and to this degree, is not best thought of as a political authority. If the state’s right to make and enforce laws is justified, and citizens have cause to accept it, then it would seem that they will do better by their reasons if they treat it as an authority within its legitimate domain. I submit that acknowledging one’s state as a political authority, for sufficiently strong reasons, is a great good for rational beings like us and constitutes an important element of an intelligible life.

I will now argue that one method of responding to reasons that is open to us is to understand ourselves through particular principles that seem to us sufficiently justified. Conceiving of oneself as a good citizen can be viewed as an effective exercise in autonomy, and is stable when it grows from identification with principles because then it is buttressed by the sanction of unintelligibility.

Since states serve us partly by contributing to the intelligibility of our individual lives, there is perhaps something helpful that we can say about the balance between personal autonomy, the general freedom and ability to do as one sees fit,

and autonomy as identification with the authority of the state. The latter stage picks up where personal autonomy leaves off. Individual actions are not always the appropriate way to respond to practical reasons. Sometimes it is through collective action and submission to hierarchical power structures that we can best solve particular problems. Think of climate change or civil rights. It would be a motivation for philosophical anarchism if it was conceptually impossible to reconcile our status as agents with subjection to authority. Happily this is not the case.<sup>24</sup> Sometimes a concern for intelligibility mandates individual action, but sometimes it requires supporting collective actions and the actions of others by participating in a legitimate system empowered to deploy coercive force.

We do this, I suggest again, primarily by conceiving of ourselves through the principles that underpin our political authorities. Just as an appropriate response to the considerations that count in favour of helping little old ladies across the road is to think of oneself as the kind of person who helps little old ladies across the road, an appropriate response to the kinds of problems that require state coordination and intervention is to think of oneself as the kind of person who obeys the laws of a just state. In this way we bind ourselves to our political communities. Of course, these principles are efficacious because they have exclusionary force. This means that identifying with a principle restricts the options that one might otherwise have had for responding to relevant practical reasons.

It is a sacrifice to concede some of one's personal autonomy. People are often tempted, for example, to take the law into their own hands. Locke thought that, under the right circumstances, it is a perfectly appropriate response to an injustice to dole out punishment yourself.<sup>25</sup> However, it is an even better response to institute and uphold a fair and impartial state authority. Supporting a functional criminal justice system entails excluding certain considerations that might weigh in on the

side of vigilantism, such as seeing that justice is done swiftly or in accordance with one's special perspective on the case.

Identifying with principles that mandate obedience to a suitable political authority, therefore, is an elegant and effective way of responding to reasons. The ideal scenario comes about when the justification for the rules and institutions of a state fits with the self-conception of its citizens, and those citizens can see the state responding to reasons well and on their behalf.

## **7. Conclusion**

In this paper I have sought to show that political authority is not a vestigial concept in political philosophy. Buchanan is eager to scrap it because he holds a mistaken view of what it is to be under an obligation and, therefore, what makes relationships of authority significant. Authorities matter because they assist us in responding to our reasons. That citizens then go on to relate to them in the appropriate way is important for securing and developing state legitimacy, but it is just as important from the perspective of the citizens because genuine political authorities can help them to respond to reasons as part of a collective and thereby contribute to their ability to live an autonomous, intelligible life

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## Notes

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<sup>1</sup> Although it seems correct to say that ‘obligation’ originally implied some variety of actual consent while ‘duty’ was used to convey a non-optional relationship of obedience or requirement, I intend to follow Brandt (1964) and Knowles (2010) in taking the concepts of duty and obligation to mean generally the same thing in their contemporary usage. Rawls, of course, distinguishes between them precisely in these terms (1999, p.98; p.296) but in this he is very much the exception rather than the rule.

<sup>2</sup> He concludes (2002, p.693) that ‘neither Rawls nor Raz find the question of political authority (as including the right to be obeyed) as of much consequence for political theory’. In the next section I will question this interpretation of Raz. As far as Rawls goes, I do not think it is insignificant that Rawls’s theory of justice is

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essentially grounded in the natural duty to obey and support just states. See Rawls (1999, p.99).

<sup>3</sup> Justification-rights do not comprise a claim against anyone else. Rather, they can be characterised as sufficient justification to licence performance (or forbearance) of some action. They do not correlate with any duties. Ladenson points to such examples as self-defence, defence of others, and parental authority. These are intended to be paradigmatic examples where an agent is right to act, and has a right to act, irrespective of what anyone else is under an obligation to do. He holds that the right to make and enforce laws is a justification right, and, therefore, does not depend on the subjects or citizens of some government being obliged to obey it. A state can be successfully justified if ‘one can set out a plausible account of a line of reasoning that would lead all rational people under the veil of ignorance not to object to coercion when genuinely carried out by governmental authority’ (Ladenson 1980, p.140).

<sup>4</sup> See Beran (1987) for a helpful discussion of the limitations of actual consent as a theory of political obligation.

<sup>5</sup> For a ‘samaritan’ account of political obligation as a response to dire need see Wellman (1996; 2005).

<sup>6</sup> As Dudley Knowles (2010, p.19) points out, coercion is, after all, the ‘nasty face of the state’.

<sup>7</sup> In the sense that obligations are limited in scope. For example, if I sign up to the army then I am bound to obey my drill instructor when he tells me to get down in the mud and give him fifty. I am not required to obey him if he tells me where to spend my summer holidays.

<sup>8</sup> For the sake of the example we shall suppose that the soldier has good reasons for joining the army, there are good reasons to have armies, and good reasons for the soldier to be able to place himself under the authority of such an institution. See Raz (1990, pp.41-47) for the original example in which a soldier is ordered to appropriate a civilian’s van.

<sup>9</sup> See Raz (1986, Ch.3) for his explications of the Dependency Thesis and the Normal Justification Thesis.

<sup>10</sup> See Raz (1986, p.61) for his distinction between clear and unclear cases of authorities undermining their authority in this fashion and what that means for their exclusionary powers.

<sup>11</sup> Buchanan’s view is very similar to Darwall’s critique of Raz on this point. See Darwall (2010) and Raz (2010) for their back and forth.

<sup>12</sup> Another possible objection here is that if obligation must be owed to someone then states in fact cannot have political authority since we cannot owe obligations to abstract, impersonal entities. One way around this is to focus on governments rather than states, where ‘government’ denotes the group of actual individuals who occupy the political offices of a state. Responding to this worry will take me too far afield so I will lay it to one side here.

<sup>13</sup> My dependents are another story.

<sup>14</sup> It is worth pointing out here that we can have duties without a corresponding right. These are traditionally known as the imperfect duties. The duty of charity is the best example. I do not owe it to any particular individual to make some charitable contribution but it is plausibly a duty nonetheless.

<sup>15</sup> For problems with actual consent theories of political obligation see Simmons (1979), Beran (1987), Klosko (2005), and Knowles (2010).

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<sup>16</sup> The term ‘practical identity’ is borrowed from Korsgaard (1996). Although I do not endorse her theory of the foundations of a categorical morality, I have learned a great deal from her many insights.

<sup>17</sup> Or little old men, or anyone else for that matter.

<sup>18</sup> McTernan has described how experiments about the effect of social norms show that individuals alter their behaviour when presented with a new rule that they take to be obligatory. For example, telling hotel guests that reusing towels saved the environment and that other guests reused their towels increased the numbers that did so. See McTernan (2014, pp.94-100).

<sup>19</sup> See Rawls (1999, p.99).

<sup>20</sup> See Buchanan (2002, pp.703-709) and also Christiano (2004, pp.105-131).

<sup>21</sup> For reasons of space I cannot go into detail about how I understand voluntariness here. For a helpful account see Olsaretti (2004; 2008).

<sup>22</sup> See Rawls (1999, pp.434-436).

<sup>23</sup> Jürgen Habermas (1984) claims that legitimation crises arise when the political and cultural apparatus of a state fail to provide a viable ‘life-world’ for individuals, a unified perspective which can impose meaning and order on an otherwise chaotic social world. When economic stresses and political inconsistencies outpace the explanations and justifications that are made available within the life-world, then the shortcomings and contradictions of the economic and political arrangements themselves are uncovered and become the subject of pointed general concern. ‘The legitimation of orders of authority and basic norms can be understood as a specialization of this ‘meaning-giving’ function’ (Habermas 1984, p.118). A rational justification of power relations is internally required because the point of the life-world is to provide meaning for individuals.

<sup>24</sup> This will, no doubt, seem very quick. For a rejection of the usefulness of states in solving such problems see Carter (2001). For the classic statement of philosophical anarchism see Wolff (1998, esp. pp.12-22). On the Razian conception of authority, which is far more abstract than Wolff’s, there is no good reason to oppose personal autonomy and authority, the reasons that count in favour of making one’s own decision are already counted in the overall justification of political authority. I am not arguing here that submission to any existing state or association of states will actually help us to solve complex problems like climate change. The idea is that if a political authority can help in this regard then submission enhances one’s ability to respond to reasons and is, therefore, an extension rather than a restriction of autonomy. I would like to thank the anonymous referee for pushing me on this point.

<sup>25</sup> See Locke (2004, pp.269-278) for his conception of the state of nature.