

Title: *Counsel and Command: A Relational Account of Authority*

The concept of authority figures in our lives in what seem to be two distinct ways. First, there is the sort of authority we ascribe to those with special knowledge or competence. Second, there is the sort of authority at play between parents and children, the state and its citizens, or in institutional hierarchies or chains of command. In the first case, we speak of someone's "being an authority" in her area of expertise. In the second case, we say that one person "has authority over" another in some domain. Philosophers tend to call the first kind of authority "theoretical" and the second "practical."

What do theoretical and practical authority have in common? How are they distinct? Much theorizing about authority assumes that its normativity is to be understood in non-relational terms, for instance in terms of the reasons that independently apply to the persons involved. Similarly, philosophers often presuppose that the distinction between the two kinds of authority should be conceived of in terms of a difference in their respective subject matter, such as the difference between reasons for belief and reasons for action, again considered independently of the relations in which the relevant persons stand. I defend the view that the concept of authority and the distinction between theoretical and practical authority instead make irreducible reference to the normative relations between the persons in question. I then elaborate on some of the implications of my position for the authority of law and the relation between law and morality.

One prominent non-relational account of authority is Joseph Raz's "service conception," which says that A has authority over B if and only if B does better at complying with her reasons if she treats A 's verdicts as "preemptive" than if she tries to comply with those reasons "directly," where "her reasons" refers to the reasons that apply to B independently of her relation to A . To illustrate, if we have independent reason to, say, provide assistance to the poor, and if a system of tax-based public poverty relief is more effective at assisting the poor than private acts of charity, then the applicable legal code creates a "preemptive reason" for us to pay our taxes and so has authority over us according to the service conception. Preemptive reasons in turn are reasons that exclude certain otherwise applicable reasons from consideration, such as the reasons that govern private charitable activities in our example. In his recent critique of the service conception, Stephen Darwall argues that an instrumental relation between A 's verdicts and B 's compliance with her reasons of the sort invoked by Raz is not sufficient for A 's creating preemptive reasons for B . In chapter 1, I argue that Darwall's criticism conflates two distinct senses of "preemption." For Raz, preemption is a matter of the content of the reasons in question. For Darwall, on the other hand, the very possibility of A 's creating preemptive reasons for B already presupposes A 's authority over B , and so something irreducibly relational.

The distinction between the two senses of "preemption" is central to my account of authority in chapter 2. I begin by analyzing the different forms of interpersonal address proper to theoretical and practical authority and the different kinds of addressor-addressee relations they presuppose. I call these forms of address "counsel" and "command." Preemption constitutes an internal standard of success for both of them; however, the kind of preemption at play differs between the two forms of address in the way just sketched. To quote Hobbes, the preemptive force of counsel depends on "the matter itself" whereas that of command on "the will of the instructor." The conceptual framework laid out here provides the resources for an interpretation of the idea of natural relational equality between persons on which Kant's political philosophy turns. For Kant, certain forms of moral asymmetry presuppose a particular institutional structure. These asymmetries in turn are understandable in terms of the form of address proper to them. For instance, "Get off my lawn!" is a case of command and as such depends for its validity or "felicitousness" on the existence of a regime of private property, which in turn makes possible the moral asymmetry between addressor and addressee with respect to the addressor's lawn.

However, other instances of command do not appear to presuppose any such structure for their validity. "Get off my foot!" for instance seems to be a case in point. Note that this sort of

case is precisely what troubles R. Jay Wallace, Douglas Lavin, and others about Darwall's "second-personal" account of morality. Michael Thompson raises what I take to be a related puzzle, namely how there could be purely moral "bipolar" or directed obligations between persons, outside of any concrete practice or system of institutions. In chapter 3, I argue that these concerns all share the assumption that morality is merely one determinate mode of second-personal or bipolar normativity among others, along with, say, this or that system of law or etiquette. On the alternative picture I propose, bipolar morality *just is* the normative structure informing these concrete institutions or practices, and so the very conditions under which the form of address I called "command" is being deployed. This picture has striking implications for the relation between law and morality. Rather than (partially) constituting the circumstances to which independently determinate moral principles apply, the moral significance of law is to render otherwise indeterminate moral principles applicable *in concreto*.

My case for a relational understanding of authority is part of a larger research program on the distinction between reasons and duties. Just as Raz and others attempt to capture the distinction between theoretical and practical authority in terms of a difference in the content of the relevant reasons, philosophers often interpret the distinction between reasons and duties by reference to a distinction in their subject matter. For instance, duties are often thought to derive their supposedly greater stringency from their normatively more stringent content. On my view, the relation between reasons and duties is instead analogous to the relation between counsel and command. Whereas the normative force of reasons depends on their content, the normative force of duties derives from exercises of the will, whether our own or that of others.

Key words: authority, theoretical authority, practical authority, political obligation, Raz, Darwall, Kant