

Social And Political Philosophy

Module Code: CSPH7037

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Social and Political Philosophy: Block One

What is social & political philosophy?

In this module *Social and Political Philosophy* we will begin by looking at some of the basic concepts of ‘political philosophy’. In a much more specific way than social philosophy, political philosophy does not wish to consider all aspects of our social life, or in general what regulates our social life but just those to do with the use of state power. Indeed, one could proffer that political philosophy is the study of what use—if any—one should make of the coercive power of a state. Neither does political philosophy focus on the ethics of social life. Nevertheless, political philosophy is a branch of social philosophy and, ultimately there are very real ethical issues unearthed in political analysis.

As individuals we have differing conceptions of morality, and modern societies are complex entities. It is the task of governments not only to regulate the economic and social life of the community but also to legislate so as to reconcile conflicting perspectives and ensure that society runs smoothly. Here, we could speak of ‘political obligation’ and we will in this module be looking in some detail at this concept. One can see quite easily that talk of ‘political obligation’ leads to the problem of authority, that is, it inevitably implies an enquiry into what does the authority of government consist in.

This leads to questions concerning both ***liberty*** and the problem of ***authority***. What gives our rulers the right to control the lives of individual citizens? From where do they derive their authority? Why should we obey the state? If we do submit to a ‘higher’ authority, to what extent are we relinquishing our liberty? Should the state’s role be purely negative, i.e. merely to prevent harm being inflicted on an individual? Or should the state go further and positively encourage individuality and freedom in the sense of ‘self-realization’ or ‘rational self-direction’. (Berlin¹) Does ‘positive’ freedom necessarily entail inequality? Can all citizens be ‘equal’ in some absolute sense, or must we rest content with the notion of equality of opportunity? At some time in our lives most of us find ourselves in a position of having to do what we are told.

(Think of some examples here) We will need to investigate both these concepts, but, firstly, in this Block we will be looking at the latter.

¹ Berlin, I., 1969, ‘Two Concepts of Liberty’, in I. Berlin, *Four Essays on Liberty*, London: Oxford University Press.

Political 'Authority'

To help us with these questions, and to bring to light the basis of the authority which imposes itself on us in such ways, there are two general answers that might be initially given to justify our acquiescence. The authority is regarded as having the appropriate knowledge, experience, or expertise. In like manner the ruler of a state might be thought to possess the degree of wisdom or virtue necessary to ensure the well-being of all the citizens, and on these grounds would expect them to be obedient to his commands. Rulers of states, however, are additionally generally thought to be in authority; and this notion of authority suggests that they have the power of coercion. If we do not do what we are told we are liable to be punished.

de facto and de jure

We may have to acknowledge that there is more than one concept of authority. That is, a person is in authority by virtue of his position or knowledge he is recognized as being entitled to command us to act in some way. It does not follow from this, however, that we have 'given' him this authority. To grant someone (a ruler, president or prime minister, for example) authority presupposes a set of rules, an agreed framework, within which he can exercise it. Perhaps then we should distinguish between two senses of the word 'authority'. In the first sense we can talk about *de facto* authority, and in the second we may talk of *de jure* authority.

Of course possession of authority *de facto* more often than not is a consequence of being in authority *de jure*. But the reverse does not seem to be the case; we can always ask someone who seeks to exercise authority over us by what right it is claimed. And an acceptable justification cannot always be given. This is a central issue which concerns us in much of what follows in the module, so we need to deal with it in detail here.

That we should distinguish between two senses of the word 'authority' is maintained by Professor Richard Peters in a classic paper entitled 'Authority'.² This paper can be found here: <http://www.jstor.org/stable/10.2307/4106701> (You will need your Athens user name & password to access this paper.)

I suggest you now read through the 'Peters' section of the paper carefully.

² Symposium: 'Authority', R. S. Peters, P. G. Winch and A. E. Duncan-Jones, *Proceedings of the Aristotelian Society, Supplementary Volumes*, Vol. 32 (1958, pp.207-260 Wiley-Blackwell)

The duality of 'authority'

Understanding the concept of 'authority', according to Peters, is to be found in the meanings of the Latin words *auctor* and *auctoritas* from which the word 'authority' derives. An *auctor* is an initiator or advocate of some order, declaration or whatever. When an action has been authorized there is some person or persons from whom the authority to do it originates. There are always such originators to whom 'commands, decisions and pronouncements are to be traced back in any factual survey of how social regulation is brought about' (Peters p.210)

Peters has it that a person may be said to have authority either in the sense of having a right to be an *auctor* or in the sense of being in effect an *auctor*. He refers to the first sense as the *de jure* sense of the term 'authority' and to the second as the *de facto* sense of that term.

A distinction is sometimes made between a *de facto* government and a *de jure* one. For instance, historically a revolutionary regime initially has not usually been conferred full diplomatic status by the governments of other countries. It may none the less be recognized as the *de facto* government—the body of men actually having the power to decide a nation's affairs. In such a case the phrase '*de facto government*' is not used to deny that those who are in charge of a country's affairs have the right to be in charge of them. A *de facto* ruler is someone who **actually** exercises the powers of a sovereign, whether rightfully or not. When, on the other hand, it can be seen that sovereignty lies not *de facto* with a *designated sovereign* but rather with a separate body, association, party or group of some kind, the implication may well be that sovereignty has transferred from where it legitimately belongs.

Following Peters, then, we can draw a distinction between *de facto* and *de jure* authority by contrasting instances where authority derives from the personal characteristics of the 'sovereign' with instances where legal or traditional rules make it possible for 'others' to be put 'in authority'. In certain situations an individual may rule that her authority be accepted even though she is not 'in authority'. Such a one would then have *de facto*, though not *de jure*, authority with those who accept her authority. Frequently, however, the right to command is conferred on individuals or bodies such as the police or the armed forces, who in certain situations are able to exercise authority *de jure*. Obviously the **right** to rule is sometimes separate from the power to secure compliance to one's commands or demands.

(Can you think of some examples here?)

We have seen then how it is possible to distinguish two senses of the concept of 'authority'. But I do not wish to imply, and nor does he, that they are quite unconnected. Indeed, Peters is not suggesting that there is as radical a difference of sense between de jure and de facto authority. He is maintaining that the de facto sense is 'parasitic' on the de jure sense, that is, that de facto authority needs to be explained in terms of de jure authority. But do we have to accept the way he draws the distinction between the two senses of 'authority'? Let us look at his approaches the notion of de facto authority, in Section 6-8 of his paper. Please read these again and think how you would answer the following questions:

- What distinguishes having de facto authority with others from being able to influence them in other ways? Do you agree with his account at this point?
- What, is it to be 'an authority' according to Peters? Is his explanation valid one do you think?

de facto authority

Regarding Peters' account I would say where one person has de facto authority, what is important for Peters, is that those whom she commands do as she commands. An individual exercises de facto authority in virtue of certain personal qualities. No justification needs to be given regarding a certain course of action: she does not need to explain as others might. The belief that something ought to be done by is accomplished by force of personality alone so to speak. She will command obedience despite, as in the case of the Admirable Crichton example, having no real right to such obedience. Compliance is engendered not through force. As Peters puts it, 'there is something about him which people recognize in virtue of which they do what he says simply because he says it' (p. 218).

In this connection we also have the inclusion of Weber's 'charismatic authority'. Weber, according to Peters, focused primarily on highly special figures and consequently, 'pitched his account rather high'. Yet he may not have gone far enough in this to demystify 'charisma'. It may be the case that, only extraordinary individuals will 'command the crowd' indefinitely and the reasons for the success of such 'authority' may indeed be somewhat inexplicable. Nevertheless, in certain situations we will defer to individuals accepting their authority easily and often unconditionally, e.g., teachers, solicitors and doctors, etc., Peters' account of de facto authority is on the whole convincing and in terms of defining the concept 'authority' I think Peters' account is more than enlightening.

As for being 'an authority' I think it will be apparent, however, that if we are explaining de facto authority, being 'an authority' on some subject is, is it not, clearly de facto?

(Think of some examples here)

It is merely to say it appropriate to consult 'an authority' on certain matters, like modern art, or house prices, or stock market shares. To advise on such an authority is, additionally, to express the judgement that one ought to accept her judgement in certain matters. Taking one of my examples, an individual considered by certain people to be an authority on modern art may, nevertheless, be thought a fool by traditionalists that deem 'modern art' fallacious. However, such an authority cannot be both a 'fool' and 'an authority' in respect of the same subject at the same time. ($\sim$ both $A + \sim A$) But he could be both a fool and yet supposed an authority in respect of the same subject at the same time ($\sim A$).

It seems that 'an authority' for Peters has close to de jure authority, that is has a certain kind of right. But this doesn't mean the right to have her claims believed unreservedly. One may have the right to express what one believes, however, this may be completely independent of where one is an authority. In an open debate the discussion on has the right to express oneself regardless of whether one is seen as 'an authority or not. On the other hand, an individual who has recognized an authority on some subject may acquire rights he would not otherwise have, for example, the right to judge individuals in a criminal court. But that is only to say that being an authority is a ground on which individuals are nominated or qualified to undertake certain duties. In short the rights attach to membership, not to being 'authority', in this sense. And this starts to look like de jure authority

Therefore, let us now consider Peters' notion of de jure authority. As we have seen, he maintains that someone who has de jure authority, in the sense he explains in Section 4 of his paper, has the right to be an 'originator'.

Is this account of de jure authority you would accept? If not, what account would you support?

de jure authority

The concept of 'originator' that Peters puts forward is, I think, less helpful, to us. For is it true that having the right to be an *auctor* is necessary to being in or having de jure authority? Take these examples If I sign a cheque upon my personal account, I thereby authorize my bank to pay a particular person a specified sum of money. Assuming that I have enough money in my account, the bank has no originating role in the matter at all. And even in cases where the right to do something involves the right to expect obedience, the discretion involved may be negligible. For instance, in the army a command may be passed on. The corporal may be authorized by the command of his superior, to order the soldiers under him to attack. So it seems that where an individual has de jure authority he has had the right to do certain things conferred upon him. And he may not be given anything by way of discretion in doing them.

Again, it is not sufficient to claim that a person has de jure authority over another because simply the former has a right to be obeyed by the latter. Take learning to drive. I assume that the driving instructor has the right to expect the learner driver follow her instructions specifically. In the other words, the latter confers on the former the right to expect her obedience. But this does not mean the driving instructor has de jure authority over the learner driver. Conversely, when we buy a ticket for a journey by sea or air we will commonly, in so doing, be taken as consenting (tacitly) to be subject to the very considerable authority vested in the captain. In this case our travelling as passengers in his ship or plane gives the captain de jure authority over us.

What do you think makes the difference in the two situations?

It seems to me that in the second example that there is an established system of rules which defines the rights and responsibilities of captains which is not comparable to the role of driving instructor in the first example. For instance, the situation is very different if the plane crashes due to my interference with the captain's duties than if I run a red light in a car. What do you think? Where someone de jure authority over another she has the right to take action against them should her authority to give directives be contravened. Moreover, there are situations where those who have authority over others have the right in certain circumstances to coerce or impose sanctions either themselves, or at least the right to initiate such coercion or the imposition of such sanctions:

Thus what I am claiming is that the latter situations cannot be accommodated on Peters' account. For Peters wishes explicitly to draw a distinction between authority and power, and yet we can certainly show that those who have authority over others must also have some power over them.

Authority and Power

The question more specifically then is, does an individual's right to command give power to that individual.³ Certainly there will be instances where this is so. The police have both authority and power in their right to arrest criminals. Teachers may have both authority and power, in certain situations, to expel pupils. However, while in the first case the authority may entail both coercion and the power to impose sanction(s) in the second case the situation is slightly different. While the teacher may have power to a degree over the pupil this is not coercive power. For example, commonly there are cases where a pupil may wish to be expelled. In such a situation the teacher is in authority over another yet neither has she the power to make the pupil do what it is the teacher's right to expect of her nor indeed any real power over the pupil whatsoever.

We can say then that while an individual in authority does have a certain type of power over that person it frequently does not amount to coercive power. That is, in the latter case one would expect 'authority' to entail the imposition of sanctions against those who offend or do not conform to that authority.

de facto authority and power

From the above argument it can be argued (against Peters) that power and authority are distinct. Let us return to the concept of *de facto* authority to try to clarify this claim. It is not necessarily the case but it may be a common occurrence that an individual with *de facto* authority can use that influence to exert power over others. However, possessing such authority more often than not means serving the interests (or the perceived interests) of those over whom one has such an authority. This authority could be quickly undermined by counsel which was contrary to the interests of one's 'followers'. It is quite possible (& some would claim often the case) that a charismatic leader might be able to get those in her authority to act contrary to their interests (though again still act in accordance with what we have termed perceived interests). Nevertheless, 'charisma' typically consists in getting others to act in ways they previously would not be disposed to do. Furthermore, it will be assumed that they do so 'voluntarily' & are not coerced into doing so. Thus, *de facto* authority is, then, no category of power. But neither is it to be contrasted with power.

de jure authority and power

The relation between *de jure* authority and power is, I think, harder to divide. A *de jure* use of the word 'power' can be understood to be saying: " x has power over y ($x \rho y$) = a) x is in a position to get y to act in a particular way ($x \rho \leftrightarrow y$) or is able to force something on y ($x \rho \rightarrow y$)". Thus, as I hope you can see, there are

³ Read again Section 9 (a) of the paper.

two apparently conflicting ways in which we can construe the use of power as authority in this case, firstly the power of coercion ($x \rho \rightarrow y$) and, secondly the power of reverence or veneration ($x \rho \Leftrightarrow y$). It is clear that power is exercised in both cases but it may be somewhat difficult to disentangle one from the other. Can you think of some examples here? (Think of why, when driving, you would slow down for a traffic camera.

Is it out of respect for the law or for fear of the consequences of breaking the speed limit?)

Peters writes that:

'often what we want to bring out when we say that men are in authority or exert authority over other men is that they get their way or ought to get their way by means other than those of force, threats, incentives and propaganda, which are the usual ways of exercising power. It is only when a system of authority breaks down or a given individual loses his authority that there must be recourse to power if conformity is to be ensured.' (Peters p.p. 219-220)

Peters, in my opinion, is just right. The presence of sanctions and the authority for their use is a last resort in an attempt to maintain the respect of those in authority or, in any event, the system in which their authority is and it is right to impose such sanctions in the legitimate exercise of authority. However, their overuse or their abuse is not a sign of authority but merely the exertion of power for its own sake. One supposes that one can distinguish the legitimate use of power from an illegitimate use: a legal use of power from an illegal use. The existence of a legal system presupposes, one could say, a respect for the law. A de facto government is one which commands sufficient trustworthiness to be able to secure law and order in a situation where the issue as to who has the right to govern can be raised. It is such a body which satisfies the role of government over a domain at a particular period of time. History is full of examples of de facto governments being set up. But there are as many instances where under such regimes which have given rise to question as to whether it was the de jure government of that country. In short, where the regime has been may be questioned by those whom it governs as to whether it had right to rule because its policies and methods were considered illegitimate or unjust etc.

Therefore, contrary to Peters' conclusions it may be argued that de facto and de jure authority is not conform to simple or straightforward definitions. Frequently

those in 'authority' will be accorded that authority in line with an 'official position' and not by virtue of unmitigated respect. It is usually deference for the law which secures conformity, not any qualities of leadership its legal representatives may have. In alternative situations, however, only someone with certain skills and abilities should be put in positions of de jure authority. It would be ill-advised to select as captain of the English football team someone who commands no respect in his own person, for you need to have in that person an ability to motivate and be a role model for the players. If a captain cannot motivate and lead by example and only by sanction it is unlikely that you will have a winning team.

Obeing those whose role it is to apply, impose or administer rules is, it can be said, integral to social life, as is taking direction. There are many roles defined in our society to which de jure authority appends and to each there corresponds a certain classes of person over whom those in such roles exercise this authority. Largely the application of agreed sanctions, properly exercised against deviant behaviour attracts social approval. Interestingly, however, there are examples of both, where roles constructed and approved by government have endured dissent and widespread rejection of its authority, and where such roles been revised and eradicated. Thus, given the argument set out above it is possible to maintain that the more fundamental form of authority is de facto authority and not, as Peters seems to suggest, de jure authority. Indeed, it is difficult to imagine making sense of de jure authority existing if subjects were not willing to exercise deference to societal norms. Alternatively, could make sense of a society in which such deference existed but where no one possessed de jure authority?