

The deliberative and epistemic dimension of legitimate authoritative directives^{*}

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What reasons do legitimate authoritative directives generate in their subjects? Raz identifies two relevant reasons: (a) a first-order reason to do as directed; and (b) a second-order, exclusionary, reason not to be motivated by at least some of the first-order reasons which conflict with the corresponding legitimate directive. In this chapter, I put forward two claims. The first claim, which I develop in the first section of this chapter, introduces a revision to the Razian framework: I argue that legitimate authoritative directives also exclude a particular type of reasoning about the balance of first-order reasons which is similar to the type of reasoning involved in the reconsideration of decisions. This captures the deliberative dimension of legitimate authoritative directives. The second claim, which I develop in the second section, is that the reasoning-excluding reasons legitimate authoritative directives generate have important epistemic value. This captures their epistemic dimension.

My revisionism does not affect Raz's account of legitimate authority and more specifically his normal justification thesis. Rather I presuppose it in developing my arguments.

1. Reconsideration and reasoning-excluding reasons

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What exclusionary reasons exclude has been a matter of debate.¹ We can take them to exclude motivation by, consideration of, or reasoning about a certain range of first-order reasons.

(1) *Motivation-excluding reasons*. Raz takes exclusionary reasons to be normative reasons which favour ‘not being motivated in one’s actions by certain (valid) considerations’ and ‘exclude reasons from being one’s motivation for action’ (1999, 185). For example, Leonidas’ command to the 300 Spartans that they hold Thermopylae is a reason for the latter not to be motivated by a desire to save their lives. ‘Motivation’ is ambiguous in this context. On the one hand, we may take Leonidas’ command to put forward a rather strong demand on the souls of his soldiers: they should not even be tempted by considerations of the sweetness of life and experience a pull or an inclination towards throwing down their shields and running away. On the other hand, Leonidas’ command may be less demanding: we may understand Leonidas’ command to exclude only that considerations about survival will not be the motive which gets his soldiers to act. I have argued elsewhere that the second, less stringent reading of motivation-excluding reasons is more plausible.² Given that motivation-excluding reasons are not the focus of this chapter I will not dwell further on this distinction.

(2) *Consideration-excluding reasons*. Alternatively, we may understand exclusionary reasons to rule out that the agent consider certain reasons. Consideration of reasons may take two forms. First, it may mean entertaining certain thoughts in one’s mind or preoccupying oneself with elements of one’s mental imagery. For example, one may think of or mentally visualise a romantic dinner with one’s sweetheart. In some cases

¹ See for example, Moore 1989, 854-56, Gans 1986, 383-84, Hurd 1999, 76-80; cf. Hatzistavrou 2012.

² Hatzistavrou 2012; cf. Hatzistavrou 2006.

there may be good reasons that one does not entertain such thoughts or mental visualisations. For example, if one has decided to become a monk (and let us assume for the sake of the argument that this is a good decision) one may have good reasons not to think of romantic dinners. Similarly, if one has dedicated oneself to the pursuit of certain ends which require one's single-minded devotion (climbing Mt Everest, or trying to prove a mathematical conjecture), the achievement of these ends may be threatened by thoughts or mental representations of various forms of *joie de vie*.

Second, we may understand consideration as equivalent to taking certain factors into account when one is deliberating. In this case, consideration-excluding reasons exclude taking into account certain factors. For example, once Leonidas has issued his command to hold Thermopylae in deciding how to position themselves in the battlefield the Spartans should not take into account the possibility of leaving open a route for escape. The point is not that the thought of an escape route should not cross their mind or that they should not mentally visualise their running away from the field or mentally replicate the feeling of relief from the stress of the battle correlated with their imaginary escape. The second understanding of consideration-excluding reasons does not require guarding against thoughts that crop up in one's mind or mental *quasi*-perceptions. It only requires that these thoughts are treated as irrelevant in the context of one's deliberations.

Consideration-excluding reasons are not equivalent to motivation-excluding reasons. First, thoughts which crop up in one's mind or mental *quasi*-perceptions need not have motivational clout. The monks or the dedicated mathematicians who think of romantic dinners need not be tempted by them to change course in life (one's sweetheart may be far away, one may be too old or too shy to seriously consider amorous relationships a real option). One's thoughts or mental images may be nothing

more than a distraction from the normal activities of the life one has dedicated oneself to (fingering the prayer beads while one counts the repetitions of prayers, or going through the steps of an elusive proof).

Second, the mental action of taking something into account is conceptually distinct from the condition of being motivated by something. More importantly, factors one may register in one's deliberations may turn out to be motivationally inert. We often take into account certain factors in our deliberations while being sceptical about whether they are actually going to play a role in our decisions or even while being convinced that they will not. For example, I may initially take into account the torque power of a certain car model in the process of deciding which car to buy even though I may not have made up my mind yet about whether it is an important consideration for me (i.e. a consideration which may incline me towards buying the car) or even about whether it would be the decisive reason for selecting a car (i.e. a consideration which may get me to buy the car). Or I may take it into account even though I know it is not important for me simply because I want to have a clear picture of the engine capacities of the car. So, in one sense consideration-excluding reasons exclude more than motivation-excluding reasons: they exclude taking into account certain considerations even though the latter might turn out to lack motivational clout.

Third, in another sense motivation-excluding reasons exclude more than taking into account certain factors. Psychological elements other than factors we register in our deliberations may motivate us. For example, we may be moved by sudden urges or unreflective desires.

(3) *Reasoning-excluding reasons*. Finally, we may understand exclusionary reasons to exclude not simply taking into account certain factors while deliberating but engaging in certain types of reasoning. We may distinguish types of reasoning by reference to

their ends, that is, what they are about. For example, if I have adopted a personal rule or policy, say, to never smoke cigars I may reason about whether in certain cases I should block the application of this rule. In this case I reason about the defeasibility conditions of my rule. Or I may question whether smoking cigarillos is excluded by my rule against smoking cigars. In this case I reason about the applicability conditions of my rule. But we may also differentiate between types of reasoning by reference to what I will call their ‘modality’. The modality of the reasoning is determined by the intentions of the agent who engages in the reasoning. For example, I may go through the steps of my decision to adopt a rule of abstaining from smoking cigars as part of an idle exercise, that is, while having no intention to change my decision if I find my reasoning faulty. Alternatively, I may reconsider my decision which means, as I will explain shortly, that I am willing to change my mind if I find my original reasoning faulty. Though in both cases my reasoning is about the same thing, namely whether my original decision is valid, the modality of my reasoning differs, since my intentions with respect to the conclusion of my reasoning are different.

Some valid exclusionary reasons exclude a particular type of reasoning, namely, reasoning about a particular end and of a particular modality. This type of reasoning is paradigmatically involved in the reconsideration of decisions or personal rules. It is also similar in kind to the reasoning involved when one questions the legitimacy of authoritative directives. For convenience I will call the exclusionary reasons valid decisions and legitimate authoritative directives generate ‘reconsideration-excluding reasons’ and ‘reconsideration like reasoning-excluding reasons’ respectively.

Though Raz insists that exclusionary reasons exclude only being motivated to act by certain considerations, he provides an analysis of the exclusionary function of decisions which implies that they provide (also) reconsideration-excluding reasons. Raz claims that

‘decisions are exclusionary reasons in the sense that it is logically true that if x has decided to do A then x *believes* that his decision is a reason for him to disregard further reasons for or against doing A.’ (1999, 68; Raz’s italics)³ Disregarding further reasons for or against doing A is treated as equivalent to a refusal to ‘go on looking for more information and arguments and to decline to listen to them when they crop up in one’s mind or are suggested by other people.’ (1999, 67) Raz suggests that only decisions the agent is justified in making are valid exclusionary reasons (1999, 68). This account of the exclusionary function of decisions captures a defining feature of valid decisions. Valid decisions exclude reconsideration, i.e. they exclude deliberation about the first-order reasons which the decision is meant to reflect with a view to reassessing the decision.

This normative relation between valid decisions and non-reconsideration is explanatorily more basic than the logical relation between decision and non-reconsideration. I mean the following: it is necessary that the person who has made a decision believe (at least implicitly) that she has normative reasons not to reconsider her decision – in the absence of this belief the person cannot be considered to have made a decision.

The emphasis on the normative relation between decisions and reconsideration is probably motivated by a desire to avoid bootstrapping. My belief that I have exclusionary reasons not to reconsider a decision does not create a reason not to reconsider it. The decision must be valid.

I will distinguish three criteria of the validity of decisions.

- a) Evidential validity

³ An alternative way of explicating the logical relation between decisions and reconsideration is by relying on Broome’s concept of normative requirement (Broome 2000). According to it the agent must believe that she is normatively required not to reconsider and not that the decision is a reason for her not to reconsider. To avoid complicating the exposition of my argument in the main text I simply follow Raz’s account of the logical relation between decisions and reconsideration.

Decision, *d*, of *X* is valid if and only if the content of *d* is supported by the balance of the reasons available to *X* or the reasons *X* could have reasonably accessed at the time of deciding.

b) Validity as (action-based) practical truth tracking

Decision, *d*, of *X* is valid if and only if the content of *d* is supported by the balance of the reasons reflecting the practical value of the options available to the agent.

c) Systemic validity

Decision, *d*, of *X* is valid if and only if the content of *d* is supported by the balance of the reasons reflecting the systemic value of the options available to the agent, i.e. *d* improves the long-term ability of the agent to make decisions which are either evidentially valid or track action-based practical truths or both.⁴

The content of the decision may be a specific action (do *A* at *t*), or a conditional action (do *A* if *p* occurs) or a general policy or personal rule (do *A* whenever circumstances *C* obtain). These criteria may yield different results when applied to the same decision. Though a decision may satisfy the first criterion it may fail to satisfy the other two. For example, though it may have been rational for me to decide to buy bonds of a specific bank in August given the information I possessed and the information I could have been reasonably expected to collect at the time of making my decision, it may still both be a disastrous financial investment and fail to improve my decision-making ability. Similarly a decision may satisfy the second criterion but fail to satisfy the first. For example, if the suggestions of the university's Quality Office may turn out to have adverse effects on the educational experience of the students then it was not rational for me to decide to accept them (even though at the time of deciding I did not have any evidence that there were problems with them). Finally, a decision may satisfy the first two criteria but not the third. For example, my opposing the introduction of a certain set of academic regulations at the senate may have satisfied the first two criteria. However, I may have paid a great price for my decision. The intellectual labour I have spent in coordinating the opposition and the stress involved may have simply emotionally drained me and left me unable to face some tougher personal or

⁴ Instead of my pluralist approach to the validity of decisions one may wish to adopt a stringent view according to which a decision is valid only if it satisfies all three criteria of validity I distinguish in the main text. This stringent view does not affect my main contention that valid decisions generate reconsideration-excluding reasons. It simply stipulates a very high benchmark of rationality (indeed too high when compared to the standards we ordinarily employ in speaking about rational decisions).

academic decisions. My decision turned out to lack systemic validity.⁵ Alternatively, if I had decided to avoid opposing the academic regulations my decision would lack both evidential and practical truth-tracking validity but be systemically valid.

These criteria capture different aspects of our ordinary understanding of the validity of decisions. Sometimes we are interested in the reasoning of the agent that led to the decision and assess it from that perspective. Other times we are interested in whether the reasoning of the agent successfully captured the relevant practical reality. Finally, sometimes we are interested in the effect of a single decision on the overall decision-making capacity of the agent. On all these criteria of validity valid decisions may be considered to generate reconsideration-excluding reasons.

But first we need to understand what reconsideration involves. It involves reasoning about a specific end which is characterised by a specific modality. When the agent reconsiders her previous decision she reasons about the balance of reasons which support her decision. That is, she weights up afresh the reasons for and against her previous decision and comes up with a new judgement on the balance of reasons. This judgement may reaffirm the original decision, modify or reject it. Furthermore, when the agent reconsiders she has a particular mental attitude towards her reasoning about the balance of reasons of her previous decision: she is willing to change her mind about her decision on the basis of her new judgement on the balance of reasons and be guided by her new judgement in her deliberations.

Thus, valid reconsideration-excluding reasons exclude reasoning about the balance of reasons of one's previous decision which is accompanied by one's willingness to change

⁵ An extreme form of this predicament (that is, the predicament of making decisions which are both evidentially valid and track practical truths but lack systemic validity) is captured beautifully by Cavafy in the last lines of his poem *Che fece ...il gran rifiuto*: 'He who refuses does not repent. Asked again, / he'd still say no. Yet that no-the right no-/drags him down all his life.' (translated by Edmund Keeley and Philip Sherrard).

one's mind about that decision and be guided by her new judgement in her deliberations. But the exclusion of reconsideration cannot be absolute. Sometimes one may have reasons to reconsider one's valid decision. For example, sometimes one cannot execute or act in accordance with one's decisions because the external circumstances have changed. In these cases it is mandatory that one reconsiders. Or sometimes one may have good reasons to adopt as a general policy that one reconsiders one's decisions from time to time if only to reassure oneself of the validity of one's decisions. It seems prudent to treat valid decisions not as reasons which always exclude reconsideration but as reasons for treating non-reconsideration as the *default* position of the agent. If one has made a valid decision one has normative reasons to have as one's default position that one does not reason about the balance of reasons of one's previous decision while being willing to change one's mind about the balance of reasons and be guided by one's new judgement on the balance of reasons in one's deliberations.

I do not understand valid decisions as *prima facie* reasons for non-reconsideration. Rather I take them to be conclusive reasons for non-reconsideration being the default position of the agent. The notion of *prima facie* reason does not correctly capture the normative *cum* logical connection between valid decisions and non-reconsideration. This intrinsic connection indicates that valid decisions do not simply offer some support for non-reconsideration which may be defeated by other reasons. It is not as if when I have made a valid decision I have one reason not to reconsider which I can weigh up against others and make up my mind about how to proceed. An essential part of the function of decisions is that they guide the agent through being the starting points of relevant further deliberations. Non-reconsideration should be then considered the default option of the decision-maker: one should not reconsider unless one has significant reasons for the contrary.

The reasoning guidance that the decisions provide relates to another intrinsic feature of theirs. Decisions are not simply time and labour saving mental devices but also assurance conditions. They furnish the agent with a significant degree of epistemic assurance that she will not deviate from her plans because of a change of mind and that she will continue building on and expanding them. For it is not only external conditions or bad luck which may frustrate one's plans but also tricks one's mind plays. Doubts may lurk in one's mind and may lead to continuous retraction or hesitation. For example, it does not make sense for me to make plans about how to organize my holidays in Santorini the following summer if I believe that my decision to spend my holidays there is open to constant reconsideration. Furthermore, this epistemic assurance enables the coordination of joint plans and social interaction. For example, it does not make sense for my partner to plan to join me in Santorini if she believes that I am not committed to going there in the summer.

On each of the three criteria of validity which I distinguished earlier it is rational for the agent to treat non-reconsideration as her default position. On the criterion of evidential validity the relevant norm of rationality prescribes that the agent's default position be not to reconsider decisions reached by proper evaluation of the information which it was reasonable to expect the agent to be able to gather at the time of making her decision. On the criterion of practical truth-tracking validity the relevant norm prescribes that the agent's default position be to exclude reconsideration of decisions which correctly track practical reality. Finally, when the criterion of systemic validity is employed, it is deemed to be rational for the agent to treat as her default position abstention from reconsideration of those decisions which improve her decision-making ability.⁶

⁶ One may wish to take a stringent view according to which only if a decision is evidentially and systemically valid and also tracks practical truths is it rational for the agent to treat non-reconsideration as her default position. As I explain in note 4 this may create a high benchmark for the rationality of decisions but does not affect my main point that valid decisions generate reconsideration-excluding reasons.

When I treat my decisions as reconsideration-excluding reasons I conform *de facto* to the authority of my previous self (namely, the self who took the decision). I may or I may not remember the reasoning behind my past decision. In either case I follow the judgement of my previous self and not my current self (namely, the self who has to act on the basis of the past decision). (Even if I remember the reasoning behind my past decision, I do not proceed on the basis of my current evaluation of my past reasoning. If I do, I have reconsidered my past decision.) If my decisions are valid, then I have normative reasons to do so and my previous self has legitimate authority over my current self.

This link between non-reconsideration and acceptance of the authority of my past self provides useful insight into the nature of exclusionary reasons legitimate authoritative directives generate. I will argue that on a particular understanding of legitimate authority the latter provides normative reasons for the deferring parties not to engage in reasoning the end and modality of which are similar in kind to the end and modality of the reasoning involved in the reconsideration of decisions. The understanding of legitimate authority I have in mind is expressed by Raz's normal justification thesis. According to it, authoritative directives are legitimate with respect to a deferring party if the latter is more likely to conform to the balance of reasons which apply to her independently of the authoritative directives by following the authoritative directives rather than her own judgement about the balance of reasons.⁷

Raz does not clarify how we should understand the balance of reasons which applies to the deferring party and which the legitimate authoritative directives reflect. I suggest that we understand it on the model of the three criteria of the validity of decisions I distinguished earlier. First, it may be the balance of reasons assessed *ex ante*. In this case the point of the

⁷ Raz 1986, 53.

normal justification thesis is that the deferring party is more likely to conform to the balance of reasons which is evidentially valid by following the judgement of the ruling party rather than relying on her own collection and assessment of the relevant evidence. Alternatively the balance of reasons may be understood to be assessed by reference to whether it corresponds to the relevant practical reality. In this case the normal justification thesis claims that the deferring party has normative reasons to conform to the judgement of the ruling party which is more likely than her own judgement to possess practical truth-tracking validity. Finally, the judgement of the ruling party may be more likely to be systemically justified since it may be more likely than the judgement of the deferring party to enhance the overall decision-making ability of the latter. In this case the deferring party has normative reasons to conform to a judgement reliance on which in future deliberations is more likely to improve her overall decision-making ability than reliance on her own judgement.

Raz's account of legitimate authority captures an essential feature of authority relations. Being the deferring party in an authority relation involves following not one's own judgement but the judgement of the person or institution in authority. This is similar to the situation in which I submit to the authority of my previous self. As I have argued, I challenge the authority of my previous self not only when I am motivated by considerations which conflict with my decision but when I reconsider it, that is, when I reason about the balance of reasons of my decision while being willing to change my mind and be guided in my future deliberations by the judgement of my current self on the balance of these reasons. I suggest that in a similar manner I challenge the authority of the ruling party not only when I am motivated to act by considerations which conflict with her authoritative directive but when I reason about the balance of reasons of the authoritative directive while being willing to be guided in my deliberations by my own judgement on the balance of reasons. If the

authoritative directives are legitimate, I have reasons not to engage in this type of reasoning with respect to the authoritative directives.

There are two arguments in favour of the thesis that the deferring party has normative reasons not to engage in this type of reasoning. The first is that the link between legitimate authoritative directives and exclusion of this type of reasoning is, like the link between valid decisions and non-reconsideration, normative *cum* logical. Unless the deferring party believes (at least implicitly) that the directives of the ruling party provide her with normative reasons not to reason about the balance of reasons of the authoritative directive while being willing to be guided in her deliberations by her own judgement on the balance of reasons she has not accepted the authority of the corresponding ruling party. For example, if the 300 Spartans believed that they were free to reason about the pros and cons of Leonidas' command to hold on to Thermopylae while being willing to be guided in their deliberations about what to do by their own judgement on the balance of reasons, then they would not accept the Spartan king as their leader. In a similar manner, a judge who believes that she is free to weigh up the pros and cons of a certain statute and follow her own judgement about the relevant balance of reasons in deciding a legal case does not accept the authority of the statute. Thus, legitimate authoritative directives provide reasoning guidance similar to the one provided by one's valid decisions.

The second argument is that the deferring party is better off accepting this reasoning guidance of legitimate authoritative directives. If I am more likely to get it right about the balance of reasons by following the authoritative directive rather than my own judgement, then I better not reason about the balance of reasons while being willing to be guided in my deliberations by my judgement. I minimize the risk of getting it wrong and save time and intellectual labour. Furthermore, the reasoning guidance legitimate authoritative directives provide has significant value as an epistemic assurance device which facilitates further

planning, coordination of activities and joint action. Unless each Spartan believed that Leonidas' command constrained his own and his fellow soldiers' deliberations about the battle with the Persians, it would not make sense for him to plan to sharpen the blade of his sword or get into line formation. Similarly, if the judge does not believe that a certain statute constrains her judicial reasoning she has no reason to make plans about checking its correct formulation and the lawyers of the defendant have no reason to base their defence on the statute.

There is a complexity concerning the exclusionary function of legitimate authoritative directives which does not normally arise in the case of decisions.⁸ The deferring party may often come up with a judgement about what is the best course of action in the circumstances before receiving a command. For example, the colonel may have reasoned that the best thing for his soldiers is to retreat from the hill they occupy before he receives an order from the general to hold onto the hill. If the command is legitimate (that is, it satisfies the normal justification thesis) then the deferring party should not weigh up her original view against the command while being willing to be guided in her deliberations by her new judgement about the comparison between the command and her original view. For example, the colonel should not weigh up his judgement that his troops should retreat against the command while being willing to be guided in his deliberations by his new judgement about which of the two best reflects the balance of the relevant military reasons.

The exclusionary force of legitimate authoritative directives is not absolute. Rather it should be understood in the same manner as the exclusionary force of decisions. The

⁸ It sometimes arises though. Think for example of a case in which I form a judgement about what to do in the circumstances and then I recall a relevant earlier decision I have taken. In this case I might be at fault for having forgotten my original decision. By contrast the colonel in the example I mention in the main text is not at fault for forming a judgement about what is best for his regiment to do before he receives an order by the general. He may indeed be under a duty to form such a judgement.

deferring party should treat not reasoning about the balance of reasons against the command while being willing to be guided in her deliberations by her judgement on the balance of reasons as her default position. In some cases the deferring party may be justified in challenging the authority of legitimate directives and reason about the balance of reasons as in some cases one is justified in reconsidering one's valid decisions.

The reconsideration like reasoning-excluding reasons that legitimate authoritative directives generate are not equivalent to motivation-excluding reasons. The latter exclude only the mental condition of being motivated by certain considerations which conflict with the authoritative directives and not the mental action involved in reasoning about the balance of reasons which the authoritative directives reflect. Furthermore, as I have already mentioned, agents may be motivated to act by sudden urges or thoughts which may crop up in their mind and are not conclusions of deliberation. Even though the reasoning-excluding reasons may *a fortiori* exclude that one be motivated by one's judgement about the balance of reasons their exclusionary scope does not cover motivating factors which are not reached as a result of a process of reasoning.

Similarly, the reconsideration like reasoning-excluding reasons which legitimate authoritative directives generate are not equivalent to consideration-excluding reasons. On the one hand, like reconsideration-excluding reasons they exclude only a type of reasoning and not mental visualisations or thoughts. On the other hand, the reconsideration-like reasoning excluded by legitimate authoritative directives has a specific end, that is, it is about the balance of reasons which support the authoritative directives, and modality, that is, it is accompanied by willingness to rely on one's own judgement in one's deliberations. There are types of reasoning about legitimate authoritative directives which involve taking into account reasons that conflict with legitimate authoritative directives but are not excluded by reconsideration like reasoning-excluding reasons:

- (1) Reasoning about the defeasibility conditions of general authoritative directives.
- (2) Reasoning about the applicability conditions of general authoritative directives.
- (3) Reasoning about the execution of occasion-flexible authoritative directives.⁹
- (4) Reasoning about the relevance of conditional authoritative directives.
- (5) Reasoning as part of an idle exercise about the considerations supporting or contravening authoritative directives.

Insofar as reconsideration like reasoning-excluding reasons are concerned one is free to engage in all five types of reasoning. For example, the colonel is free to reason about whether the application of the general's command that the colonel's regiment should go for training to the nearby forest every Thursday is defeated by the consideration that a severe storm is forecasted for the following Thursday. He is also free to reason about whether the fact that the forest has been destroyed in a fire renders the rule inapplicable. Similarly if the general has issued an occasion-flexible command that the regiment should go for training to the nearby forest once a month, the colonel would be free to reason about which day of the month to send his troops for training. And the conditional command of the general that the regiment should retreat to the forest if the enemy's main offensive is on the regiment's right flank allows that the colonel may reason about whether the enemy's attacks on the regiment's right flank are a mere diversion. In none of these cases does the colonel reason about the balance of reasons of the general's command though he may take into account certain reasons which contravene the command. Finally, the colonel is permitted to reason about the balance of reasons of the general's command as an idle exercise. For in the latter case though he reasons about the balance of reasons he is not willing to be guided in his deliberations by his own judgment on the balance of reasons.

⁹ I borrow the phrase 'occasion-flexible' from Bratman 2009 (Bratman speaks of occasion-flexible intentions).

To sum up, in this section I have argued that valid decisions generate reconsideration-excluding reasons and legitimate authoritative directives (at least on a particular account of legitimate authority) generate reconsideration like reasoning-excluding reasons.¹⁰ In the next section I turn to the issue of the epistemic value of legitimate authoritative directives.

2. Legitimate authoritative directives and epistemic agency

I argued that the deferring party has conclusive reasons to treat refraining from challenging the legitimate authoritative directives as her default position in her deliberations. I explained the value of this refraining attitude by reference to the importance it has for practical agency.¹¹ The agent is better off not challenging the legitimate authoritative directives since she is more likely to act in accordance with the balance of reasons by following the authoritative directives rather by following her own reasoning and is thus more likely to promote her practical goals. The contribution of this refraining attitude to the attainment of one's practical goals is indirect. By this I mean that it has negative causal influence, that is, it contributes to the attainment of one's practical goals in the way in which the absence of an impediment may causally influence an outcome. Other things being equal, refraining from challenging a legitimate authoritative directive significantly raises the probability that the agent will act on the directive and thus attain her practical goals; while, other things being equal, challenging a legitimate authoritative directive raises the probability

¹⁰ I am a pluralist about the types of exclusionary reasons valid decisions and legitimate authoritative directives generate. That is, I accept that valid decisions and legitimate authoritative directives may normally also generate motivation-excluding and in some cases even consideration-excluding reasons.

¹¹ For an elaborate account of the value of non-reconsideration from the perspective of practical agency see Bratman 1999; cf. Bratman 2007.

that the agent may not act on the directive, since she might follow her own judgement after examining the balance of reasons, and thus fail to attain her practical goals.

This suggests that the value of reconsideration like reasoning-excluding reasons depends in an important sense on the value of motivation-excluding reasons. Refraining from challenging legitimate authoritative directives is a means to preventing acting on certain conflicting considerations. One has reason to refrain to the extent that one has reason not to be motivated to act by certain considerations. This does not entail that reconsideration like reasoning-excluding reasons are equivalent to motivation-excluding reasons for reasons I explained in the previous section. But it makes motivation-excluding reasons the primary reasons legitimate authoritative directives generate.

However, the perspective of practical agency does not fully capture the value of refraining from challenging legitimate authoritative directives. There is another perspective from which to assess its value: the perspective of epistemic agency. We have not only practical but also epistemic goals. We aim not only at fulfilling our practical plans but also at attaining knowledge or at least a comprehensive body of true beliefs. This refraining attitude contributes to the attainment of our epistemic goals. On the one hand, it has instrumental epistemic value. When one follows an authoritative directive, then, absent cases of *akrasia*, one forms a corresponding judgment about what is best for one to do. For example, the colonel who follows the general's order to capture the hill forms the belief that he should act so as to lead the regiment's attack on the hill. If the directive has legitimate authority, then one has epistemic reasons to be unwilling to challenge it. For by challenging it, one enhances the probability that one may lose an epistemically good state. If the legitimacy of the relevant authoritative directive depends on how the corresponding balance of reasons which it reflects is assessed *ex ante*, this state consists in the preservation of a belief which is justified by the available evidence at the time the directive is issued. In this case the agent has epistemic

reasons to treat the relevant justified practical belief as the default position of her deliberations. For one should give precedence to beliefs justified by the available evidence. If the legitimacy of the relevant authoritative directive depends on whether the corresponding balance of reasons which it reflects correctly represents practical reality, this state consists in a belief which tracks a practical truth. In this case again the agent has normative reasons to be unwilling to challenge the authoritative directive. For one should retain beliefs which track truths. Finally, if the authoritative directive is systemically justified then the relevant refraining attitude should remain the default position of the agent. One's decision-making capacity has clearly an epistemic dimension, since it enables one to reach practical truths in the future. So, it is rational for one to retain a relevant practical belief which corresponds to the authoritative directive and has systemic value for one's epistemic agency because it raises the probability that one will track a large number of important practical truths in the future. In all these cases refraining from challenging legitimate authoritative directives is valuable because it is an instrumental means to the preservation of a state which is epistemically good.

On the other hand, this refraining attitude has value in itself as a constituent of good epistemic agency. Unwillingness to challenge legitimate authoritative directives is constitutive of intellectual trust in others since it exhibits respect for the epistemic authority of others and in particular those who in an important sense deserve to be treated as epistemic authorities. Trusting others in general is a prerequisite of my epistemic agency and my ability to reach accurate and comprehensive beliefs. Epistemic agency is impossible without epistemic trust in my current self, my current opinions and decisions.¹² But epistemic trust in my current self is inextricably linked with intellectual trust in others. Given the social construction of our system of beliefs there is an intellectual pressure to trust the opinions and testimony of others. In order for us to be able to form our own judgements we need to rely on

¹² For the importance of self-trust see Foley 2001 and Lehrer 1997.

information provided by others which we either have no means or no time to check and assess. We have to take them on trust. More importantly we cannot plausibly trust our own reasoning capacities unless we at least implicitly have trust in the beliefs of others. Foley (2001, 102) puts this point succinctly:

‘...our most fundamental concepts and assumptions, the material out of which our opinions are built, are not self-generated but rather are passed down to us from previous generations as part of our intellectual inheritance. We are not intellectual atoms, unaffected by one another. Our views are continuously and thoroughly shaped by others. But, then, if we have intellectual trust in ourselves, we are pressured also to have *prima facie* intellectual trust in others. For, insofar as the opinions of others have shaped our opinions, we would not be reliable unless they were.’

Foley speaks of *prima facie* intellectual trust. I think that the *prima facie* jargon fails to capture correctly the intrinsic link between intellectual trust in others and intellectual self-trust. First, the link is best understood as being normative *cum* logical in a way familiar from my discussion in the previous section. That is, unless I at least implicitly believe that I have normative reasons to intellectually trust others I cannot be thought to intellectually trust myself. Intellectual self-trust involves trust in my beliefs, that is, beliefs which are born out of concepts and assumptions shaped by the beliefs of others. Talk of self-trust becomes vacuous unless the agent at least implicitly believes she has normative reasons to trust the beliefs of others who have shaped the concepts and assumptions of her own beliefs. Now, mere belief in the existence of normative reasons for trusting the beliefs of others does not entail that the relevant normative reasons exist and are binding. One has normative reasons to trust the belief of others only if their beliefs are valid. (The validity of their beliefs can be analysed along the lines of evidential, practical or theoretical truth-tracking and systemic validity I explained in the previous section.) Second, the requirement that one trusts the valid beliefs of others is not absolute. One may occasionally have reasons to examine the foundations of valid beliefs of others as one may occasionally have reasons to reconsider one’s valid

decisions. So it is best to understand that the epistemic agent has normative reasons to treat trusting the valid beliefs of others as her default epistemic position. She should question them only if she has good reasons to examine their epistemic foundations.¹³

If I have normative reasons to trust by default the valid beliefs of others, then I have a fortiori normative reasons to trust by default the judgement of those who are more likely than I am to get it right about the balance of reasons. These people may possess a higher level of intellectual expertise or competence than I do. But they need not to. Their judgement about the balance of reasons may be more trustworthy than mine because it is less likely to be blurred by contravening factors (stress, fear, emotional attachment) than my judgement even though we share the same level of intellectual expertise or competence.

The mental attitude of refraining from challenging legitimate authoritative directives (understood along the lines of the normal justification thesis) may be reasonably considered an aspect of or a way of expressing default intellectual trust in the valid beliefs of others. Furthermore, since self-trust shapes my epistemic agency and is in it itself shaped by default intellectual trust in others, default intellectual trust in the valid beliefs of others may be considered a constituent of good epistemic agency. It is thus reasonable to regard the mental attitude of refraining from challenging legitimate authoritative directives as having value as a constituent of good epistemic agency.

¹³ This view, which is in essence a modified version of Foley's modest epistemic universalism, is contrasted to what Foley labels as 'epistemic egotism' and 'epistemic egoism' (Foley 2001, 83-92). The first claims that I have no normative reasons to trust the views of others and thus my default position should be to always determine for myself the validity of their views. The second claims that I have normative reasons to trust the beliefs of others only if I believe in their reliability, that is, the fact that their views are valid is not a reason for me to trust them unless it is backed by the fact that I believe that they are reliable. I do not have the space here to argue against these two theories. I will only note that they both appear to rest on the view that only beliefs the agent has can be reasons for her to adopt the epistemic attitude of trusting the beliefs of others. By contrast I hold that only facts (like the fact that the beliefs of others are valid or that they are more likely than the agent's beliefs to be valid) are reasons for adopting the aforementioned epistemic attitude. For a defence of the view that reasons are facts and not beliefs see Gardner and Macklem 2002.

I have argued so far that this refraining mental attitude has both instrumental epistemic value and value as a constituent of good epistemic agency. I believe that these considerations provide us with adequate reason to identify default intellectual trust of legitimate authorities as an intellectual virtue. I do not mean that whenever one intellectually trusts legitimate authorities one exhibits an intellectual virtue. For one could do this unreflectively or by accident. Rather I mean that one can through habituation and training develop an ability to identify legitimate authorities (which includes an ability to identify their jurisdiction) and treat their directives as providing deliberative guidance. I will not provide a detailed account of the form and function of this intellectual virtue. I will simply offer a sketch of it which I hope will make its existence at least plausible.

A contrast between epistemic and practical agency is a good starting point. A good practical agent is not simply someone who does the right thing consistently. It is also someone who has a specific character, that is, certain mental attitudes towards her actions. For example, a courageous person is not simply someone who holds her position in the battlefield and does not run away to save his life. It is someone who performs a certain range of actions or refrains from others out of a certain motive, say, out of a desire to defend her country as opposed to a desire to accumulate wealth, or overcome a childhood trauma; who engages in certain mental actions, for example, resisting fears or the temptation of daring actions; and who appreciates certain pleasures, for example, she enjoys the confidence generated by her not succumbing to fear or the temptation of daring actions. In a similar manner, a good epistemic agent is not someone who accumulates true beliefs and acquires pieces of knowledge in a consistent manner. It is someone who has in addition the right mental attitude towards her belief-formation processes: she approaches a cognitive field out of a certain cognitive motive, for example, a desire for knowledge, engages in particular types of mental actions, such as resisting quick conclusions or the temptation of elaborating

on trivial issues and appreciates certain cognitive pleasures, like the pleasure of doubting an unclear argument and the confidence associated with a firm grasp of a truth or the development of her own cognitive abilities.

These mental attitudes may be considered intellectual virtues. And the attitude of showing default intellectual trust of legitimate authorities may be among them. By refraining from challenging legitimate authorities the agent treats her cognitive resources in a prudent manner (since she avoids engaging in unnecessary and potentially faulty reasoning), exhibits relevant epistemic humility, and cultivates an attitude of epistemic respect for the beliefs of others which is essential for the advancement of knowledge. These intellectual qualities may become after a process of habituation and training more or less stable features of her epistemic agency. The initial focus of habituation and training may be certain relevant intellectual tendencies human beings have which one may regard as intellectual proto-virtues. As one may regard certain tendencies human beings have towards their emotions, for example, the tendency to disregard fear when angry, as practical proto-virtues which can be properly calibrated, one may equally regard a tendency to rely on other people's views as a relevant intellectual proto-virtue. Once this proto-virtue is properly calibrated and related to other intellectual proto-virtues, for example, a tendency for creativity and independence of thought, it may become a proper intellectual virtue.

To sum up, in this chapter I have explored two dimensions of legitimate authoritative directives. On the one hand, legitimate authoritative directives have a deliberative dimension since they exclude a particular type of reasoning which is similar to the type of reasoning involved in the reconsideration of valid decisions. On the other hand, they have an epistemic

dimension since their relevant exclusionary function has both instrumental epistemic value and value as a constituent of epistemic agency.

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