Authority, convention and political community

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These remarks explore a few of the consequences of the conventional nature of authority relations especially with regard to the field of politics, and the field of law and justice. The argument is that although authority is conventional through and through, this fact does not necessarily have the dramatic, relativist consequences sometimes ascribed to it. More of a problem is that of finding stable and agreed rules of recognition for particular forms and formulae of authority in modern, complex political societies.

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Authority is exercised in a general way in varying departments of life in the form of claims to command obedience, legitimate or not, that are made upon us and to which we do or do not assent. Thus parents simply as parents typically make authority claims, as do doctors, psychiatrists, teachers and politicians as well as, by extension, institutions such as the law or the state. It was for a long time a central concern in political philosophy, perhaps as a means of attempting to ground political authority itself, to explore the ways in which various of these claims might be said to connect up with each other.

Blencowe (2013) provides an excellent outline of the varying ways in which politics in our own post-foundational world is not only a question of authority but is constituted by (plural) relations of authority. The authority politics link is of course, though, also an antique theme. In The Statesman (1993 ed.), Plato enquired whether the arts of political rule were akin to the arts of captaincy or the arts of the stock-farmer or whether, on the other hand, they were sui generis. Commenting on this discussion, Foucault argued that modern political reason is somewhat caught between a shepherd-flock game and a city-citizen game, which is in effect between a pastoral model of authority and a civic one (Foucault 2007, chapter 6). The connection between such models is even visible today when complaints are made about the absence of father-figures as a contributory factor in epidemics of civil disorder and when suggestions are made that the way to restore civil authority is to begin with political interventions within the family. None of this is to suggest that the study of the various continuities between the arts of authority is not, then, worthwhile, even if modern political philosophy would no doubt be correct in the assumption that it would be a mistake to think that such an exercise would be a means, as classical philosophy no doubt construed it, of finally finding an ultimate ground for the idea of authority or of providing a definitive account of its nature.

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means of reducing transaction costs when it comes to decision making. Discussion and deliberation are time-consuming activities which the exercise of authority can helpfully – or sometimes not so helpfully – undercut. The presence of an authoritative leader or commander taking decisions quickly can entail decisive advantages over more cumbersome, procedural models of decision making. Role models can help here; Dawney (2013) and Noorani (2013) for example, explore with analytical nous some of the ways in which ‘experiential authority’ is constituted in different departments of life, political and non-political.

Second, and in ways which certainly often overlap with the first function, there is the question of co-ordination. The exercise of authority can be a useful means of ascribing norms of co-ordination in cases where something arbitral is usual difficult to determine. Driving on the left or the right side of the road is a stock example; it can be determined by the authority of law, but there is no particular reason for either choice as against the other, left or right, so long as everyone driving within a particular territory adheres only to one option. In the case of such choices over coordination, the excessive use of decisional reasoning is unnecessary; it is merely that a choice of some sort has to be made and then adhered to.

Then, third, and again no doubt often overlapping with the others, there are the kinds of authority that are connected to trust and tutelage; that is, to the exercise of power, counsel and influence in an on-going way over others. Political authority over a party or more generally within a state is an example of this, but it is not the only example. Teachers, doctors and parents exercise tutelary forms of authority that require norms of trust and which are exercised in ways that will have varying relations with the exercise of political authority. But all such kinds of authority appear to relate, as Anscombe notes, to the need for protection within the context of a particular task (Anscombe 1981). The authority of parents exists to tackle the need to protect children during the task of their upbringing to maturity. The authority of the state is integrally related to using the threat and ultimately the exercise of violence in the task of maintaining the on-going pacification of society. It is typically to do with protecting citizens from each other; as Williams says, all politics ultimately begins with this Hobbesian problem (Williams 2006).

What, then, distinguishes the state from a system of banditry, for instance from mafia systems (see e.g. Gambetta 1993) that offer apparently similar kinds of protection? The answer must lie with the non-arbitrariness of the protection given. As opposed to a system of banditry, arbitrary and, so to speak, asymmetrical, control by bands, the authority of government in the modern state lies in its association with a system of administration of justice (Anscombe 1981, p. 154). There is something of a paradox or at least a tension here in that the administration of justice requires the political authority of the state precisely to guarantee its independence and neutrality. That there should be freedom from the fear of arbitrary violence is essentially a political demand; but the freedom from such fear, in the form for instance of the exercise of the ‘rule of law’, entails a delimitation of the political sphere but one which is itself a political delimitation. That at least was the modern conception of the rule of law, as outlined by Montesquieu in the paradigmatic modern statement of the issue in The Spirit of the Laws; that is, as a political conception designed to set limits to arbitrary power (Shklar 1998, p. 36). As Shklar noted, this sense of the term has been somewhat marginalised today. For instance, in the neoliberal conception of the term outlined by Hayek, the rule of law effectively came to mean a space of negative freedom designed to sustain a market economy (ibid., p. 27).
mean by political community. There is plenty of talk of communities as something either desirable or, more rarely, as inherently a problem, but do any of us actually know what a specifically political community is? Certainly the idea of political community needs to be wrested from communitarianism as such. In fact, communitarianism in general (including offshoots such as multiculturalism) has been something of an obstacle to the rethinking of the idea of politically community in a state. Perhaps there is a fear that this is inherently a conservative or even a reactionary form of reflection – taking us back, say, to Edmund Burke’s invocation of a community of generations that are dead, living and yet to be born (not, incidentally, that such an notion was necessarily reactionary) – and yet some deliberation on this is necessary if the very idea of political authority in a state is to make sense at all, that is, in a way that is separable from the undeniably reactionary and repetitive invocation of the brute idea of ‘law and order’. In the name of what ideals of political community are we governed? This is a question that has lost none of its pertinence in today’s globalised environment of nation-states in which, in Anscombe’s succinct terms (1981, p. 130), ‘... one can’t very well resign from being governed’.

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References

As such political authority within a state can be said to rely, generally speaking, upon the existence of a ‘governing convention’ in Hampton’s term, if only in the sense that there needs to be a general acceptance that political authority is in principle recognisable.

So, the conventional character of authority in a state does not make that authority necessarily arbitrary. Far from it. But it does mean that authority will be more or less meaningless unless it is capable of recognition from some determinate and inclusive civic and ultimately political community. How ‘thick’ do the rules of recognition have to be? In a liberal state, these might presumably be minimal but nevertheless even here there has to be some general sense of a political community for whom the rules of recognition are relevant and indeed to whom they are addressed.

That is why the terms authority and community so often go together in political theory. And yet, it seems, there is little reflection in public life as to what we might