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## **II. Legitimate Political Authority and Expertise**

**Fabienne Peter**

Forthcoming in Wojciech Sadurski, Michael Sevel, and Kevin Walton (eds.) *Legitimacy: The State and Beyond*. Oxford: Oxford University Press.

Penultimate draft.

### **Abstract**

Can legitimate political authority be based on expertise? Stephen Darwall has argued that it cannot. According to Darwall, legitimate political authority requires a mode of justification involving mutual accountability, which is exemplified by public reason. Darwall has objected to the influential Razian account of legitimate political authority that it conflates expertise and legitimate political authority. In a first move, this chapter defends Raz' account against Darwall's objection and argues that expertise can be a ground of legitimate political authority. It also argues that mutual accountability remains important for political legitimacy, however. That is because political decisions often concern complex issues on which sufficiently robust expertise is not available.

### **A. Introduction**

Can legitimate political authority be based on expertise? Or should the justification of political authority be based on other considerations? David Estlund, for one, warns of the 'expert-boss fallacy': '[political] authority does not simply follow from expertise. ... You may be correct, but what makes you boss?'<sup>1</sup> Relatedly, Stephen Darwall has objected to the influential Razian account of legitimate political authority that it fails to draw a sufficiently clear distinction between expertise and legitimate political authority. Darwall claims that while the validity of

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<sup>1</sup> David Estlund, *Democratic Authority* (Princeton University Press 2008) 3.

an expert's claims is based on third-personal reasons, the justification of political authority requires its own mode of justification based on second-personal reasons. The latter is exemplified by public reason approaches, for example, according to which a political authority's decisions or directives are justified on the basis of reasons that are, at least in principle, acceptable to all.

My aim in this chapter is to shed light on the relationship between expertise and legitimate political authority. I will start with a brief overview of the important recent debate between Darwall and Joseph Raz on this issue (section B). This debate provides a good backdrop for distinguishing between different versions of the alleged expert-boss fallacy (section C). On the basis of this clarification of what is at stake, I will then, in section D, defend the possibility of grounding legitimate political authority in expertise – against Darwall's claims. But I will also argue that Darwall is right to draw our attention to the importance of mutual accountability as a ground for the justification of political authority. In the final section, I will offer a contingent argument for mutual accountability as a ground for the justification of political authority. I will argue that the second-personal mode of justification is important in the typical epistemic circumstances of politics, where the complexity of the decisions to be made is such that claims to expertise are often validly contested.

## **B. The Debate between Darwall and Raz on Legitimate Political Authority**

In recent political philosophy it has become standard, following Raz,<sup>2</sup> to define legitimate political authority as the capacity to make claims that give others pre-emptive reasons for action. A pre-emptive reason for action is a second-order normative reason for action that

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<sup>2</sup> See Joseph Raz, *The Morality of Freedom* (Oxford University Press 1986).

replaces the first-order reasons for action that addressees may have.<sup>3</sup> While the claims (or directives, as Raz calls them) of a legitimate political authority are justified, a merely *de facto* authority purports to make justified claims even though they are not. But it does so successfully, such that the addressees take those claims to be giving them pre-emptive reasons for actions.

The question whether this characterization of political authority is adequate, especially when it comes to the characterization of democratic authority, is important and has received a lot of attention.<sup>4</sup> In addition, there is the distinct question of how political authority is justified. What grounds the capacity of a legitimate authority to issue pre-emptive reasons for action? The debate between Raz and Darwall has focused on this second question. Darwall accepts the characterization of legitimate political authority as the capacity to issue pre-emptive reasons for action.<sup>5</sup> But he rejects Raz's account of how this capacity is justified. The following quote gives support to this way of interpreting the controversy:

Although I agree with Raz that the capacity to create preemptive reasons ... is a mark of practical authority, I believe that this capacity itself requires the second-personal relation of accountability. In a slogan: No preemptive reasons without the standing to hold accountable.<sup>6</sup>

Using this interpretation of the controversy as my starting-point, I shall bracket the question of how practical authority is best conceptualized and focus exclusively on the question of what grounds the capacity of a political body – a representative of government, a political agency, or even the democratic collective – to issue pre-emptive reasons for action.<sup>7</sup>

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<sup>3</sup> Ibid, 42.

<sup>4</sup> See, for example, Scott Hershovitz, 'Legitimacy, Democracy, and Razian Authority' (2003) 9 Legal Theory 201; Scott Hershovitz, 'The Role of Authority' (2011) 11 *Philosopher's Imprint* 1.

<sup>5</sup> See Stephen Darwall, 'Authority and Reasons: Exclusionary and Second-Personal' (2010) 120 *Ethics* 257.

<sup>6</sup> Ibid, 261.

<sup>7</sup> By focusing directly on the question of what justifies the capacity to issue pre-emptive reasons, I shall also bracket the question of the relationship between the concept of authority and obligation that is the focus of Hershovitz, 'The Role of Authority' (n 4).

The influential Razian conception of legitimate political authority, developed in Raz (1988; 2005), is a ‘service conception’ – a legitimate political authority necessarily serves those subject to it, not its own purposes.<sup>8</sup> It performs this service if it enables the addressees to better comply with the reasons that apply to them anyway, independently of the directives of the authority. This is the famous Normal Justification Thesis.<sup>9</sup> It is based on the so-called Dependence Thesis, which states that the justification of political authority depends on reasons that obtain independently of the authority relation.<sup>10</sup>

The service conception takes the legitimacy of a political authority’s directives to depend on whether it can correctly pick out reasons for action that apply to those under its rule. On my interpretation, shared also by Darwall, this implies that a legitimate political authority must have, or be prepared to defer to, expertise about what those reasons are. Because it might be objected that this is a misinterpretation, let me dwell on this issue a bit.<sup>11</sup> It might be argued that holding or being prepared to defer to expertise is not necessary on the service conception. It is sufficient for legitimacy that the authority succeeds in getting the addressees to comply with the reasons that apply to them, it does not matter how the authority does that. This objection cannot be upheld, however. To see what is at stake, consider the following example.<sup>12</sup> Suppose there is an emergency on a plane. A flight attendant issues directives that instruct the passengers how to efficiently evacuate the aircraft. Is it sufficient for the legitimacy of the flight attendant’s authority that the directives are such that, if followed, they enable the efficient evacuation of the aircraft? Or is it necessary that the flight attendant knows what he is doing? I do not think that merely chancing upon the right set of directives is sufficient for legitimate practical authority. If the flight attendant, in panic, yells a random set of instructions that

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<sup>8</sup> See Raz, *The Morality of Freedom* (n 2) 56.

<sup>9</sup> See *ibid.*, 53.

<sup>10</sup> See *ibid.*, 47.

<sup>11</sup> I am very grateful to David Enoch for pressing me on this point.

<sup>12</sup> Adapted from Estlund, *Democratic Authority* (n 1) 124-25.

happen to achieve the right thing, what we get is merely a case of *de facto* practical authority that happens to work well. Legitimate practical authority is more demanding. A legitimate authority does not merely purport to issue pre-emptive reasons for action – successfully or not – it makes claims that do issue such reasons. This requires an ability to correctly identify the reasons that apply to the addressees of the directives and to issue directives accordingly; in other words, it presupposes expertise or at least a readiness to defer to expertise on this matter.

While the service conception thus grounds legitimate political authority on expertise, Darwall argues that expertise is the wrong starting-point for legitimate practical authority, in general, and for political authority, in particular. The key feature of legitimate political authority, Darwall argues, is the capacity to make valid claims on the conduct of others, claims to which they are accountable. This is what the pre-emptiveness thesis captures and this feature requires an account of what grounds one's standing to make claims on others. According to Darwall, the justification of political authority originates from within a relationship of mutual accountability. The claims (or directives) of a political authority are justified as long as the authority has the standing to make such claims (or directives) and the addressees are accountable to the authority in this regard. Only then do these claims give the addressee a normative reason to act accordingly. In short, the accountability conception entails that a claim that a purported political authority makes towards someone is legitimate if the addressee is accountable to the authority for claims of this sort, as justified from within a second-personal standpoint of mutual accountability. If the authority does not have the standing to make a claim of this sort, the claim is not legitimate. This explains the 'slogan' I have quoted above: 'No preemptive reasons without the standing to hold accountable'.<sup>13</sup> It thus seems fitting to call his conception of legitimate practical authority an *accountability conception*.

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<sup>13</sup> Darwall, 'Authority and Reasons' (n 5) 261.

Because it emphasises the kind of claims that authority and addressee can mutually hold themselves accountable to, the accountability conception embodies some egalitarian commitments. But it would be wrong to think that this conception is incapable of supporting the justification of hierarchical authority relationships, such as the ones we find in the political or legal sphere. Darwall originally developed the accountability conception in *The Second-Personal Standpoint*, focusing on the moral case. In subsequent writings, he has broadened the account to cover not just moral authority but other cases of practical authority as well, including political authority. Mutual accountability, according to Darwall, is the foundation for a justificatory process that may generate reasons to support hierarchical authority relationships. On his view, the claims of a political authority are legitimate if they are either directly supported by relationships of mutual accountability or if the hierarchical structure in which they are embedded is thus supported. For example, the accountability conception is compatible with a government having the capacity to issue pre-emptive reasons for actions to its citizens as long as that government is democratically elected. The thought here is that the democratic process institutionalises a form of mutual accountability between citizens that can justify a hierarchical form of government.<sup>14</sup>

To further clarify the accountability conception of legitimate political authority, let me note that the accountability conception underpins the well-known public reason conceptions of political legitimacy.<sup>15</sup> Public reason conceptions take the justification of political authority to depend on the reasons that are shared or that no reasonable person can reject. The accountability

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<sup>14</sup> As Darwall puts it (ibid, 277-8): '[W]hat then can justify differential authority relations, as in legal and political authority? The lesson to draw from the failure of the [normal justification thesis], I believe, is that the only justification that can succeed is one that proceeds from within the second-person standpoint, beginning with the assumption that we all share a common basic authority to make claims and demands of one another at all, and proceeding from there to consider what differential claims to authority anyone could sensibly accept or no one could reasonably reject on that basis. The basic premise underlying any successful justification of differential authority, in other words, is that we share a common basic authority to make claims of each other just by virtue of being persons. Or, as Rawls put the point, to be a person is to be a "self-originating source of valid claims."'

<sup>15</sup> See John Rawls, *Political Liberalism* (Columbia University Press 1993); for an explication of Rawls's view, see Fabienne Peter, *Democratic Legitimacy* (Routledge 2009).

conception sheds light on the origin of those reasons. What determines the legitimacy of an authority's claim or directive is not that it tracks the normative reasons that apply to the addressees anyway, independently of anyone's judgment, contrary to what the service conception claims. Instead, the accountability conception maintains that political legitimacy depends on whether the addressees can accept the authority's claim as the sort of claim the authority can validly make on them.

### **C. Interpreting the Expert-Boss Fallacy**

This brief summary of the debate between Raz and Darwall reveals that the key point of contention is the role of expertise in a conception of legitimate political authority. Can legitimate political authority be grounded in expertise? This is the question I will seek to answer in the rest of this chapter. In order to make progress in answering this question it will help to get clearer on what Estlund has called the expert-boss fallacy first. In this section, I will distinguish between different versions of the expert-boss fallacy and then use this distinction to clarify the positions that Darwall and Raz take on this issue.

A good way of approaching the expert-boss fallacy is via the claim that it denies. The expert-boss fallacy draws our attention to the fact that expertise is not sufficient for legitimate political authority. So the key claim under consideration is this:

- (i) Expertise is sufficient for legitimate political authority.

But to deny (i) – that expertise is sufficient for legitimate political authority – is compatible with the following two views of the relationship between expertise and political legitimacy.

- (ii) Expertise is necessary but not sufficient for legitimate political authority.
- (iii) Expertise is neither necessary nor sufficient for legitimate political authority.



According to the first view (ii), the expert-boss fallacy warns of a failure to recognize that, although expertise is a ground for legitimate political authority, it is not, by itself, sufficient. Additional conditions must be met for legitimate practical authority. According to the second view (iii), it warns of a failure to recognize that political authority is justified on grounds other than expertise.

With this distinction in mind, let us now consider Darwall's objection to the service conception. Darwall gives the following example to illustrate where the service conception goes wrong. Suppose you have prudential reasons to provide for your retirement and a financial expert tells you how best to do so. Darwall argues that it does not follow from the fact that you would best comply with those reasons if you were to follow her directives that she actually holds legitimate practical authority over you. Moreover, the expert does not have legitimate practical authority even if you would best comply with those reasons if you treated her as somebody with practical authority over you, not just as somebody who is in a position to give advice. Darwall uses this example to argue that legitimate practical authority presupposes the standing to hold accountable. Because the say-so of an expert does not entail the standing to hold accountable, there is a difference between expertise and legitimate practical authority that hinges on accountability. While the example is not specifically about political authority, the same point can be made in this context. Someone with expertise on a certain policy matter will not, on this basis, have legitimate political authority to issue a directive.

Surely, Darwall is right about this. Advice is different from legitimate political authority. Having expertise on what the reasons for action are that apply to an addressee and making a claim that would allow an addressee to comply with those reasons is not sufficient to generate a pre-emptive reason for action for the addressee. Raz, in his reply to Darwall, acknowledges the point and grants that expertise is not sufficient for legitimate practical authority. Raz writes:

This leads me to think that the explanation of Darwall's example is that the [Normal Justification Thesis] is not met when the only reason to think that an authoritative instruction is correct is that it represents an expert view about what is good to do, a view which is not based on the fact that the expert will so instruct, or has so instructed.<sup>16</sup>

But Raz also emphasizes that Darwall's objection does not show that expertise is not necessary.

As Raz puts it:

It does not follow that expertise is not relevant to practical authorities. It is, but only when it is mixed with other considerations, such as need for co-ordination, for concretising indeterminate boundaries, and the like.<sup>17</sup>

Raz thus accepts that expertise is not sufficient for legitimate political authority. Like Darwall, he also rejects (i). But Raz does not conclude from the falsity of (i) that expertise is the wrong ground for legitimate political authority. His claim is, instead, that expertise needs to be supplemented with additional conditions and this explains the difference between advice and legitimate practical authority. The main issue in the debate between Darwall and Raz is, therefore, not whether expertise is sufficient but whether expertise is necessary for legitimate political authority. Darwall disputes this. His accountability conception is committed to (iii), the claim that expertise is the wrong ground for legitimate political authority altogether and should thus be seen as neither necessary nor sufficient for legitimate political authority.

#### **D. The Role of Expertise**

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<sup>16</sup> Joseph Raz, 'On Respect, Authority, and Neutrality: A Response' (2010) 120 *Ethics* 279, 301.

<sup>17</sup> *Ibid.*

Having clarified the different positions in the debate, my aim in this section is to argue, against Darwall, that expertise can be a ground of legitimate political authority. Note that this is a weaker claim than the claim that expertise is necessary for political legitimacy. My aim in this section is not to defend the claim that expertise is necessary for legitimate political authority. As I will explain in the final section, while my reason for resisting the claim that expertise is necessary for legitimate political authority is different from Darwall's, I agree with Darwall that expertise is not necessary for legitimate political authority. In addition, note that my aim in this section is not to defend Raz's service conception. I will only defend the narrower claim that expertise can be a ground of legitimate political authority. To emphasise this difference, I will, from now on, call the alternative to the accountability conception an expertise-based conception.

As we saw, Darwall claims that expertise is the wrong ground for legitimate political authority because we are not accountable to experts. It might be rational for us to take on board the advice of experts, but no more. We are, however, accountable to the claims of a legitimate political authority. For Darwall, this distinction plays a central role in his argument that expertise is the wrong ground for legitimate political authority. The key claim in Darwall's argument is that legitimate authority is only possible with regard to claims we can hold ourselves accountable to. Darwall calls this Pufendorf's point,<sup>18</sup> drawing on Pufendorf's argument that God's commands can only exercise authority over us if we can hold ourselves rationally accountable to his commands. If we cannot hold ourselves accountable, then fear of God may lead us to comply with his commands, but acting from fear is not the same thing as acting in response to an authoritative command. I have argued elsewhere that this point, even if it is granted, does not support the accountability conception.<sup>19</sup> The problem has its origin in

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<sup>18</sup> See Stephen Darwall, *The Second-Person Standpoint* (Harvard University Press 2006) 23.

<sup>19</sup> See Fabienne Peter, 'The Grounds of Political Legitimacy' (manuscript).

the overly sharp distinction that Darwall draws between epistemic justification and practical justification, specifically with regard to accountability. Darwall seems to think that we can only hold ourselves accountable for our actions, not for our beliefs, but that is not obvious. To hold myself accountable for my actions means that I can distinguish between actions I should do and actions that I should not do and to see myself as an appropriate target of blame if I do something I should not do. It seems to me that I can hold myself accountable for my beliefs in the same way. To hold myself accountable for my beliefs means that I can distinguish between beliefs I should hold and beliefs I should not hold and to see myself as an appropriate target of blame if I believe something I should not believe. If I believe something I should not believe given the evidence that is at my fingertips, for example, I can accept that I am an appropriate target of blame. And it is because I hold myself accountable to truth that I hold myself accountable for many of my beliefs.<sup>20</sup>

In light of this parallel between accountability in the practical realm and accountability in the epistemic realm, we can show how accountability to truth might be a ground for holding ourselves accountable for our actions. To see this fully, we must recognise that the truths we might hold ourselves accountable to may not just be theoretical truths, they may be practical truths – truths about what we have reason to do. If we can hold ourselves accountable to such practical truths, then there can be epistemic grounds for holding myself accountable for my actions: it is possible that the distinction between what I should do and what I should not do derives from what I should believe about what I should do and if I am an appropriate target of blame if I do something I should not do in light of what I should believe about what I should do. If we can hold ourselves accountable for actions on epistemic grounds in this way, however, then Darwall's objection that expertise cannot be a ground of legitimate practical authority

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<sup>20</sup> For the notion of accountability to truth, see Peter Railton, *Facts, Values, and Norms: Essays Toward a Morality of Consequence* (Cambridge University Press 2003) 298f.

fails. It is at least conceivable that I am accountable to true claims about what I have reason to do. And this argument shows that it is at least possible that expertise can be a ground for legitimate political authority.

The argument for the claim that expertise can be a ground of legitimate political authority is not yet complete, however. Darwall rightly highlights that there is a distinction between advice and legitimate authority. While it might be foolish of me to disregard the advice of an expert, in disregarding the claim of a legitimate political authority I do more than violate a standard of theoretical rationality. I act against what I have normative reason to do. A defence of the claim that expertise can be a ground legitimate political authority must thus be able to accommodate the difference between advice and authority.

What I take from Darwall's point, as explained in the previous section, is that it is not sufficient for legitimate political authority that the authority holds or defers to expertise about the reasons that apply and issues a directive that allows the addressees to better comply with these reasons than if they acted on their own judgment. At least one additional condition must be met in order that the directive or claim is indeed authoritative and not just a bit of advice. I think we can explain this additional condition by borrowing from David Enoch's work on triggering reason-giving.<sup>21</sup> Triggering reason-giving is distinguished from epistemic reason-giving. Epistemic reason-giving merely highlights what you had reason to do all along, independently of the interaction. For example, if you point out to me that it is my grandmother's birthday today, this gives me a reason to call her. Advice is an important form of epistemic reason-giving. Triggering reason-giving occurs if the interaction with others manipulates the non-normative circumstances such that a previously latent reason becomes active. Enoch gives the example of someone setting a foot on the road, thus activating the reason for drivers 'to-

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<sup>21</sup> See David Enoch, 'Giving Practical Reasons' (2011) 11 *Philosopher's Imprint* 1; David Enoch, 'Authority and Reason-Giving' (2014) 89 *Philosophy and Phenomenological Research* 296.

stop-should-a-pedestrian-start-crossing'.<sup>22</sup> Again, the reason is there all along; it is not created by the interaction. But in triggering-reason giving, the interaction makes a difference. In Enoch's example, the driver does not have a reason to stop at the crossing unless a pedestrian signals that she wants to cross.

The notion of triggering reason-giving can help us see how a directive, if issued under the right conditions, triggers a reason for action for the addressees and this is how it can generate a pre-emptive reason for action. In the retirement case, no such reason is triggered. The case is based on the assumption that you have prudential reason to follow the advice of the expert. But this does not entail that the advice triggers a reason for action for you: you do not have a generic reason to follow the advice of experts, which is triggered whenever you get expert advice. In the retirement case, the advice from the expert is thus not a pre-emptive reason of the kind that a legitimate practical authority would issue. It is a case of epistemic reason-giving. You should, of course, take the advice into account in your deliberation. But beyond that, nothing of normative interest happens. This does not change if the expert acts like a practical authority in the sense that she casts her advice explicitly as a directive. She can at best achieve the status of a *de facto* practical authority. Her claim will not give you a pre-emptive reason for action, so she cannot gain legitimacy in this way.

Things are different in the following scenario. Suppose there is a coordination problem, say relating to road use. If drivers can choose whether they drive on the right or on the left, driving will be very dangerous. The drivers thus have an independent reason to coordinate – either by both driving on their right or by both driving on their left – but they may fail to do so if they independently try to decide which side of the road they should use. A *de facto* authority, issuing claims about which side of the road they should drive on, can solve this coordination problem for them. The directive of the political authority, in this case, triggers an independent

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<sup>22</sup> See Enoch, 'Giving Practical Reasons' (n 21) 4.

practical reason to coordinate as instructed and it is legitimate because of that independently existing reason. The addressees are now accountable to obey the directives of the authority. But they are so, not because of the say-so of the authority as such. What makes the political authority's directive legitimate is the independent reason to coordinate that the directives trigger. To capture the idea in a slogan: no expertise-based legitimate authority without triggering of (independent) practical reasons. This shows that expertise can be a ground for legitimate political authority in conditions where an expert's claim triggers a pre-emptive reason to comply.

### **E. Legitimate Authority between Expertise and Accountability**

I have just argued that we can save the claim that expertise can be a ground of legitimate political authority from Darwall's objection if we a) understand that we can hold ourselves accountable to true claims about what we should do and b) if we add a reason-triggering condition to distinguish between cases of mere advice and cases of legitimate political authority. If there is genuine expertise, and if the claims of a purported political authority that either has the relevant expertise or is prepared to defer to it trigger corresponding reasons for action, then this is sufficient for legitimate political authority. But that is only part of the story. The main problem with the attempt to ground legitimate political authority in expertise is that expertise tends to run out rather quickly in many political contexts. My main aim in this section is to argue that expertise is not necessary for legitimate political authority and that there is another possible ground for legitimate political authority – accountability.

Political decisions are complex and wide-ranging. Policy issues such as abortion, climate change, or social services all involve hard to track empirical and normative facts. We should thus expect both significant uncertainty about what we have reason to do and how best

to comply with them. As a result, expertise on what directives an authority should issue is often not available and there is potential for reasonable disagreement on what the right directive is. If the experts' claims are validly contested, then the expertise-based route to establishing legitimate practical authority is blocked.

Moreover, it is clear that this happens not just in marginal cases in politics. The epistemic circumstances of politics are such that relying on expertise will often be blocked. What should we say about cases in which expertise is unavailable as a basis for legitimate political authority? If we were to insist that expertise was a necessary condition for legitimate political authority, this would imply that whenever expertise has run out, any directives of a political authority would be illegitimate. But that cannot be right. It must be possible to distinguish between legitimate and illegitimate directives even in circumstances where expertise has run out. Expertise can thus not be necessary for legitimate political authority. And indeed, this is not how many political institutions operate. A variety of political institutions, and democratic institutions, in particular, can be seen as being responses to the problems of uncertainty and disagreement about what the right directives are.<sup>23</sup> Their aim is to ensure the possibility of legitimate political authority even in the absence of reliable expertise on what the right directive is.

What we thus need to account for is the possibility of legitimate decisions or directives even when the conditions for expertise-based legitimate political authority are not met. A plausible theory of legitimate political authority cannot neglect the cases in which expertise is unavailable. Such a theory must appeal to an alternative source of political legitimacy, one that can establish legitimate practical authority on grounds other than expertise about the reasons that apply and how addresses can best comply with them.

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<sup>23</sup> See Jeremy Waldron, *Law and Disagreement* (Oxford University Press 1999); Fabienne Peter, 'The Epistemic Circumstances of Democracy' in Miranda Fricker and Michael Brady (eds), *The Epistemic Life of Groups* (Oxford University Press 2016).



When expertise is unavailable, the accountability conception of legitimate political authority can fill the gap. In the previous section, I argued that Darwall's argument against an expertise-based conception fails because we can hold ourselves accountable to true claims about what should be done. But this is not to say that we can only hold ourselves accountable to true claims about what should be done. Consider this example. In a conflict with another person and without knowing who, if either, is right in this matter, we can still agree on a particular solution and hold ourselves accountable to this solution without believing that the solution picks out who is right. The solution in question may either be a compromise or be a procedural solution, as when we appoint an arbitrator. This argument shows that mutual accountability can make demands on us even in the absence of true claims about what we should do. While Darwall makes a stronger claim, I follow him up to this point.

In the political context, the possibility of holding ourselves mutually accountable to a set of decisions or institutionalised decision-making procedures is key for the possibility of legitimate political authority when the available expertise is not sufficient to identify the right course of action. In the epistemic circumstances of politics, mutual accountability will often be the only ground we have for distinguishing between unjustified attempts to exercise power over others and justified exercises of political authority. This is not, of course, an argument for democracy or for any particular set of political institutions. But it highlights the importance of agreeing on some set of political institutions that can generate legitimate directives in the absence of expertise-based guidance.

In sum, I have argued that if expertise is accessible and a purported authority either has or is prepared to defer to legitimate epistemic authority with respect to what the addressees ought to do and if its directives trigger a reason for action for them, then it is legitimate. Vice versa, a purported authority that consistently fails to issue the right directives in such circumstances will not be legitimate. When the conditions are met, expertise is a ground for

legitimate practical authority and disregarding available expertise will be a source of illegitimacy.

When the conditions for expertise-based legitimate political authority are not met, however, there is still scope for legitimate political authority. There is a second potential source of legitimacy – accountability to others – and claims that pass the mutual accountability test can take the place of the claims made by experts. When, for example, there is no expert we can turn to for directives about how to correctly solve a particular coordination or cooperation problem, we can still agree to follow the directives of an authority we together appoint. In this example, the reason we have to follow the directive of the authority is no longer grounded in the reasons that apply to us independently of the authority relationship and in the authority's expertise with respect to those reasons. Instead, that reason stems from our relationship of mutual accountability. If the authority is justified, it is not because the directive triggers an independent reason that applies to us, but because of our acceptance of our mutual accountability to that authority.

Which combination of accountability to expertise and accountability to others prevails in the justification of political authority depends on the epistemic circumstances that obtain, and a lot could and needs to be said about the scope for expertise-based and accountability-based political legitimacy. This issue is important because directives invalidly based on expertise will be illegitimate just as attempts to justify authority on the basis of accountability will when they ignore or undermine available expertise. What we need is a hybrid theory of political justification that can explain the appropriate scope for both expertise and mutual accountability as grounds for political legitimacy, but that will have to be done elsewhere.

