Laden, Anthony Simon. "The Authority of Civic Citizens." *On Global Citizenship: James Tully in Dialogue*. By James Tully. London: Bloomsbury Academic, 2014. 103–130. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781472544827.ch-002>>.

Downloaded from Bloomsbury Collections, www.bloomsburycollections.com, 26 April 2023, 11:38 UTC.

Copyright © James Tully 2014. Released under a CC BY-NC-ND licence (<https://creativecommons.org/licenses/by-nc-nd/3.0/>). You may share this work for non-commercial purposes only, provided you give attribution to the copyright holder and the publisher, and provide a link to the Creative Commons licence.

The Authority of Civic Citizens*

Anthony Simon Laden

In the course of his survey of the field of citizenship and globalization, James Tully brings two forms of citizenship into view: ‘modern’ or ‘civil’ citizenship and ‘diverse’ or ‘civic’ citizenship:

Whereas modern citizenship focuses on citizenship as a universalizable legal status underpinned by institutions and processes of rationalization that enable and circumscribe the possibility of civil activity (an institutional/universal orientation), diverse citizenship focuses on the singular civic activities and improvisations of the governed in any practice of government and the diverse ways these are more or less institutionalized or blocked in different contexts (a civic activity/contextual orientation). Citizenship is not a status given by the institutions of the modern constitutional state and international law, but negotiated practices in which one becomes a citizen through participation. (p. 9)¹

In this chapter, I offer a survey of a field that intertwines with those of citizenship and globalization: the field of ‘authority’. This survey adds a further dimension to the contrast between the activities of civic and civil citizens, one that I hope not only enriches our understanding of civic citizenship but helps to see both why it is a distinctive form of *citizenship*, and why those thinking about citizenship have so often failed to see it as a possibility. At the same time thinking about the varieties of

* This essay is based heavily on chapter 2 of A. S. Laden, *Reasoning: A Social Picture*, Oxford: Oxford University Press, 2012.

¹ Unless otherwise noted, all parenthetical page references in the text are to Tully’s chapter in this volume.

authority in the context of Tully's distinction helps to bring into relief a form of authority that is often overlooked by political philosophers. The crux of my claim will be that whereas civil citizens invoke what I call the authority of command, civic citizens invoke and construct what I call the authority of connection. Since the authority of connection has not been properly recognized as a form of authority at all, it has been hard to understand the activities that Tully describes as central to civic citizenship as really deserving the name of political and thus of citizenship at all.² Once we grasp the possibility of the authority of connection, it may be easier for some who are not convinced by Tully's survey to see why civic citizenship is really a distinctive and attractive form of civic action.

I begin with a familiar enough contrast: between dictatorial and democratic authority (Subsection 1). Though familiar, it occludes the distinction I will go on to draw between democratic and civic authority (Subsection 3). Since civic authority turns out to have a number of features that seem to contradict what are often thought to be essential features of any form of authority, drawing that distinction will require some preparatory work in broadening our understanding of the nature of authority (Subsection 2). Before drawing distinctions, I make some prefatory remarks about authority more generally.

Authority, unlike power or force, involves normative rather than casual relationships. Even in the most unambiguous and unilateral authority relationships, what is done in virtue of having authority is not causal. The commander issues a command. The command does not actually cause the commanded person to act a certain way. Nor do laws actually make people behave in accord with them. In each case, what the command or law does is change what might be called the normative environment by altering the significance of certain actions. If you command me to stop and I nevertheless keep going, then this

² The closest major discussion of what I am calling the authority of connection is in Hannah Arendt's work on power as the result of speaking and acting together. But Arendt sharply distinguishes power from authority in ways that hide from view the possibility of the move I make here.

now counts as disobeying you, and depending on the nature of your right to command me, may also be insubordination or treason. If the legislature passes a 55mph speed limit, then my driving at 65mph becomes speeding.

Nevertheless, though authority concerns normative relationships, the concept of 'authority' is itself descriptive, rather than normative: to say that a given situation is one where someone has authority, or that a relationship grounds a particular form of authority is to describe something, to make a claim which can be true or false, albeit to make a claim that is about something normative. It is not, however, to say that the world or the normative order should be that way. So we can simultaneously deny that some group of people have authority in virtue of the structure of institutions or their fellow citizens' attitudes and behaviours and conclude that their lack of authority is one of the things that renders their society unjust.

Finally, one of the effects of focusing on authority as we investigate political relationships and activities is that our attention is drawn to relatively stable features of our normative orders. That is, authority seems to have a kind of solidity that action and power can appear to lack. This is especially true if, like Tully, one is drawn to Arendt's analysis of politics and power in terms of action. For Arendt, power is something that comes into being in the course of acting together, but there is an open question of whether it endures beyond its creation.³ In contrast, we tend to think of authority relations as grounded in something more lasting.⁴ If we can capture an idea of authority that is closely tied to the kind of Arendtian action that Tully connects to the civic action of citizens, then we may also be in a position to understand how civic action not only brings new worlds into being, but sustains

³ For the classic discussion of the creation of power through acting together, see H. Arendt, *The Human Condition*, Chicago: University of Chicago Press, 1958. Patchen Markell argues for a reading of Arendt which makes possible a more lasting creation as a result of action, what he calls 'after-power' (as in 'after-image'); For example, paper given at Political Power and Citizenship Symposium, University of Utrecht, May 2011.

⁴ Arendt certainly did. H. Arendt, 'What is Authority?', in *Between Past and Future: Eight Exercises in Political Thought*, Harmondsworth: Penguin, 1977.

them, and thus appreciate why Tully describes the telos of civic action as caretaking (pp. 64–6).

1. Dictatorial versus democratic authority

If we begin an investigation into the authority of citizens with a standard definition of authority as the right to rule, then it appears that our main task is to distinguish the democratic authority of citizens from the undemocratic rule of dictators. Doing so leads us to focus on three features of democratic authority that distinguish it from dictatorial authority: it is norm-governed, reciprocal and revisable. These three features pertain to laws passed by a legitimate democratic government. In order to legitimately legislate, a democratic body must follow a set of procedures and stay within prescribed limits. Not every utterance of the US Congress has the status of federal law. It must be duly passed by the chamber in accordance with its rules, passed by the Senate, signed by the president and not violate any of the strictures of the US Constitution as interpreted by the federal courts. Second, among the norms that govern democratic legislating are norms of reciprocity and revisability. There are two senses in which we might describe a legislative body as democratic: it might be democratically elected or chosen and it might operate according to democratic principles. In either case, however, one of the features that makes it democratic is that it embodies a form of reciprocity: no one has more say than anyone else, and everyone who has a say in determining legislation is also subject to it. In order to combine reciprocity with the capacity to obligate another, thinkers who follow this line of thought analyse democratic governance as involving what we might call mutual hierarchy. A relationship between two people is reciprocal in this sense if each has equivalent command authority over the other one, so that each is both sovereign and subject. Modern democratic legislatures are democratic in both the senses above, and thus are characterized by two sets of mutual hierarchical relationships. Though elected lawmakers command citizens by making the laws that

govern them, citizens command their legislators by periodically electing them, and both legislators and other citizens are subject to the laws so passed. Moreover, within a legislative body, each member, in having the right to vote, has a conditional authority to decide for the body, and thus command what it does. The condition of wielding such authority is being in a position to cast the deciding vote on a given matter. In casting the deciding vote, I determine what the legislature does, but I only have that conditional authority if all members of the legislature do, and so it also amounts to a kind of symmetrical command structure.⁵

Finally, though both a commander and a legislature can revise their directives, there is a distinctive sense in which democratically passed laws are in principle open to revision. The difference lies in the source of the impetus to revise. When a dictator issues an order, it is, in general, not open to those being ordered to challenge the order or the dictator's authority to issue the order. In contrast, part of the procedure of democratic lawmaking includes an openness to challenge by the subjects of the law. This does not mean that those subject to a law are free to decide whether or not it has authority over them, but that the authority the law wields must be open to challenge from below.

Notice, however, that allowing authoritative laws to be revisable puts pressure on the requirement that authority structures be stable and thus in a position to rule. Insofar as I am still entertaining possible objections to a decision I am considering, I have not yet made that decision. Decisions bring conversations to an end, it would seem, precisely by closing off the opportunity to raise objections or reasons for revision. In order to square this circle, we can distinguish between two means of remaining open to criticism. On the first, a matter can be closed in a way that allows for reopening. On the second, a matter is never fully closed to begin with. If we want to hold on to the model of stable, decisive laws and institutions of government, and yet insist that democratic authority is always subject to challenge, then it appears that we must adopt the

⁵ Tully discusses this mutual command structure of modern democracy at 12–15 and 41–2.

first of these means. Thus, we are led to a view of democratic citizenship and lawmaking where the deliberations of a democratic legislature lead to a final decision and a closure of the matter, but, in doing so, they leave open the possibility of revisiting the question should objections or further evidence be brought forward.

But now note that in distinguishing between democratic and dictatorial authority, we have vested the particular features of democracy in the institutions of law and representative government, and thus tied the special features of democracy to what Tully describes as the civil conception of citizenship (pp. 11–19). This suggests that if we want to be able to grasp the activities of civic citizens as not only democratic but also political in the sense of constructing and invoking forms of authority, we need to broaden our understanding of authority, so that we can describe democratic authority which is norm-governed, reciprocal and revisable in a way that does not yield the central features of civil citizenship.

2. In authority's family

In distinguishing the authority of democratic legislatures from the authority of dictators, we have already broadened our conception of authority to admit of certain variations. But we can loosen things up even further. Sometimes authorities do not command or legislate or otherwise direct what we do and think, but rather stand in judgement over it. The idea of authority as the right to pass judgement is implicit in the idea of the *authority* of law or command. If a law has authority over me, then I am accountable or answerable or responsible to it. It does not so much direct my action as stand in judgement over it.⁶ So we can analyse the right to rule or legislate as the right to appoint and guide a judge on whom is conferred the right to pass judgement.

⁶ Robert Brandom talks of authority this way in R. B. Brandom, *Reason in Philosophy: Animating Ideas*, Cambridge: Harvard University Press, 2009.

Thinking of authority as the right to pass judgement also clarifies a further kind of authority, that of the expert. The expert's claim to authority can also be understood as a right to pass judgement over her field of expertise. Being an expert does not give someone the right to rule or legislate the behaviour or thoughts of others, and while we may want to consult experts and follow their guidance, their authority ultimately consists in their capacity to determine whether what we do is correct by passing judgement on it.

We can also broaden our sense of what authority can do by recognizing that the authority to command or obligate brings with it the authority to issue permissions, insofar as permission involves not being obligated not to do whatever one has permission to do. Thus, authoritative bodies cannot only direct and command, but license and entitle. And these capacities can flow from the right to pass judgement as well. The expert can rule authoritatively on whether a judgement made within her domain is correct, but she can also accept it as not incorrect and thus as permitted.

There are, I think, a number of other familiar uses of authority that would further widen its conceptual boundaries (think about the moral authority of a certain kind of moral exemplar or leader), but rather than survey these, I want to take the material so far gathered and come at it from a somewhat different angle. Thinking about authority in the context of describing various activities can lead us in two different, though related, directions. First, we can attend to the credentials of the person or principle or agency claiming authority. The credential of one's authority is the condition for being invested with the authority, not the source or authoritative body that hands out the credential. So, for instance, the source of a legislature's authority may be a Constitution and behind that 'we the people', but the credential of any sitting legislature is its having been duly elected in accord with the procedures laid out in a constitution. In asking for the credentials that yield a certain form of authority, then, we are asking 'Who must one be to do that? On the basis of what authority can we so act?' And of course, the answer will depend on what 'that' is.

So, second, we can attend to the activities our authority authorizes: passing laws in the case of a legislature, rendering judgement in the case of a judge. As I suggested above, having authority involves the capacity to change the normative environment. We can thus call this aspect of authority, 'normative capacity'. So, the police officer's authority to arrest those suspected of crimes is not merely a permission or ability to interrupt their activities, put them in handcuffs or transport them to a court or a jail. It involves changing their status by putting them under arrest. To understand the police officer's authority in this sense, then, we have to know what this normative capacity amounts to, which may require knowing what the relation of arrest to punishment is, what counts as resisting arrest and what sort of record is made of arrests and how that affects one's civil and social status.

Part of the structure of authority, then, is a pairing of credential and normative capacity, along perhaps with some connection between the two, some explanation of why this credential should entitle its bearer to wield this normative capacity. Passing judgement, ruling, commanding, licensing, entitling and legislating are all kinds of normative capacity, and depending on their extent and scope, can be acquired through a variety of credentials. But now note that the list of normative capacities listed above is incomplete, and that there are a number of activities we engage in that involve a normative capacity which we have in virtue of some credentials that are not well captured by the canonical examples of authority canvassed above. Consider, for instance, the following list of activities that at least some people engage in legitimately: arresting someone, performing a legal marriage ceremony, voting in a municipal election, voting in Congress, conferring a degree, giving a grade on a term paper, giving you a reason to get off of my foot, assuring you that a mathematical proof is correct, showing you that a mathematical proof is correct, offering an idea in a brainstorming session, offering an idea in a joint deliberation, inviting you to join an organization of which I am a member, inviting you to dinner, inviting you to my wedding, proposing marriage, licensing you to attribute a belief to me or saying something to you by way of continuing or initiating a conversation. What I think

unifies this disparate list is that in each case, one requires some form of credential to legitimately perform the action, and as a result of the action, some normative environment is changed. To see that some credential is required, note that in all cases, there are people who would be so ill-positioned to perform each action that we would say that they were doing so illegitimately. Thus, while anyone can, technically speaking, invite me to dinner, there are a fairly limited number of people who could appropriately do so. So, even if the credential here is vague and its boundaries less well-defined than those necessary to pass a law or arrest someone, there are some credentials nevertheless. Similarly, while it is clear how passing a law changes the normative environment, there is also an important way that a normative environment changes as a result of the cases that involve inviting or offering. In these cases, once a legitimate offer or invitation has been made, though one may be free to turn it down, one has nevertheless been called on to respond, and, under normal circumstances, one's failure to respond counts as a snub or a denial of the invitation's legitimacy.

Even if these cases share this basic structure, it would be an important mistake to try to assimilate the cases of inviting and offering and proposing to those of ruling and directing and licensing. And because these are fundamentally different kinds of normative capacity, we should not be surprised if the credentials they require are also fundamentally different. What this suggests, then, is that there is a family of such activities. It is, I think, a purely terminological matter whether we want to call all members of this family forms of authority and thus broaden our concept of authority, or keep the concept of authority narrow and admit that it has an interesting set of cousins.

Broadening our vision of the conceptual terrain inhabited by 'authority' has important effects when we return to the question of the authority of citizens. As we saw above, the standard moves involved in distinguishing democratic from dictatorial authority focuses our attention on legislation and thus on the credentials citizens must have as legislators. In doing so, however, we lose sight of precisely the kind of activities that are characteristic of civic citizens, perhaps also losing

sight of the possibility that such action is also invested with authority and thus genuinely political. So opening up the concept of authority makes room for thinking about the authority of civic citizens.

Moreover, if we start with an assumption that we know what it is that citizens do as citizens, then the questions that remain about political authority will be about what grounds citizens' right to legislate to one another, and thus we will be focused on the search for adequate credentials for this capacity. So conceived, the problem looks ontological or at least theoretical: working out the conditions under which a certain kind of person has a certain property.

But if we want to take seriously the idea that citizenship is, fundamentally, an activity, then framing the problem this way leads us to grasp the wrong end of the stick, and ask the wrong question. Rather, as Tully argues, for civic citizens, citizenship is the name we give to our interactions when we claim they have a certain kind of structure, and in doing so, we also claim that what emerges from that interaction has a certain kind of authority insofar as it shapes our normative environment (p. 54). This means that the question we need to ask is not, 'how could our collective decisions have the legislative authority of commands or the right to pass judgement on us?' but 'how could our civic activities have the authority that would lead us to call them, and acknowledge them as, political?' Once we broaden the conceptual terrain of authority, it becomes a more open question of what makes an activity political, authoritative; and so merely calling our activity political is not doing much work, since it does not specify the nature of the normative capacity that we claim our actions have. And so, instead of the theoretical question about proper institutional conditions, we are left with a practical question about what sorts of capacities we need.

The answer to this question turns not on the nature of authority or action, but on what it is we want and need to do, what problems we face that might be solved through working and living together, by civic action. Rather than focusing on our credentials as citizens, understanding the authority involved in civic action requires a focus on the capacities we need to engage in civic action as the picture of civic citizenship that Tully

sketches conceives of it. Doing so requires, however, that we have on hand a broader range of conceptions of authority so that we do not need to shoehorn the activity of civic citizens into the framework provided by the model of authority tied to civil citizenship. In the rest of the paper, I offer a characterization of a type of authority that captures some of the central features that Tully ties to civic citizenship, and show why it belongs within authority's family. The authority I bring into view is that displayed when the normative capacity in question does not involve commanding or directing, but inviting and calling for a response. Since invitations either rest on or try to bring into being connections between people, I call this type of authority the authority of connection. To bring out its distinctive features, I contrast it with the more familiar authority of command (whether dictatorial or democratic) along five axes, and show how it illuminates civic activity.

3. Authority of command versus authority of connection: Five differences

Normative capacity: Unilateral versus mutual

The first and clearest difference involves, as I suggested above, the particular normative capacity that each involves. The authority of command gives me the right to issue commands (including in the form of granting permissions and licenses). This right is a capacity to determine unilaterally some piece of the normative environment of those I command. This has two related dimensions: my commands, in general, alter the normative environments of my subordinates independently of what they do or think or say. It may be, of course, that my right to command depends on their prior agreement to place themselves under my command, but once my authority is established, I do not need further contributions from those I command to effectively shape their normative environment. Second, the unilateral character of the capacity requires a credential that rests on a similarly

asymmetrical relationship: the commander's capacity to effectively shape his subordinate's normative environment does not entail and may even preclude that his subordinate have a similar capacity vis-à-vis the commander. As we will see below, there are cases where each of us is the other's commander, but in this case, there are two separate asymmetrical relationships in place, not one reciprocal one.

When we converse with each other on the basis of our connections, on the other hand, our capacity is a capacity to try to shape a normative environment we share, that we inhabit together. There are two features of this description that bear further discussion. First, the capacity here is essentially mutual: we are both entitled to try to shape each other's normative environment in part because we are each shaping a normative environment we share. Moreover, my credential to shape our normative environment in these cases (membership in a 'we' of which we are both a part) necessarily applies to you as well. So, in trying to shape that environment, I also accept that you can as well. Thus, the authority of connection is essentially reciprocal. It is also in evidence in the 'civicizing' practices of the civic citizen, whose demands to negotiate governance relations are 'demands to "civicate" the relationship: to bring it under the shared negotiation and authority of the partners subject to it' (p. 49).

Second, the capacity in question here is a capacity to try something, and this brings out another way that the capacity is mutual. I have the capacity to call forth some response from you but no particular response, so that while my speaking changes your normative environment in one sense, it only changes our normative environment if you respond to what I say by accepting it. That means that the capacity I have in virtue of the authority of connection is, in part, answerable to you. Your response to what I say plays a role in determining what I have managed to do. In many accounts of authority, the fact that I am answerable or accountable or responsible to you amounts to saying that you have authority over me. And so the fact that my normative capacity here is both a capacity of mine and answerable to you will mean that the authority of connection is not something that can be wielded or established unilaterally or asymmetrically. In claiming the normative

capacity at issue here, it turns out that I acknowledge yours as well. This helps to explain and support the fundamental commitment to non-violence in the civic tradition. Civic citizens, Tully claims

approach others unarmed and with the embodied attitude and comportment of openness and trustworthiness. This takes the phenomenological form of the extended open hand, which says 'I trust you and come in peace, please reciprocate' in almost all cultures, in opposition to the closed fist. Only this vulnerable yet courageous and disarming comportment of groundless trust can initiate the reciprocal, pre-linguistic response and begin to weave a negotiated relationship of grounded mutual trust one strand at a time, civicizing the partners as they interact, just as one does across differences in one's own neighbourhood. (p. 67)

Although it is easiest to picture relations structured by the authority of connection that are already established and perhaps supported and constrained by existing institutional structures, nothing in the capacities involved in the authority of connection requires such credentialing. We can also imagine relationships that are neither formalized nor fixed, where this standing is not assured ahead of time. If we are in the process of becoming friends, for instance, then not only may it be uncertain whether you will agree to my suggestions and invitations, but it may also not be a determined matter whether in even trying to make them I am presuming a level of relationship that does not yet exist. In such a case, my presumption as well as my suggestion will be answerable to you and you can legitimately deny both what I say and my right to say it. This possibility then allows that the civic actions of civic citizens might also be constructive and self-constructed: 'agents (individual or collective) *become* civic citizens only in virtue of actual participation in civic activities' (p. 37).⁷

⁷ Note here also the connection to Arendt's contention that acting together brings new things into being. For a discussion of Arendt's conception of rule that shares a lot with Tully's conception of civic citizenship and the authority of connection, see P. Markell, 'The Rule of the People: Arendt, Archê, and Democracy', *American Political Science Review* 100 (1): 1–14, 2006.

Relationship: Hierarchical versus reciprocal

The second difference involves the nature of the relationship on which our authority rests. To command another, I need to stand in a hierarchical relation to him, to be in a superior position that gives me the right to command. This is true even if we accept that the only thing that can legitimately grant the right to command is the acknowledgement of the one commanded. For in such a case, even though there is no prior hierarchy, the acknowledgement establishes one. But to speak for another from the authority of connection does not require hierarchy; only our standing in a relationship that creates an 'us' that can be spoken for, about this, in this way.

The reciprocity required to construct the authority of connection is not the mutual hierarchy characteristic of democratic legislatures and voting. As I suggested above, two people stand in a relationship of mutual hierarchy if each stands to the other in a hierarchical relationship where she commands the other. The possibility that I can command you while at the same time you can command me is made possible by considering each member of such a relationship under at least two aspects: as both sovereign and subject, to use Rousseau's terms.⁸ Contrast this with a relation of reciprocal connection. Our reciprocal connection consists in our capacity to respond to one another and to call for such responses. In a reciprocal relationship, what we suggest to or urge on each other is fully answerable to that other person's uptake or rejection of it. In virtue of such a relationship, either party can demand to be given a hearing, but cannot issue a command. Calling for a response goes beyond calling for a reaction. It requires that one heeds that response, which in turn requires that the other's response itself calls for a response. Thus in calling for a response from someone, I must simultaneously acknowledge their capacity to call for a response from me. Moreover, in acknowledging that, I do not

⁸ J. J. Rousseau, 'The Social Contract', in V. Gourevitch, ed., *Rousseau: The Social Contract and Other Later Political Writings*, Cambridge: Cambridge University Press, 1997.

acknowledge an additional relationship in which we stand, but merely the features of this one.⁹

One of the key differences between civil and civic citizens is the relationship they stand in to one another. Civic citizens develop and maintain relations of reciprocal connection, whereas civil citizens relate on terms of mutual command (see pp. 58–64). As civic citizens, we thus partake of our reciprocal relationship when we deliberate and act politically and reasonably, rather than when we vote. Reasonable deliberation requires that each participant be properly responsive to the rejection of his reasons by his fellow deliberators.¹⁰ Such deliberation does not work by each party issuing conditional commands and waiting to see if the commands of others serve to satisfy the conditions. Deliberation on its own does not yield laws or decisions. So when I offer reasons in the course of deliberation, I am not commanding anyone or (even conditionally) determining the law. That would be to regard deliberation on the model of voting. Rather, I invite my fellow citizens to accept what I say and must be responsive to their rejection of my proposals. Authority in such a relationship is only eventually constructed when all come to agreement, rather than when a set of conditions on conditional commands are met.

The point of distinguishing relationships of mutual hierarchy from those characterized by reciprocal connection is to make clear that the authority of connection requires more than mere symmetry in our relationships, and that relationships can be symmetrical while still being hierarchical. Although symmetrical relationships of command are not hierarchical in a straightforward way, they must, nevertheless, rely on an existing hierarchical structure, a structure that is not

⁹ Relations of reciprocal connection thus share fundamental features with the relations of reciprocal recognition that are central to Hegel's account of normativity, and the work of contemporary Hegelians. For discussions of recognition, see Brandom, *Reasons in Philosophy*, chapter 2; A. Honneth, *The Struggle for Recognition*, J. Anderson, trans., Cambridge, MA: MIT Press, 1996; R. Pippin, *Hegel's Practical Philosophy: Rational Agency as Ethical Life*, Cambridge: Cambridge University Press, 2008.

¹⁰ I discuss reasonable deliberation and other activities of reciprocal and responsive interaction in more detail in Laden, *Reasoning*.

necessary to generate the authority of connection. This feature makes civic citizenship truly democratic from the ground up (pp. 53–4).

Credentials: Backward-looking versus forward-looking¹¹

From these first two differences follow two further ones. The third difference involves the nature of the credentials needed for each kind of authority. In the case of the authority of command, credentials must be ‘backward-looking’ in the sense that whatever it is that establishes them must be prior to the exercise of the capacity they authorize: do we already stand in a relationship that gives me the authority, the superior position, to command you? One reason the source of my authority to command must be backward-looking is that only then can the question of my authority remain properly normative, by being independent of its being effective. If I try to establish my authority to command by commanding you and take my authority to have commanded you to depend on my success, then my command has no normative effect. Your failure to follow my command in this case would not count as disobedience, but rather would show that I lacked the capacity to command you in the first place. The backward-looking nature of democratic credentials leads civil citizens to refer to laws and other stable political institutions of government as warrant for their political activity, which then is confined to the space that these institutions create (pp. 11–12). It also explains why law and other institutions of the modern state are seen as the conditions of civil status: they establish the credentials of civil citizens to exercise their rights.

In the case of the authority of connection, however, things are different and more complicated. When I attempt to alter our normative environment by issuing an invitation, I rely on my understanding of the relationship between us. But whether or not our relationship is such as to support my capacity to alter it, or alter it in this particular way,

¹¹ I have drawn the contrast between backward-looking and forward-looking conceptions with regard to democratic legitimacy in A. S. Laden, ‘Democratic Legitimacy and the 2000 Election’, *Law and Philosophy* 21: 197–220, 2002.

may depend not merely on my understanding of our relationship or on firmly established, verifiable facts, but also on your understanding of our relationship and thus your response. Furthermore, the status and content of my authority may depend not only on whether I have the right to try to alter your normative environment, but whether my attempt actually succeeds. Even if there are definite facts that establish our positions vis-à-vis one another in a way that grounds my right to call for a response, these facts may very well not fully determine whether I should succeed in eliciting the response I hope for. Thus, the question of whether I have changed our normative environment as I intended may not be settled until after I have spoken because it may depend on whether you acknowledge what I say as what you would say as well.¹² And so my normative capacity can at times remain indeterminate until you either acknowledge or refuse what I said. But that means that in an important sense, my authority to speak this way, at least here and now, need not be something that is established ahead of time, but can be constituted, as it were, after the fact.¹³ Thus, it must at least be possible for the credentials that ground the authority of connection to be forward-looking.

The distinction between the capacity to call for a response and the capacity to elicit the response I wish and thus the capacity to change our normative environment in this way can help make sense of some of the particularly civic features of citizenship by helping us disentangle the

¹² And given that intentions are not always fully formed prior to what we say and do but often only become fully formed as we act, it may be the case that what I intended to do will depend on what happens after I speak. On this general point about intentions, see Pippin, *Hegel's Practical Philosophy*; T. Brewer, *The Retrieval of Ethics*, Oxford: Oxford University Press, 2009. Thanks to David Owen for pointing out its relevance here.

¹³ More needs to be said about this point to make it fully precise and convincing. By making the establishment of the authority of connection forward-looking I do not mean to rule out the possibility that some failures to acknowledge connection are wrong, inappropriate or unreasonable. But, even in such cases, it will be the case that in dismissing the connection, one breaks or alters it. Also, in some cases, invocations of connection will also rest on fixed norms or status, such as legal status that is established ahead of time. Nevertheless, there is plenty of room between allowing another to speak and taking seriously what they say. I can invoke the authority of command of the law to make you let me speak, but I cannot so force you to take what I say seriously. There I am dependent on your attitude towards me and what I say.

legal and civic or social features of our relationship as citizens. Thus, it is in virtue of our legal relation as citizens, a relation that is established ahead of time, that we have the credentials and thus the right to speak to one another on political matters, whether through deliberating or voting. But this legal status may not on its own establish a social and political relationship wherein one can fully reciprocally speak for and be spoken for by one's fellow citizens. Groups that are legally granted citizenship but are stigmatized or marginalized in various ways will often have the legal right to speak and be heard, but not the social authority to be heeded as representative of the whole. Whatever such citizens say will be taken as articulating their particular group interests or viewpoint, and not as possibly speaking for other citizens outside their group. They will be heard, for instance, as raising 'women's issues' or 'black issues' or 'gay issues' rather than as raising questions of equality, fairness or justice, or of social and economic organization more generally. In those cases, though they may invoke the commanding authority of the law to be able to give voice to their positions, their fellow citizens prevent them from also having the authority of connection. This, then, points to one of the ways that modern democratic states can broaden civil citizenship without thereby broadening civic citizenship (Tully makes a similar point at p. 59).

Loci of authority: Internal versus distributed

The fourth difference between the authority of command and the authority of connection concerns where authority resides. I label it by saying that whereas the authority of command is lodged in the hands of the commander, the authority of connection rests in part in the hands of the listener. This point is somewhat tricky but vitally important if we are to understand why the authority of connection is fundamentally different from the authority of command, and how it might thus alter our picture of citizenship.

Imagine that when the sergeant orders one of her soldiers to scout on ahead, the soldier, or someone watching the scene, questions the

sergeant's authority. What kinds of facts might establish that the sergeant had the authority to issue this order? We would first need to look to facts about the sergeant: that she is in fact the commanding officer, that she has a right to order her soldiers in this way in these circumstances. This might, admittedly, require looking to the general context that places the sergeant in the position of authority: the military code, the authority of whoever placed her in command and so forth. And it might also require answering questions about the soldier's standing: that he is under the sergeant's command, that there are no extenuating circumstances that block such command and so forth. Nevertheless, what we are trying to ascertain in establishing the sergeant's authority to command is that here and now, giving this order, the final decision of what order to give and whether or not, in speaking, to give an order, are hers to make. It is in this sense that the authority lies, as it were, in her hands. Again, this feature of the authority of command is a result of the unilateral nature of the normative capacity it involves. Once I am entitled to issue commands, then whether or not my words count as commands depends entirely on me.

Now take the case where I make a suggestion to you about how to spend the afternoon, and rather than acknowledging my suggestion by either endorsing it or responding to it, you question my authority to make it. There are at least two ways you might issue such a challenge. First, you might question whether we stand in the kind of relationship that would entitle me to make suggestions to you on this matter. If a stranger joined our discussion about where to have dinner we would question his authority thus. In this case, a response would have the same structure as the one above: I would need to point to our relationship (or lack thereof) and thus to where each of us stands vis-à-vis the other. Even here, however, there is another possibility. Not all of the relationships that ground the authority of connection are firmly and publicly established ahead of time. So there is the possibility that in making my suggestion I am also at the same time inviting you to understand our relationship in a new or not yet fully established manner. Whether I have the authority is not yet settled, but open to you to accept or reject.

Second, you can also challenge the authority of what I say by challenging not my right to make suggestions about this to you but rather what I have suggested. Here you challenge, as it were, not the existence of our 'we' but its intimacy, its scope. In political contexts, this might happen when you reject my proposal on the grounds that it is not based in what John Rawls calls 'public reason', but instead on the basis of religious beliefs that we do not share.¹⁴ In doing so, you accept that our status as fellow citizens entitles us to try to speak politically for one another. But you object to my proposal because it presumes that we form a kind of community of believers that we do not form. By denying that we form a 'we' in the way I imply, you reject my capacity to shape this part of our normative environment. It is not just that you disagree with the content of what I say but rather that you reject the extent of the authority I am presuming in saying it here. To see this, note that you might also so object to a fellow citizen who makes a non-public reason argument you think is sound for a position you agree with because it rests on a presumption about the scope of the 'we' we form as citizens. The objection, then, is not to the proposal itself, or even to the argument for it, but to my authority to make this argument in this context. These are the sorts of challenges that civic citizens raise to established orders of legal and political governance in the course of their political activities, contesting the authority of an institution or agent to determine the conditions of their subjection (pp. 68–73).

Faced with these sorts of challenges to my authority, what sort of facts would determine whether our relationship supported the authority I have implicitly claimed? Unlike in the case of commanding, they are not primarily about me. If my attempt to alter the normative environment rests on the authority of connection, then it rests on there being a 'we' whose environment can be changed in this way. What does there being such a 'we' depend on? Among other things,

¹⁴ See J. Rawls, *Political Liberalism*, New York: Columbia University Press, 1996, especially pp. 212–54; J. Rawls, 'The Idea of Public Reason Revisited', in S. Freeman, ed., *Collected Papers*, Cambridge, MA: Harvard University Press, 1999, pp. 573–615.

it depends on us, on our acknowledgement of such a unit. In relying on what I take to be our connection, I have acknowledged it, and so what is left to determine is whether you, too, will acknowledge it. Thus, in order to establish my authority in this case, we need to determine something about you, not me. It is in this sense, then, that the authority of connection rests not entirely in the hands of the one speaking, but also in the hands of the one being spoken for: at the moment when I make my suggestion of how we should spend the afternoon, the final decision of whether or not I have the capacity, here and now, to alter our normative environment with this suggestion is no longer mine to make but yours to acknowledge or refuse or even ignore. This means that particular instances of the authority of connection are not wielded like a sword, but jointly constructed like a bridge. This is why the practices of contestation of civic citizens are misunderstood if they are interpreted merely as rebellion. They are, rather, a demand to understand the very relationship of authority differently (pp. 36–7, 68–73).

Now, suggesting that there is a form of authority whose status can be determined after its invocation by those over whom it is invoked will and should raise eyebrows. How, it will be asked, could such a form of authority be normative at all and thus how could it be a genuine form of authority? If every failure to acknowledge an attempt to speak for another, or to respond to a call for response dissolves the basis of that authority, then it will be impossible to rebel against such authority, which is to say that it will not be normative at all. Note that something like this thought stands behind at least one argument for dismissing the civic activities that Tully describes as not really political at all, but merely social or voluntary or otherwise lacking in authority (pp. 53–8).¹⁵

To respond to this concern, note that the authority of connection differs from the authority of command in terms of the options it leaves

¹⁵ For a complementary point made in the course of a discussion of a debate between Hannah Arendt and Ralph Ellison about the borders between the social and political, see D. Allen, 'Law's Necessary Forcefulness', in A. S. Laden and D. Owen, eds, *Multiculturalism and Political Theory*, Cambridge: Cambridge University Press, 2007, pp. 315–49.

open to the recipient of the authoritative statement. Refusing my suggestions does not involve rebellion but a failure of acknowledgement, a kind of dismissal. Furthermore, I can reject what you say either by denying there is any kind of an 'us' whose normative environment you have the capacity to alter or by merely denying that what you have said does alter that environment. In the latter case, I reject your suggestion but accept our connection. I do not undermine your authority but (re)constitute it, by acknowledging that you have the capacity to change our normative environment, even though you have failed this time to exercise it effectively. Put differently, in responding to you, I answer your call and thus acknowledge its authority, while at the same time denying you the capacity to elicit the particular response you were hoping for. The civic process Tully describes as 'civicization' begins, in effect, with the issuance of such a call. We become civic citizens together by making and responding to such calls: 'The governed *become* "good citizens" only by exercising their civic freedom of entering into these kinds of negotiation in all their complex phases . . . of listening to the other sides and for silenced voices, of responding in turn, negotiating in good faith and being bound by the results, experimenting with the amended or transformed relationship and so on. Reciprocally, governors become good governors only by doing the same: listening to what the citizens have to say, responding and being held accountable by them' (50).

Finally, to say that the authority of connection has forward-looking credentials and a distributed location does not imply that its invocation is not norm-governed. That is, even if you can undermine my authority through your response or lack of it, not everything you do to ignore me will have that effect. Just as not every utterance in the imperative mood is an authoritative command, not every failure to respond is an authoritative denial of authority. These considerations mean, then, that even if civic action is not officially authorized by extant legal and political institutions, it can construct a form of authority that would make it genuinely political.

What authority does: Ending versus continuing conversations

The fifth difference between the authority of command and the authority of connection has to do not with what they are but with what they do. Whereas the authority of command serves to end our conversations, the authority of connection leaves room for them to keep going. That commanding another serves to end a conversation should be clear enough. After all, the only appropriate response to a legitimate command is to carry it out, perhaps adding in a 'yes, sir' by way of acknowledgement that the command has been heard and will be obeyed. Commanding is not a way of initiating or continuing a conversation but of bringing about action. What is perhaps less obvious but no less important is that the issuing of commands cannot serve to prolong a conversation. Questioning a command itself, and not merely how to implement it, is questioning its authority and thus a form of rebellion. Of course, rebellion need not be violent, and it can be carried out with words, so that in rebelling against an authoritative command I can engage the commander in a conversation. But even when I do this, I am engaging the commander in a *different* conversation than the one that issued the command, a conversation about the extent of his authority, not about the considerations that went into the decision to issue the order in the first place.¹⁶ The command has not prolonged the initial conversation but rather set the stage for a new one.

When I make a proposal or offer an invitation with the authority of connection, however, things are rather different. First of all, the capacity I exercise is a call for a response, and as we have seen, calling for a response as opposed to a mere reaction is to call for something

¹⁶ That is not to deny that among the things I might raise in the conversation that follows my refusal to obey are criticisms of the commander's decision and questions about what considerations went into that decision. But the point of raising these at this point in the story is not to figure out what the commander should have commanded, but to show that his incompetence unfits him for his authority, at least in this instance. In that sense, they form, as I say above, part of a new conversation about the extent of the commander's authority.

that requires a response in turn. Moreover, since among the things your response may do is confirm or challenge or reconfigure my authority, there is ample opportunity for my invocation of authority to open space for our conversation to continue in any number of new ways. Calling for a response in this sense is not merely initiating a final sequence of words in the way that issuing an order that calls for a 'yes, sir' is.¹⁷

Moreover, it turns out that I cannot bring conversations to a close by invoking the authority of connection. This is obvious in the cases where I aim to alter our normative environment by making suggestions or offering criticisms as in the examples with which I began. In response to a suggestion whose authority you recognize, you need to make some sort of response, even if only to accept it. If I say, 'I think we should clean up the house this afternoon because it's a mess,' you can't just go and get the vacuum cleaner without somehow signalling your agreement. Since against a wide background of shared understandings, one way to accept a proposal is to begin wordlessly begin to act on it, you may be able to signal your agreement by getting the vacuum cleaner. But there is nevertheless an important difference between assenting to a proposal and obeying an order, and I mistreat your suggestion if I treat it as calling for obedience and not assent. We can make this clear by making explicit what will, in the normal course of things, often go unsaid: in response to a suggestion made and heard as a suggestion, you need to at least express agreement and issue a judgement: 'Yeah, you're right. Why don't I go get the vacuum cleaner while you start picking up the dirty clothes.'

But, even in the case where I try to decide for us on the basis of our connection, rather than just try to speak for us, there is an important sense in which this does not end our conversation so much as put it on hold. Because my authority in trying to decide for us in this case is established in part by being answerable to your acknowledgement of it, you must be free to withdraw that acknowledgement in the future. So

¹⁷ The connection of authority and beginning as it figures in Hannah Arendt's work is the focus of Markell, *Rule of the People*.

my authority, even if accepted for the moment, is not thereby established once and for all. There is still room for it to be challenged or denied, and so the conversation in which I attempted to speak authoritatively is not closed, even if we have stopped talking for now. If I am authorized to make suggestions, but not to command you, I overstep that authority if I try to speak for you in a way that leaves no room for you to criticize what I say. I also overstep my authority if I try to close off room for later criticism for good.

Speaking in a manner that ends our conversation would require declaring that the time for objections and criticisms is over, and thus fail to give others a chance to express their reservations or veto. But that would be to undermine the reciprocal nature of our relationship that establishes and maintains the connection that credentialed my initial capacity to affect our normative environment. A definitive ending of the conversation, then, whether in the form of a command that no more be said, or, in an unwillingness to hear any objections as more than 'merely words' does not protect and establish once and for all my authority. Rather, it undermines that authority.

There are at least two ways that a conversation may stop and begin again. In the first, the conversation is in a kind of lull. Neither party has anything to say, but the conversation has not come to a stop, even if it is not continued here and now. If, during the current lull, one of the participants was called away or engaged on another topic (even by the same people), we would say that the first conversation had been interrupted, and were one of us to try to pick up the original thread later on, we might say that we were hoping to continue our earlier conversation. All this suggests that the conversation has not come to an end but was still open.

Contrast this with a case where a conversation comes to an end, but nothing in the way it ends prevents one of the participants from reopening it later. In such a case, we stop talking not because we have nothing more to say here and now, but because we have reached a kind of accord or agreement. If another person or topic were to be introduced at this point, it would not count as an interruption. In fact,

if a person intruded and asked if it was alright to join us or take one of us away, we might reply that it was fine, as ‘we were finished talking’. Such a conversation may be something we can revisit or reopen later. I may change my mind about its topic or come to have new information. This may prompt me to suggest that we return to the topic, rather than continue discussing it. This suggests that the conversation had indeed come to an end, and that we would now be reopening it.

As with the discussion of symmetrical relationships above, the foregoing point helps to clarify the difference between civil and civic democratic activity. When civil citizens have voted, then, barring irregularities, the decision has been made and the activity of deciding by voting is finished; their work as citizens is, for the moment, done. This need not preclude their returning to the question later on and reopening their consideration of it, but barring that, the thing is at an end. In the case of deliberation among civic citizens, however, though we may run out of things to say on a given topic, we cannot thereby declare the matter closed, only leave off discussing it (perhaps to now call a vote). In fact, if we are to maintain our authority as civic citizens, then we must continue to engage with one another, whether on this topic or another one. Because the work of civic citizens involves not only deploying and navigating existing institutional structures but constructing our political authority together and, more importantly, sustaining that authority over time, the work of civic citizens is never done (see p. 36 of Tully’s essay for a similar point).

4. Conclusion

At the beginning of this chapter, I suggested that democratic authority has to be norm-governed, reciprocal and revisable, and I laid out how these features figure in the democratic activity of civil citizens, and how a focus on these features pushes our conception of citizenship into the civil frame. Now, however, we are in a position to appreciate from another perspective, the democratic possibility of civic citizenship that

Tully's essay holds out to us. Civic citizens construct the authority of connection. This means that what their activity constructs are outcomes that are revisable in the sense of always ongoing and social. Civic citizens do not command one another, but hold open what they say to criticism and regard their civic activities as calls for the response of others. Calling for a response from others is, as we also saw, an activity that must simultaneously accept their right to call for our response, whether directly when they criticize what we say, or indirectly, when they make claims that they hold open to criticism. This makes civic activity reciprocal in a different way than the mutual commanding of civil action. Finally, because the authority of connection that civic activity constructs is established in a forward-looking manner, the sense in which politics is a norm-governed activity must also shift. The model of democratic legislation imagines a set of authoritative norms that are established ahead of time, perhaps theoretically grounded, and which are not, at least in the normal course of legislation, up for grabs through the activity itself. This means that the activity of working out or establishing the norms is potentially of a different sort than the activity that the norms define. Constitution-writing and legislating are different activities, and their standards of excellence and the skills they require are also different. But if we are to picture political activity as establishing its authority in a forward-looking manner, then this also involves imagining that it establishes and authorizes the very norms that govern its activity. This means that the process of drawing out these civic norms and eliciting their authority is not different from the process of civic engagement itself, and thus that it cannot be done in a manner that is final, monological or decisive. Of course, this process of reciprocal and ongoing elucidation is precisely the method that Tully urges political philosophy to adopt (pp. 5–6). So it turns out that from the broadened field of authority I have invited you to adopt, we can appreciate not only the democratic content of Tully's essay, but the democratic nature of its method as well.