* Phil of Law 4/16
* Raz- authority
  + Legal system, right to rule, seems to claim the following:
    - Content independent character – duty to do what the authority says, it is content independent because the duty exists regardless of what the authority says
      * Ex: content dependent reason (for cleaning your room) when you mother says clean your room: preexisting reason – like your room is dirty. The reason to do it is tied to the content of what the authority says.
    - Preemptive character – there should be no all-things-considered reasoning when submitting to the authority, the fact that the authority said it should be why you do it because they said so. Submission to the authority’s directive preemptively without acting regarding other considerations. Their directive should displace your other considerations in terms of your action.
  + Anarchist would say that this can never exist and it’s incoherent. This is irrational and contrary to autonomy/moral reasons for actions.
    - Rational side – to act rationally is to act on the balance of reasons of which you are aware. If you are doing something without acting on the balance of reasoning it seems like you aren’t a rational actor, and it seems like that is what the government is asking. The government cant demand that.
    - Lack of autonomy – tied more to the content independence discussed above. Government cant just change morality because they say so, morality doesn't just have that type of contingency to be moral or not moral based on just saying so. Even people don't have this individual content independent reason via morality. Ex: I cant give myself a duty to torture a kitten just because I promise I will torture a kitten
  + These show the problems with authority, and why we have this history of anarchism.
    - Different from beginning of semester question of duty to obey the law – we concluded that doesn't always exist, but this is an argument that authority cant possibly exist
  + Service Conception of Authority
    - Three thesis:
      * 1) dependence thesis – how the authority comes to its directives is tied to your preexisting reasons for action. (aka they should take into consideration your preexisting reasons for action)
      * 2) normal justification thesis – normally, authority exists because you are more likely to do the right thing if you do what the authority says vs you thinking about the reasons for action yourself. (tied to dependence thesis because it explains why you are more likely to do the right thing when doing what authority says because authority took into consideration your preexisting reasons for action)
      * 3) preemption thesis – if you then started taking into account your reasons independently after the authority did, then youd be counting them twice. So the authorities utterances are preemptive.
    - Ex: submitting to doctors authority
      * How does this solve the rationality problems:
        + Its rational to submit to this person because they have greater expertise on this matter than you. So you are reasoning that they are an authority because they are an expert and that you are more likely to do the right thing if you listen to what they say because they went to medical school, etc. Come to a conclusion that it is the logical best thing for you. So its rational.
      * How does this solve the autonomy problem:
        + Autonomy is a principal of rationality, medical reasons cant be created at will by the doctor. You aren’t saying the doctor has power over medical reasons for action. They are coming to their directive based on the preexisting content dependent reasons for action which are kind of set when issuing the directive.
    - Authority always looked like it could be overrridden and seems to be provisional. Despite being preemptive.
      * 1) there may be reasons for action to take into account that the authority did not take into account (ex: doctor says take the blue pill, and then you are about to take it and a guy points a gun at your head and says he will kill you if you take the pill and so you don't.) The doctor took into account medical reasons to take the pill (which are still true,) but not other reasons (like when to conform to people with guns.)
      * Doctor says take the blue pill and you smell alcohol on his breath/fake diploma, all bets are off because you've concluded he is not an authority
      * Doctor says take this strychnine. Which you clearly don't do, how does this make sense with the idea of preemption? You seem to have to think about your medical reasons for action to decide not to which seems incompatible with the concept of authority/submission to authority. (Some people point to this as why preemption is not ever ok in terms of authority) The individual does not need to refer to medical reasons for action to realize that the doctor is clearly wrong with their answer.
        + Raz gives example here of mathematical authority adding up a bunch of rows and concluding something clearly wrong. You don't need to think about math in detail to realize that it’s wrong. so sometimes a (putative) authority’s answer can show they are not an authority by being clearly wrong
        + that is not incompatible with authority’s preemptive nature

* + - Reasons not to follow the authority
      * They only displace some of your reasons and some of the other reasons they didn't displace are coming into play (gun to head)
      * They don't satisfy what it is to be an authority (ex: drunk doctor)
      * Their answer is so clearly wrong that you don't need to get into the details to conclude the person isn’t an authority without considering the details of the reasons for action (mathematician adding example)
    - Remember: authority is about if a person is more likely to do what they are supposed to do by following what the person says
  + Raz’s Examples:
    - FDA regulations on what a poison is– Gov could be an authority to you and you could be more likely to do what you ought to do by following what they say and viewing their poisons as poisons. But a poison expert may not regard them as an authority
    - Government as time saver – if the government has put up a light it seems like the government spent time deciding where to put it. It would be wasteful at each intersection to investigate if it is good to go through or not, instead of just deferring to government authority
    - Lack of bias – arbitrator example
    - Coordination problems – example which side of the road to drive on. We would be more likely to do what we ought to do by doing what the government says then deciding for ourselves. Top down is better. (there is no set right or wrong choice, it arbitrary. just needs to be a choice that everyone follows)
    - Prisoners dilemma – when people individually reason and make choices they collectively chose the choice that is worst for everyone (ex: if I dump something down the drain no big deal, but when everyone else does it now we have pollution) One way of putting it in making a decision to go fishing if everyone is going to I should go now and get fish before they all die, if they aren’t then I should go fishing because it wont be a problem. (there is one dominant choice in these dilemmas.) Authority solves this according to Raz by saying don't go fishing, which preempts our action and so we don't go fishing, we conform to reason by doing what the authority says vs what wed do on our own.
      * Note the independence of this from punishment.
  + Do Raz’s solutions work?:
    - Criticism of Expert Advice: Shapiro criticizes that the people who are submitting to authority are submitting to the balance of reasons of which they are aware. You are still acting on the balance of reasons, and just now have reasons to believe that certain reasons exist.
      * Ex: FDA says don't take drug A. before they said that you did not believe that you had reasons not to take the drug. Now that FDA has said that, you now believe you have reasons to not take drug A. The FDA didn't create new reasons for action, just rationally changed your beliefs and you are acting them. No preemption (same for doctors and weathermen) (Theoretical authority)
    - Time Saver example. Government has put up a light and you conclude that you are more likely to abide by your reasons for safety by stopping at the light than otherwise. How does that become an all-things-considered reason instead of a Razian reason. Your common sense tells you that if the government has taken steps to stop you at the light, that means ill believe not stopping her is dangerous, and so I act on that and stop because its dangerous not because government said so.
    - Arbitration example. Arbitrator is an unbiased person who gives a judgment which changes my beliefs about my reasons for action and I act on the reasons Im aware of.
    - Collective action/coordination problem example. How can you explain your beliefs for your action changing your action? If everyone sees the sign, then everyone will drive on that side, and that will make it safer and solve the problem. Government not an authority just given a new belief about what other people are going to do, which then leads me to conclude I should also and solves the collective action problem.
    - Prisoner Dilemma.
      * Two possibilities. (you know you are in a prisoners dilemma and what the tragedy of the commons is)
        + 1) Lets say the rational choice is to not fish. If that's true, you should just not fish. You don't need the government to tell you that.
        + 2) Lets say the rational choice is to fish no matter what. If you are not fishing because the government told you that's just wrong.
      * So whatever the government says is either redundant or wrong. Either way, the choice is one that is independent of what the governments utterance is. The authority just isn’t playing a role here at all. The governments independent declaration that you shouldn't fish doesn't do anything here.
      * If you are in a prisoners dilemma and don't know you are, if they tell you you are, then you change your beliefs and act accordingly.
      * Government might help change your beliefs about what other people might do (not Raz’s argument) by giving them more information.

Last things about Raz

* + Raz offers an account about how submission to authority is not irrational or against the balance of autonomy
    - Shapiro responds that all you are still doing is engaging in all-things-considered reasoning, not preemptive reasoning
      * How does plan theory/acting in accordance with a plan tie into this: Shapiro’s plan theory once you have a plan you act robotically. So maybe a useful addendum to Raz’s theory of authority would be a plan
    - Saying you submit to an authority is just following a plan is not right though, a person may say they are an authority, and be correct, but that doesn't mean you have a plan of submission with them.