1. Discursive Injustice

A speaker experiences discursive injustice when she ought to be able to perform a speech act but, because of her social identity, she is systematically unable to do so.\(^1\) Rebecca Kukla gives an example:

Celia is the manager of a factory in which 95% of the workforce are males that are deeply unaccustomed to taking women as being ordering authorities. Celia is entitled to give orders to her workforce, but they understand her utterances as being requests and they do not do as she intends.\(^2\)

Kukla argues that Celia experiences discursive injustice: her words do not function as orders despite her entitlement to give them and her best efforts to perform them. More specifically, her attempted orders fail because of how her workforce reacts to Celia’s utterance insofar as she is a woman in the workplace. On Kukla’s view, an utterance has the performative force associated with the uptake its hearers give to it; when the workers give her utterances the uptake of requests, her utterances are therefore requests despite her best intentions.\(^3\)

I will assume for the sake of argument that Kukla’s characterization of Celia is correct.

Now a puzzle appears when we consider whether Celia has practical authority over her

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\(^1\) Kukla 2014, 441.

\(^2\) Kukla 2014, 445-6. This is a paraphrase of Kukla’s original example.

\(^3\) Kukla 2014, 446. For a discussion about ‘uptake’, see ibid., 443.
workforce. If Celia has the practical authority necessary to order her employees, then it is mysterious that her speech can fail in the way Kukla describes. This invites us to understand Celia’s authority as somehow deficient in the context of the factory, but it is again mysterious how this can be.

I will argue that Celia’s discursive injustice is best explained in terms of deprivation of the practical authority she is entitled to have. I will give a novel account of a speaker’s practical authority which explains how Celia’s workforce can unjustly deprive her of this authority, and thus prevent her from giving orders (section 3). I will then contrast this new view with the theories of practical authority offered by Joseph Raz and Stephen Darwall, and ultimately find each unable to explain the discursive injustice Celia experiences (section 4). I now turn to explain what I take speaker authority, in general, to be.

2. Practical Authority

A speaker’s authority ultimately relates to invocations of speaker powers. I understand speaker powers to be conventional procedures which produce conventional effects. I will say a speaker invokes a speaker power by making an utterance within a particular setting with the intention of bringing about those conventional effects. The invocation of a power implies that the speech act is attempted, and does not imply that it is felicitous.

I will restrict the discussion to those exercitive speech acts that are invocations of speaker power which aim at binding the behavior of others, such as by creating obligations for those hearers. To perform these exercitive speech acts felicitously, the speaker must have the practical

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4 As identified, these powers are those which J. L. Austin mentions in his A.1 felicity condition of illocutionary acts. Austin (1962), 14.

5 There are many ways for an attempted speech act to be performed infelicitously. See Austin (1962), 18.
authority to do so. The speaker has practical authority when the speaker can give the hearer good (normative) reasons for behavior.\(^6\)

With that restriction in place, we can recast the distinction between a speaker’s power and her authority in terms of autonomy. Speaker powers are conventional procedures which, in the case of many exercitive speech acts, will infringe someone’s autonomy if the speech act is felicitous. Speaker authority can then be viewed as that ‘legitimating quality’ of an invocation of speaker power. Speaker authority, at least in the case of exercitive speech acts, can be framed in terms of whether an infringement on someone’s autonomy is legitimate. A theory of practical authority will explain why and how a speaker can legitimately infringe someone’s autonomy.

3. Authority Deprivation

I will now explain a new view of speaker authority which shows how a hearer can (justly or unjustly) deprive a speaker of her authority. A speaker will typically use an imperative utterance to invoke an exercitive speech act. Not all imperative utterances will be authoritative: for example, when a mugger demands that Sally give over her purse, the mugger does not speak to Sally with authority. The mugger invokes the speaker power of an order, but he does not do so legitimately. As such, I will say the mugger demands, but doesn’t and couldn’t order, Sally to hand over her purse. However, if a police officer demands of Sally to hand over her vehicle registration during a justified traffic stop, presumably the officer would be invoking this speaker power with authority. I offer the following definition to explain how these cases differ:

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\text{Speaker authority: a speaker’s invocation of speaker power is authoritative if and only if}
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\(^6\) Ehrenberg (2011), 1. Practical authority is thus distinguished from theoretical authority, which concerns whether the speaker gives the hearer good reasons for belief.
the hearer over whom this speaker power is invoked endorses the speaker’s standing to invoke that speaker power over them.

*Endorsement* is something each participant in the conversation has the capacity to do, and it is the second-personal (‘I-you’) respect for another person in virtue of the role that person occupies. There are two ways to second-personally respect a speaker in virtue of their role. First, a hearer can *de dicto* respect the speaker solely in terms of the occupied role (i.e., ‘She is my boss’). Second, a hearer can *de re* respect the speaker *herself* in virtue of the role she occupies (i.e., ‘She is my boss’). To endorse a speaker’s standing to invoke a speaker power is to both *de dicto* and *de re* respect that speaker’s standing.

A speaker’s *standing* is that explanation as to why they have *access* to those speaker powers. It may be part of that person’s job description, or perhaps it was deemed to be within that person’s range of powers by a higher-ranking member of the institution, among other possibilities. Whereas standing concerns how someone has *access* to the speaker power at issue, endorsement concerns another’s second-personal respect for that person’s access to that speaker power.

On this view, a hearer has the capacity to *withhold* endorsement from a speaker and by so doing they will *deprive* the speaker of her practical authority. For example, Sally does not have to respect the mugger’s standing to demand anything of her. On this view, the mugger will lack authority to *order* Sally to hand over her purse. Sally could also withhold endorsement from the police officer. If she did, on my view Sally would be depriving the police officer of his practical authority over her as well. Notice that while it is permissible for Sally to withhold endorsement from the mugger, it does not seem permissible for Sally to withhold endorsement from the police
officer. This is because it is Sally’s responsibility as a citizen of the state to respect its law enforcement officer’s standing to give orders. In virtue of being a citizen, Sally has certain role obligations⁷; plausibly, one such obligation is to endorse the police officer’s standing to infringe her autonomy in some limited ways, depending on the context at hand. Naturally, Sally does not have such a role obligation to endorse the mugger’s standing to give her orders.

We can define the officer’s entitlement to give orders in terms of Sally’s role obligation to endorse the officer’s standing to do so. Thus, if Sally was to withhold endorsement from the officer, she would be failing in her role obligation she has qua citizen, and thus she would be depriving the officer of the practical authority he is entitled to have. If the officer makes an imperative utterance with the intention of ordering Sally to hand over her vehicle registration, his act would be illegitimate on this view if Sally withholds endorsement for the officer’s standing to make this order; however, Sally would be doing this impermissibly because she would not be acting in accordance with the authority the officer is entitled to have.

This view of a speaker’s practical authority captures Celia’s case as well. When the predominantly male workforce understands Celia’s utterances as being requests, this is an expression of their lack of endorsement for Celia’s standing to give orders in the workplace. On this view, the workers are withholding endorsement from Celia, and thus Celia’s practical authority to order is deprived. Further, the workers deprive Celia of her practical authority impermissibly: Celia is entitled to give orders to her workforce because of her worker’s role obligations. Because they are employees of Celia, they must endorse her standing to give them orders—and this they do not do. Thus, we have explained Celia’s discursive injustice in terms of her deprived practical authority, which is deprived because of her worker’s withheld

⁷ I follow Michael Hardimon’s understanding of role obligations. See Hardimon (1994).
endorsement of her actions.

4. Inadequate Alternatives

We have seen a novel account of speaker authority which can explain how a speaker can experience discursive injustice. Now I will analyze some alternative accounts of a speaker’s practical authority and show how they lack the resources to explain how a speaker can experience discursive injustice.

4.1 A Naïve View

Celia is a manager in the factory, and one might think that this fact alone ought to count for something. One promising alternative account to the one I have offered would be to define a speaker’s authority in terms of her standing. On this view, which I will call a naïve view, Celia would have practical authority just in case Celia has standing to give orders, which she has simply in virtue of being a manager. This view has the benefit of being much simpler than the one I have offered. Additionally, we could then define Celia’s entitlement to give orders in terms of her employee’s role obligation to follow her orders, which are authoritative independently of the employee’s endorsement. However, this naïve view cannot account for the discursive injustice Celia experiences.

Since Celia has access to the speaker power of giving binding orders simply because she occupies the position of manager in the factory, the naïve view says that Celia therefore has the practical authority needed to give these orders. Thus, Celia’s utterances would be orders. The workers would then be mistaken in their apprehension of the orders as being requests. But this is just to say that Celia’s frustration does not amount to a discursive injustice: her utterances would
function as orders in the space, but they are misunderstood as being requests. Thus, we should reject this view of practical authority, as it would define discursive injustice out of existence.

4.2 The Service Conception

A promising account of speaker authority can be found in Joseph Raz’s service conception of practical authority. In Raz’s view, a speaker would invoke a speaker power with practical authority if and only if her utterance satisfies the following two theses. First, the dependence thesis: the order is legitimate only if the order is based upon reasons which already and independently apply to the hearer. These reasons need not be known by the hearer, nor need the hearer be inclined to act on those reasons. Second, the normal justification thesis: an order from a speaker to a hearer is legitimate when that utterance will make the hearer comply better with the correct reasons than they would if they tried to determine how to act on their own. This means that the speaker has practical authority over a hearer only in the service of that hearer; the goal is to get the hearer to comply with the reasons which independently apply to him.

The most promising way Raz could explain the discursive injustice Celia experiences is to show that Celia’s orders systematically fail the normal justification thesis. The story could go like this: Celia gives her intended orders in the service of her workers. Her employees have independent reasons to as directed because that is what their role in the factory entails. However, Celia’s orders would not make her workforce comply better with those independently existing reasons which already apply to them. This would have to be because Celia’s employees regularly do better by figuring out what to do on their own than by listening to Celia.

However, this does not capture the phenomenon of discursive injustice for two related reasons. First, Celia experiences an inability to order because she is a woman; the idea that
Celia’s employees are better at complying with the reasons which apply to them because she is a woman is simply untrue. Second, even if that was true, Raz would have to maintain that her workers are too good at adhering to the reasons that independently apply to them, but this isn’t the case: they consistently fail to do what they must. Thus, the most promising account of discursive injustice on Raz’s service conception fails to capture the injustice faced by Celia.

Further, it is plausible that Celia’s orders satisfy both the normal justification thesis and the dependence thesis. If so, the service conception of practical authority is unable to explain how Celia experiences an inability to give orders to her employees. Like the naïve view, the service conception says Celia experiences no such injustice.

4.3 Second-Personal Conception

The final view of practical authority I will consider comes from Stephen Darwall. Darwall starts from the idea that a theory of practical authority ought to explain a hearer’s accountability to the speaker. A speaker on Darwall’s account has practical authority over a hearer if and only if the hearer has second-personal reasons to comply with the speaker’s valid claims and demands and is accountable to the speaker for so doing. He explains this circularly (though he takes this as a virtue). A second-personal reason is ‘one consisting in or deriving from some valid claim or demand of someone having practical authority with respect to the agent and with which the agent is thereby accountable for complying.’ (He defines accountability and validity of claims and demands in a similarly circular fashion.) These four concepts are interrelated and self-reinforcing. For every authoritative order, there is a corresponding accountable subject who has a second-personal reason for doing as validly claimed or demanded.

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8 Darwall (2010), 266.
9 Ibid.
Each of the core ideas entails the other three on Darwall’s view, but I will focus on second-personal reasons to analyze Celia’s case. Celia’s utterances are valid in virtue of the role she occupies. Similarly, Celia’s workers are accountable to her in virtue of their respective roles: the workers have at least the role obligation to be held accountable by their manager. So the most promising way to explain Celia’s discursive injustice on Darwall’s view is to suggest that Celia is systematically unable to give her workforce second-personal reasons to comply.

In “Authority and Second-Personal Reasons for Acting,” Darwall notes that coercion can be distinguished from practical authority by an appeal to compliance on the part of the subject. This requires a second-personal address which gives the hearer a second-personal reason for complying. But this second-personal address can fail because of a speaker’s expectations of the audience:

It would be an appeal to the alleged subjects to recognize the alleged authority and comply therefore with directives that are authorized by it. Moreover, someone can credibly make such an appeal only if he can expect his alleged subject to accept that the subject has some duty or obligation to follow his directives. Without such a duty or obligation in place, which an alleged authority cannot of course create by his own directives, no genuine authority exists.\(^\text{10}\)

There is the descriptive sense of expectation, namely that the speaker can anticipate the hearer’s acceptance of a duty. There is also the prescriptive sense of expectation, as in that the speaker believes the hearer ought to accept that he has a duty to obey. However, neither sense offers the

\(^{10}\) Darwall (2013a), 144.
resources to explain Celia’s discursive injustice.

On the one hand, because she is a manager, Celia should believe that her workforce ought to accept they have duties to obey her. Thus, Celia can *prescriptively* expect her workers to comply; she would credibly appeal for their compliance, and thus genuinely exercise authority over them. But this will not explain Celia’s discursive injustice. On the other hand, Celia can *descriptively* expect that her employees won’t follow her directives, hence that they don’t believe they have a duty to obey her. This would say that Celia lacks practical authority because she cannot anticipate her workers acceptance of a duty to comply. But this would mean that Celia lacks authority merely because she has a correct belief about their future (non-conforming) behavior. It would seem that her beliefs about whether they will comply shouldn’t play a role in whether Celia has practical authority over them. It would seem that Darwall doesn’t have the resources to explain how a speaker can experience discursive injustice.

5. Conclusion

I have offered a novel account of a speaker’s practical authority which has the resources to explain why and how a speaker can experience discursive injustice. This view suggests that a speaker’s authority exists whenever her hearers endorse her standing to perform authoritative speech acts. However, a hearer’s role obligations will settle whether they may permissibly withhold endorsement from a speaker. This view of authority fairs better than promising alternatives which I have examined.

As a concluding remark which I lack the space to defend, I acknowledge that the view I have offered also has the benefit of not being tied to the exercitive speech act of *orders*, as Raz and Darwall’s accounts are tied. Thus, this view of speaker authority may be expanded to capture
non-ordering exercitive speech acts which require speaker authority.
References


