AUTHORITATIVELY SPEAKING:

A SPEECH PRAGMATIC ANALYSIS OF AUTHORITY AND POWER

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presented by Alek Willsey,

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and hereby certify that, in their opinion, it is worthy of acceptance.

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To my parents, Ruth and Brad Willsey, and my sister, Samantha Willsey.
Thank you for always believing in me.

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ABSTRACT

A speaker needs authority to perform some speech acts, such as giving orders. A paradigm example of this is when a manager orders their employee to take out the trash; ordinarily, these words will give the employee a normative reason of considerable strength for them to take out the trash, and so they *should* take out the trash, all things considered. I will explore three related problems regarding a speaker's authority.

First, there is the problem of defining how and within what scope a speaker has the capacity to set norms for others—I will call this the Authority Problem. An answer to the Authority Problem would settle what constitutes a manager's capacity to change the normative status of their employee. Second, there is the problem of showing how a speaker uses their authority to produce felicitous authoritative speech—I will call this the Illocutionary Authority Problem. An answer to this problem will show how a manager exercises their capacity to alter the normative status of their employee, assuming they have such a capacity. Third, there is the problem of explaining how a speaker's right to produce authoritative speech can be systematically infringed—I will call this the Problem of Discursive Injustice. An answer to this problem will explain how a manager can have their orders systematically misfire despite exercising their capacity to alter the normative status of others in the usual way, such as when the employee routinely misapprehends their manager's orders as being requests.

To answer each of these problems within the philosophy of language, I draw on recent work in social and political philosophy. I defend the view that a speaker's authority to alter what someone else ought to do (by giving them and taking away

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normative reasons for action) is constituted entirely by the respect their addressee(s) have for their use of power directed at them. Further, a speaker's powers are the linguistic tools by which they attempt to exert this normative influence over their addressee(s). Finally, a speaker may be discursively entitled to use their power in specific institutions because of the role they occupy, and this speech can systematically misfire *despite this entitlement* because they are wrongfully deprived of the respect they deserve.

INTRODUCTION

The purpose of this dissertation is twofold. The first is to draw a distinction between a speaker's *authority* and a speaker's *power* as it concerns the performance of exercitive speech acts. The second is to demonstrate the importance of this distinction by explicating the notion of *discursive injustice*. By doing these things, I motivate a nuanced *normative expressionist* model of exercitive speech acts as illocutionary acts.

I focus on the authoritative performance of speech acts, such as when a manager gives an order to their employee. To view this from the perspective of the philosophy of language, acts of speech can be *meaningful* when performed by certain persons in certain contexts in certain ways. A speech act is *authoritative* when spoken by the right person at the right time and place, and so it comes to have this authoritative meaning. There are various ways to discuss the meaning of a speech act, and in Chapter 1 I explore five of the major ways. Each of these five ways is a response to the traditional illocutionary view of speech acts first defended by J. L. Austin (1962).

I will argue that we must analyze the *authority* of the speaker as separate from the *power* the speaker invokes when making an utterance, and this is not something originally defended in Austin's (1962) view of speech acts. A speaker has *authority* when they have the normative capacity to alter someone's set of normative reasons for action. The *grounds* of a speaker's authority will be the topic of Chapter 2. The *power* a speaker uses in speaking (which is distinct from their *authority*) refers to a linguistic tool by which the speaker can exercise their authority. What this tool is, and how a speaker uses it to exercise their authority, will be the topic of Chapter 3. As a result, I will argue that

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there are two significant features of a speaker's attempted speech act that we must keep in mind when analyzing whether that attempt is felicitous: (1) which power is invoked with the utterance, and (2) does the speaker have the authority required for that invocation?

I will argue for this view in two parts. In Chapter 2, I explore various views of authority and ultimately find each insufficient to properly characterize all authoritative speech acts. I then defend a view of speaker authority which fairs better. In Chapter 3, I give an illocutionary model of exercitive speech by defining power as the intentional use of an expression which is compatible with performing the intended speech act. Together, these chapters constitute my view on exercitive speech which relies on the distinction between authority and power.

It is important to have this distinction because it allows us to more easily explore the phenomenon of *discursive injustice*. The rough idea is that we can be normatively harmed *as speakers* because our words count for less than they ought to in a context. By distinguishing between a speaker's power and their authority, I can show how this discursive harm appears in these spaces with an illocutionary model of speech acts.

I will argue for this in two steps. First, in Chapter 4, I will compare Professor Quill R. Kukla's (2014) view of discursive injustice with my own and argue that their non-illocutionary view has undesirable implications that my view avoids. I will then argue in Chapter 5 that my illocutionary view of authority and power fairs better than other views of authority, which brings the discussion back to where we began. The result is that we are left with a more nuanced understanding of how exercitive speech functions, and can systematically fail to function, in speech contexts.

CHAPTER 1:

Authority in Speech Act Theory

1. Why do a speaker's words count as a reason to act?

It is natural to wonder why we should do what we are told to do, and this issue is usually discussed in terms of reasons to act (Raz 1986; Darwall 2013; Broom 2013). This issue appears in a variety of cases in our everyday lives. As children we are told when to go to bed (McGowan 2012, 129, fn 14), when to move from one classroom to the next, what to eat, how to dress, etc. As adults entering the labor force, we are told which tasks to perform and how quickly we are to complete them (Kukla 2014, 445). When we are told to do something, we are often expected to do so; indeed, failure to complete a task often results in some unwanted consequence, depending on why the task was left incomplete. In each case, a speaker tells someone what to do, and it is believed by the speaker and the hearer that these words count as a compelling reason for the hearer to act. In this dissertation I will explore how and why the speaker's words count as a reason to act in this way, especially as it concerns that speaker's exercise of authority to tell someone what to do.

When we are told to do some act (call it φ) and then we do it, there are at least two things we can consider that we can call our *reasons* for acting. First is our *motivation* to φ. When we act, we often have an intention to do so. A motivation to φ is that mental state which causes you to form an intention to φ (Broome 2013, 1). To ask about your reason to φ in the sense of your *motivation* for φ-ing is to ask about your mental state: what led you to form the intention to φ?

Second, we can ask about the reason why you *ought* to φ. This is a normative question about your φ-ing, rather than a question about your motivation. To ask about your reason to φ in this normative sense is to wonder about the standards by which you should be judged for doing, or failing to do, the act φ.

One can have a normative reason to φ and fail to have a motivating reason to φ. For example, I have a reason why I ought not to eat the slice of cake: it is bad for my health. However, I may be entirely unmotivated to avoid eating the cake: it may be too enticing.

Normative reasons and motivating reasons can also be distinguished in the following way. Suppose I have a reason why I ought to write a philosophy journal article: it would be a good exercise, and it would be good for my career. However, these reasons need not be my motivation for writing the journal article: perhaps my motivation to write comes from my genuine desire to write about the subject itself, rather than my aspirations for tenure or my intention to hone my skill. In this way, I can have *both* a motivating and a normative reason for writing the journal article, but they are not the *same* reason for my action, nor does one necessarily influence the other.

In this dissertation I will be concerned with *only* normative reasons for action. It is interesting to consider whether and how I am motivated to φ when there are normative reasons for φ-ing, but that question about motivation is outside the scope of this project. When I ask how and why a speaker's words count as a reason to act I am asking a normative question, not a psychological one. I am asking why you *ought* to φ, not why you come to intend to φ when you ought to φ.

Having now made this important distinction about your reasons to φ, there is one

further point that I need to clarify. When I ask how and why a speaker's words count as a reason to act, I am restricting the following analysis to situations in which a person gives someone a normative reason to φ. To return to the previous example, I am interested in cases like when someone tells me not to eat the slice of cake in front of me: when they say those words, why and how would they give me a normative reason—perhaps one I didn't have before they spoke—to not eat the cake?

By restricting the discussion in this way, I leave aside the discussion of what we can call *impersonal* normative reasons to φ: reasons you have which are not given to you by some person. For example, it is widely accepted that you ought not kill an innocent person; presumably, this holds true regardless of whether any person told you this. This reason exists for you because of the correct moral theory for how we ought to act, and so each moral theory will have a different explanation as to *why* this (impersonal) normative reason exists for you. For present purposes, I am interested in only those reasons which come to exist because they were given to you by another person.[1]

It should now be clear that in asking the question, "Why do a speaker's words count as a reason to act?" I am asking about your normative reasons to φ which exist because they are given to you by someone else. The short answer to this question is: when that person has authority over you, and when they say the right words to create those reasons. This requires an analysis of the grounds for a person's authority, which I

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[1] This raises the question of whether a person can give you a reason to do something immoral, as in an action which you have an impersonal moral reason to not do. Without getting into too many details, I see two general strategies for discussing this topic. First is that for any immoral act φ, it is impossible for someone to give a reason to you such that you ought to φ. Second is that for any immoral act φ, someone can give you a moral reason to φ, but such a reason will be plausibly outweighed by an impersonal reason to refrain from φ-ing. This second strategy requires an understanding of weighing reasons for action, which I will take up in Chapter 2.

will address in Chapter 2. This also requires a model of speech acts which describes how a speaker's words can create normative reasons for you, which I will articulate in Chapter 3.

In addition to describing how a speaker can create normative reasons for action for someone, I will also explore how a speaker can be entitled to do so and be prevented from succeeding despite this entitlement. Thus, I will be describing how a speaker's attempted speech acts can fail by viewing such events through the lens of what has been called *pragmatic breakdown*, which I will return to in section 2.3 and explore in Chapter 4 in more detail. For now, it is best to begin with the basic terminology of speech act theory.

2. Speech Act Theory Basics

We use speech to perform a variety of actions. Everyday experience includes many examples of these actions: purchasing a cup of coffee at a café; greeting a colleague as you get to work; requesting homework from your students; warning a student that, unless they try harder, they are unlikely to do well in your course. These acts are quite familiar to us, but it wasn't until the middle of the Twentieth Century that philosophers began to theorize about these actions we perform by speaking, which are commonly referred to as *speech acts* (Green 2017). Since that time, philosophers of language have been interested in giving theories of what some have called an utterance's *pragmatic meaning*.[2]

Performing acts with speech is familiar, but so is *failing* to perform an act with

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[2] This can be distinguished from an uttered sentence's *sentential meaning*, which roughly corresponds to that sentence's conditions of truth as it represents a state of affairs (Récanati 1987, 15).

speech. For some examples: saying "I do," at the right time during a marriage ceremony doesn't mean you become married if you are merely an invited guest; saying "Medium decaf with a splash of milk," doesn't result in a coffee purchase if you don't hand over a sufficient amount of money; crossing one's fingers behind one's back while saying "I promise," is a familiar way of not truly promising. A theory of speech acts is typically concerned with explaining how and why a speaker performs, or doesn't perform, a speech act with their utterance, especially if they say the right words at the right time.

In their analysis of the contemporary theoretical landscape for speech act theories, Daniel W. Harris, Daniel Fogal, and Matt Moss divide the landscape into five distinct families (Fogal et al. 2018). Each family represents an approach a philosopher of language can take to explain the pragmatic meaning of a speaker's utterance. By briefly reflecting on the thoughts of Harris et al., the particular insights of this dissertation will be brought into focus. The families are: (1) conventional, (2) intentional, (3) expressionist, (4) functionalist, and (5) normative. I'll briefly expand on and compare each of these in turn.

2.1 Five Families of Speech Act Theory

I begin with the *conventional* family of speech act theories. While the definition of a social convention is highly debated,[3] the general idea is that there are ways of behaving collectively that people do, at least in part, because others around them act similarly. Conventional speech act theories specify that local conventions invoked in speech are the

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[3] See Lewis (1969) and Marmor (2009) for just two definitions of social conventions.

primary feature or *fundamental aspect* of speech acts; the pragmatic meaning of a speech

act would ultimately rest on the conventional patterns of behavior that organize a group

of people.

The most well-known of the conventional theories is with the work of J. L. Austin

(1962), in which he identifies speech acts as what he calls *illocutionary acts*. An

illocutionary act is different from a *locutionary act*, which is an utterance made with a

linguistic meaning of sense and reference. By performing a locutionary act, a speaker

may also thereby perform an illocutionary act with that utterance. The illocutionary act is

what Austin calls a "conventional procedure" which obtains when one makes a

locutionary act in a particular circumstance where the convention is observed, and the

locutionary act is part of the invocation of that procedure. To succeed with a conventional

procedure, one needs to satisfy its *felicity conditions*, which are specified by local

conventions. As a test case, a speaker's intended orders would count as such so long as

the speaker satisfied the local conventions of giving orders. I will return to and explain in

more detail Austinian conventionalism in the next section. For now, the terminology of

illocutionary acts will be helpful with explaining the other four families of speech acts.

Keep in mind that Austin's use of 'illocution' is defined in terms of conventions, but the

term itself is often used as a synonym for 'speech act' in non-conventional families of

speech acts, and I will use it in this non-conventional, synonymous sense going forward.

The second family is *intentionalist* theories of speech acts. According to

intentionalism, which has been developed largely in response to the work of H. P. Grice

on speaker meaning and communicative intention (Grice 1957; Grice 1968; Grice 1969),

the primary feature of an illocution is the intention the speaker has when attempting to

communicate. Typically, a speaker will produce an utterance with at least two intentions: (1) for the hearer to respond to the utterance in a particular way, and (2) for the hearer to recognize that the speaker has intended this response. One virtue of this family of speech act theories is that it can easily distinguish between three different stages of an illocution's success. First, a speaker *performs* the illocution when they produce an utterance with a particular communicative intention. Second, the speaker *communicates* their illocution when this intention is recognized by the hearer. Third, the speaker *produces a response* in the hearer when the hearer acts in the way intended. Thus, a speaker can perform an illocution and yet fail to communicate it, or fail to produce the intended response, on this kind of view. As a test case, a speaker's intended *orders* would count as such so long as the speaker has the right intention when making an utterance. Whether this order is *communicated* successfully is another matter. Bach's and Harnish's (1979) influential model of speech acts, which we will explore in Chapter 3, is an intentionalist model of speech acts which views orders much in this way.

The third family of speech acts is *expressionism*. The primary feature of speech acts on an expressionist view is that they express the speaker's state of mind, and that different illocutions can be performed with different expressed mental states. The main difference between expressionist theories and intentionalist theories concerns the addressee's mental states. Intentionalist theories typically describe illocutions as utterances made with intentions about how the interlocutor is supposed to respond. As a test case to compare intentionalism and expressionism, a simple intentionalist theory might say that an *order* counts as such because a speaker intends their interlocutor to respond in a specific way to the utterance; a simple expressionist theory might say instead

that an *order* counts as such because the speaker expresses a belief about the conduct

itself, without reference to any specific intention about how the speaker is to respond to

the utterance the speaker made. Expressionist theories do not require that the expressed

mental state be higher-order with regard to the interlocutor's response, but instead the

much simpler expression of the speaker's state of mind alone. Theories in this family —

such as Davis (1992), Pagin (2011), and Green (2007)— identify these expressions of the

speaker's mental state as the fundamental feature of illocutions. I will defend an

expressionist model of speech acts in Chapter 3.

The fourth family of speech acts is *functionalism*. According to a functionalist

view, an illocution's primary feature is based in the consequences the intended illocution

functions to bring about. Whereas this is also true of intentionalism, functionalism differs

in that the consequences are brought about not from the intention of the speaker, but

instead from a less agential source. For one example, a speech act may have a *proper*

function which it has acquired from a process similar to how natural selection operates

(Millikan 1998). On such a view, *orders* (as a test case) would have the proper function

of getting one's interlocutor(s) to comply with a directed action because, over time, prior

attempts have functioned to bring about these consequences. As another example, it

would seem that Professor Quill R. Kukla's (2014) theory of speech acts would fit at least

partly in this family of speech acts. Kukla argues that which speech act a speaker

performs depends essentially on the way that one's interlocutor(s) recognize and react to

the speaker's utterance. This implies that the way a speaker's utterance brings about these

reactions settles which speech act the speaker performs. As a test case, one's intended

orders will function as such only if one's audience members recognize and respond to

one's utterance as such. However, Kukla's view also has normative aspects to it (see below), and I will return to their view in more detail in Chapter 4.

Finally, the fifth family of speech acts is *normative*. On this kind of view, speech acts are primarily normative phenomena. This can be fleshed out in a variety of ways. First, and relatively uncontroversially, a speech act can be *norm-governed*: to produce a speech act, one must follow the given norms associated with its performance. For a given speech act—say, *assertion*—there would have to be a norm which one follows to perform it. Such a norm could be what is called the Knowledge Norm of Assertion: that one must assert that *p* only if one knows that *p* (Williamson 2000, 243). Second, and more controversially, a speech act can be *constituted* by norms. To return to *assertion*, it might be argued that being subject to the Knowledge Norm is what constitutes the speech act itself. Third, and quite differently, we can say that speech acts fundamentally give rise to certain rights or obligations. Influential views of this sort include Brandom (1983) and McGowan (2004; 2014). Important for the focus of this dissertation is the concept of a speaker's *authority* to perform certain *authoritative illocutions*; Kukla's (2014) view draws on this idea by considering how a speaker's social status can alter how their interlocutors recognize and react to their utterances. Each of these different ways of spelling out a normative theory of speech acts has different conditions of success. However, each of these ways specifies that the *fundamental aspect* of speech acts concerns norms in some way or another.

Before moving forward, I would like to mention two things. First, an aim of any speech act theory is to unify *all* supposed speech acts under the same theory by explaining how these speech acts succeed and in what ways the acts can fail. It is a strike

against a theory of speech acts if it is unable to adequately account for the success or failure of some kind of supposed speech act, and it is perhaps a strike against a speech act theory if it controversially declares that a plausible speech act is not one. Second, it is possible that aspects of multiple families can be included in one theory of speech acts. However, most views determine that only *one* family's trait is *fundamental* to speech acts. Thus, much of the debate over speech act theories is over what quality, out of the five listed above, is fundamental. Notably, this does not rule out theories which account for a subset of acts as best explained with one primary feature, while some other subset of acts are best explained with a different primary feature (Bach and Harnish 1979; Marmor 2009). Additionally, this does not automatically rule out theories which specify that multiple traits are fundamental to speech acts. However, it is assumed that a more unified approach is preferred to a less unified one.

Now that we have briefly explored the five different families of speech acts, I will return to Austinian illocutionary theory, which is the conventional speech act theory that has inspired this literature and has introduced much of the terminology.

2.2 Austinian Illocutionary Theory

J. L. Austin (1962) gave a theory of speech acts as what he calls *illocutionary acts* (or *illocutions*). A speaker's utterance (their *locutionary act*, or *locution*) can come to have one (or more) of a variety of *illocutionary forces*, and thereby succeed in performing an illocution. Different theories of speech acts will describe the meaning of an utterance in

ways other than with illocutionary force.[4]

In Austin's view, the successful performance of an illocution will be the successful performance of the conventional act performed *in* the speaker's utterance. This focus on the act performed *in* speaking is contrasted by the act(s) performed *by* a speaker's locution; the latter is what Austin refers to as the speaker's *perlocutionary act* (or *perlocution*). The difference between illocutions and perlocutions has historically been difficult to precisely distinguish, and so the following does not amount to a precise account, but the distinction relies on the difference between what one *does* and what happens *because* of one's doing. For example, by yelling "Fire!" in a theater, the speaker thereby *warns* others (an illocution) and also causes some others to gasp (a perlocution). Thus, it would be correct to say that by making that utterance, the speaker both warned others and made some of them gasp. Though this is the case, it would be incorrect to say that the causing of the gasps was the meaning of the utterance itself—the meaning of the utterance was to *warn*. Keep in mind that this distinction is not distinctive of the conventional family of speech act theories: if there is a difference between the illocutionary and the perlocutionary, a view like Austin's will locate the difference by appealing to conventions. Other families of speech acts will locate this difference in other ways.

Austin gives an account of an utterance's illocutionary force in terms of *felicity conditions* of the social practice that the speaker invokes when speaking. Austin thought there were six conditions, which can be summarized as follows (Austin 1962, 15).

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[4] According to François Récanati, an utterance's illocutionary force is just one kind of pragmatic meaning that utterance can come to have. (Récanati 1987, 15).

[A1] There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances.

[A2] The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.

[B1] The procedure must be executed by all participants correctly.

[B2] The procedure must be executed by all participants completely.

[C1] Each person participating in and invoking the procedure must have the thoughts, feelings, or intentions that participating in or invoking the procedure requires, if there are any.

[C2] Each person participating in and invoking the procedure must actually follow through with any consequent behavior that participating in or invoking the procedure requires, if there is any.

The first four conditions (the As and Bs) are required for the speech act to not *misfire*. When an illocution misfires, we say that the utterance does *not* have an illocutionary force. In less precise terms, we say that the speaker *doesn't perform the speech act* when the illocution misfires. An example of an illocutionary misfire is the

familiar case of the interloper who smashes the bottle hung at the stem of the ship and proclaims, "I name this ship the Mr. Stalin!" About this, Austin says, "…the trouble is, [the interloper] was not the person chosen to name it…We can all agree (1) that the ship is not thereby named; (2) that it is an infernal shame" (Austin 1962, 23). The naming misfires, and so the speaker does not name the ship. Compare misfires with cases of *illocutionary abuse*, which are caused by infractions of the last two felicity conditions (the Cs). The idea is that there are cases where a speaker *does* perform the act, but the act is not 'happy', to use Austin's word (Austin 1962, 15).[5] An intuitive example of an abuse is when someone says, "I'll help you move," without intending to follow through with helping you move (say, they had crossed their fingers behind their back as they made their utterance). We would say that the speaker did promise, but the promise was 'unhappy,' to use Austin's phrase: the speaker ought to have intended to follow through with the subsequent behavior.

Now that we have a general understanding of Austin's conventional framework of illocutionary acts and the terminology it introduced, I will give an overview of *pragmatic breakdown* and the role of a speaker's *authority* in speech, two related contemporary issues that theories of speech acts aim to explain.

2.3 Pragmatic Breakdown and Authority

Theories of speech acts are interested primarily in how speech acts obtain, but equally important is the phenomenon of speech acts *failing*. We can call a version of this

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[5] Illocutionary misfires are unhappy performatives in Austin's sense, too, just in a different way.

pragmatic breakdown: when speech does not have the illocutionary force the speaker intended for it to have. I will survey a couple of ways in which pragmatic breakdown can occur.

Performances can fail because a speaker is misunderstood in some way. One way a speaker can be misunderstood is when their addressee doesn't recognize their communicative intentions. We can discuss this in a more formal way by considering the Austinian notion of *uptake*: the audience's recognition of the speaker's illocutionary intention (Austin 1962, 120).[6] For example, Austin says that a speaker does not warn an audience unless they (the audience) take what they (the speaker) say in a certain sense (Austin 1962, 115). This suggests that uptake belongs in Austin's B2 felicity condition:

[B2] The procedure must be executed by all participants completely.

The idea is that the speaker cannot complete the illocution if one's intended performance is not recognized by the audience. This is where Rae Langton (1993) and others seem to place uptake in Austin's account.

With this understanding of uptake, we can model a significant injustice that occurs in society: female speakers might utter "No!" to *refuse* a sexual advance while their assailants fail to recognize their communicative intention. The result, argues Langton, is that those female speakers will be *uptake silenced* with respect to the illocution of *refusal*. Their illocutionary intent to refuse is not recognized, and so uptake

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[6] Notice that this does not suggest that speech acts are *fundamentally* a matter of speaker intentions, but does imply that intentions play a role in successful performances.

is not given to them by their assailants, which means they cannot perform their refusal to their assailants: their attempts to refuse are silenced, and their words do not carry that intended illocutionary force. Thus, Langton and others have used Austin's illocutionary model to describe the pragmatic breakdown of refusal in cases like this: some speakers have their speech *forced* to misfire to terrible effect.

One may also describe cases of pragmatic breakdown which occur with respect to other felicity conditions. For example, Mary Kate McGowan (2014) has noted that there is a form of silencing that can occur despite uptake being given by a hearer. A speaker may be doubted for her *sincerity* when she is in fact being sincere. An example of this is, again, a case of sexual refusal. A woman might utter "No!" to refuse and be understood as intending to refuse a sexual advance, but her assailant may (mistakenly) believe that her refusal is not a *sincere* refusal. Thus, a hearer may doubt she has secured condition C1.

> [C1] Each person participating in and invoking the procedure must have the thoughts, feelings, or intentions that participating in or invoking the procedure requires, if there are any.

This addressee's doubt may be understood as a failure of the *hearer* to have the appropriate thoughts about the speaker's expression of sincerity in the given situation, thereby showing how her intended refusal does not function fully within the context. This (again) highlights how a speech act is not entirely up to a speaker; the *audience* is important to the felicity of a speech act, often crucially so.

Now that we have seen an overview of different models of pragmatic breakdown, I will mention one general challenge to models of this sort, which I will later contend with in Chapter 4. A challenge for views like that of uptake silencing advanced by Langton, or of sincerity silencing advanced by McGowan, is to explain why we should believe, for instance, that the women have their *speech* go awry. It seems incorrect to say that the *speakers* have failed in any particular way, especially when the *hearers* aren't doing their part in the communicative exchange. I believe this objection to models of pragmatic breakdown highlights an important aspect of this work. The pragmatic meaning of an utterance obtains due to an exchange between speaker and hearer. Theories which model pragmatic breakdown implicitly rely on this idea that performances require at least two participants: when one party does not play their part, the performance does not succeed. Thus, I argue that a theory of speech acts should do justice to the idea that the speaker alone does not settle the illocutionary force of her speech; her speech acts are determined by an interaction between her and her audience.

The point of the above models is to show how a speaker's words fail to have their illocutionary force of refusal in the given context *when they should*. When an assailant fails to give uptake to his female victim's utterance "No!" we do say the force of the refusal failed to obtain, but we do not mean to say that the victim just let the attack happen (or, worse, that she *invited* it to happen). What we mean to say is she was *silenced*; she was allowed to speak, to make a locutionary act, but her words failed to count as a refusal in the circumstances when they should have.

A related phenomenon which speech act theories ought to be equipped to explain is that of *discursive injustice*, which will be the topic of Chapter 4. Briefly, a speaker

experiences discursive injustice when that speaker ought to be able to produce a speech act but cannot because of her social identity. We can describe this as a more specific kind of pragmatic breakdown, one in which her speech fails, but where she was *entitled* to have her speech succeed, and where it is her social identity which causes the illocutionary misfire. With this understanding in mind, we can see that the cases of refusal we just explored through the models of uptake silencing and sincerity silencing are quite similar to cases of discursive injustice. For instance, it is plausible that in our example the speaker's sincerity was doubted simply on the basis of her gender. As we will see in Chapter 4, a paradigm case of discursive injustice concerns the inability to give orders to employees because of one's perceived gender when one is *entitled* to give such orders. According to views of pragmatic breakdown, a speech act theory should be able to explain why an utterance cannot have the illocutionary force of an order *when it should count as an order* if they hope to explain the phenomenon of discursive injustice. As it will become apparent soon, this requires a nuanced view of a speaker's authority and what it means to be entitled to perform some speech acts.

This directly addresses another problem that theories of speech acts ought to be able to explain, and which will be a central theme of this dissertation. Austin describes a set of speech acts called *exercitives*, which are "the exercising of powers, rights, or influence," especially over others (Austin 1962, 150). Examples of exercitive speech acts include appointing, ranking, ordering, bequeathing, annulling, and recommending, among others. Distinctive of exercitives is the *authority* required to perform them. To order another person to do some action, to normatively require behavior of them, a speaker must have the authority to do so. The same applies for appointing, ranking, annulling,

bequeathing, and, I will later argue, recommending.[7] Conversely, attempts at ordering,

bequeathing, etc., when one lacks authority should fail to have the intended pragmatic

meaning. This raises an issue for a theory of speech acts to explain how exercitive speech

acts obtain, and how they can fail to obtain, on the basis of a speaker's authority. In

particular, authority is a central element in paradigm cases of discursive injustice: giving

orders. In the following chapters, I will answer two related problems regarding a

speaker's authority.

First is the problem of how a speaker's authority is grounded. Giving a

satisfactory account of a speaker's authority for performing their illocutionary acts has

become known as the *Authority Problem*. Let us focus on the illocutionary act of *ranking*

to see the importance of the Authority Problem. Ishani Maitra (2012) argues that speech

can constitute acts of racial subordination, but only if a speaker has the requisite level of

authority needed for the exercitive speech act of *ranking* someone (or a whole group of

persons) as inferior to another. By ranking some persons as inferior in one's speech,

Maitra argues that one thereby subordinates them, and so that kind of subordinating

speech can rightly be curtailed. Yet typically, speakers who perform racist hate speech

are not thought to have the requisite authority to perform acts of ranking which can

constitute an act of subordination. To use Maitra's example, a speaker on a public

subway telling someone, "F###in' terrorist, go home. We don't need your kind here," is

thought to be offensive, but that this 'ordinary' hate-speaker is not authoritative in the

way needed to actually rank that someone as inferior in the social hierarchy (Maitra 2012,

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[7] See Chapter 2. I suggest that recommendations are an important and overlooked speech act which require some level of authority to perform.

101). Thus, she sets out to explain how ordinary instances of racist hate speech *can* be authoritative in the way needed to constitute an act of subordination. I explore her account of authority at the end of Chapter 2 by comparing it to the model of speaker authority that I offer.

There is a distinction between having authority and using the right words in the right way so as to exercise that authority with one's words. To give a satisfactory account of how a speaker uses the right words in the right way so as to exercise their authority with them is a second problem which I call the *Illocutionary Authority Problem.* To contrast the Authority Problem with the Illocutionary Authority Problem, let us return to the example of *ranking*. Whether a speaker has the authority to rank someone as inferior is one thing; whether they can use that authority is a matter of what words can be used to exercise that authority. To answer this problem, a model of exercitive speech must be given. In Chapter 3, I give a hybrid *normative expressionist* model of exercitive speech acts that answers the Illocutionary Authority Problem.

Now that we have a general understanding of speech act theory, the different families of speech acts, and the issues of pragmatic breakdown, the Authority Problem, and the Illocutionary Authority Problem, I will briefly summarize the next chapters and highlight the contributions of this research.

3. The Next Chapters

In Chapter 2, I analyze the concept of *speaker authority* and thereby give an answer to the *Authority Problem*. I argue that contemporary views of authority found in the social and political philosophy literature are inadequate to solve the Authority Problem.

Because of this, I offer a new view of a speaker's authority. Very briefly, I define a speaker's authority in terms of the second-personal respect the speaker has from their audience to use exercitive language directed at them. This view has three benefits. First, it is informed by and advances the contemporary authority literature found in social and political philosophy, and so it bridges a gap between those fields and the study of speech pragmatics. Second, this new theory of speaker authority explains common intuitions behind familiar cases of exercitive illocutions. Third, this theory also has the resources to explain a previously under-appreciated exercitive speech act, what I call *recommendations*, and so this theory of speaker authority expands the scope of the literature on exercitive illocutions.

In Chapter 3, I introduce the concept of a *speaker power* as a linguistic tool distinct from a speaker's authority. This linguistic tool is the means by which a speaker exercises her authority with her words, and so this will answer the Illocutionary Authority Problem. Two benefits arise from this discussion. Firstly, by distinguishing between exercises of authority and invocations of power, we can explain more specifically how a speaker can come to acquire authority just by saying the right words at the right time, which is a phenomenon other models of exercitive speech have not been able to show. Second, this distinction allows me to answer the Illocutionary Authority Problem by giving a hybrid *normative expressionist* model which is superior to other models of exercitive speech. This view of illocutions specifies that both the authority of a speaker and the expression of the speaker's mental state are fundamental aspects of a speaker's exercitive illocution.

Chapters 2 and 3 introduce my theories of a speaker's authority and of exercitive

speech, and I use those views to explain a specific phenomenon in Chapter 4. I will precisely explain the phenomenon of *discursive injustice* which, as a first approximation, is when a speaker is unjustly and systematically prevented from performing a speech act which they are entitled to perform. I argue that an illocutionary model of discursive injustice succeeds by reflecting on the senses of speaker authority and power which I have outlined in the previous chapters. Specifically, I argue that there is a sense in which the speaker's invocation of *power* is appropriate, but she lacks the *authority* to felicitously perform an illocution. This mismatch in authority and power captures the sense of tension found in paradigm cases of discursive injustice.

Finally, in Chapter 5, I revisit the competing models of authority first discussed in Chapter 2 to see whether they can be the basis of a model of discursive injustice. I find that these competing models of a speaker's authority are not satisfactory, and that instead my view of a speaker's authority provides a superior view in which discursive injustice is understood as cases in which a speaker's authority is wrongfully deprived from them.

4. Contributions

To summarize, this research has many significant implications. It shows that there are two interrelated questions regarding a speaker's authority that are in need of an explanation: the Authority Problem and the Illocutionary Authority Problem. It is my view that the social and political philosophy literatures have been primarily focused with the former, and the speech act theory literature has been primarily focused on the latter. However, the answers to both questions must be compatible, and the lack of a compatible set of answers demonstrates a gap between these literatures. Answering these questions

together in this dissertation will bridge this important gap between the philosophy of language literature and the social and political philosophy literatures. Taking seriously the authority of the speaker reveals an important aspect of performatives within our social context, and there are currently no good solutions to these questions. In this dissertation I provide a novel view of a speaker's authority to solve the Authority Problem. Additionally, since exercises of authority are often conflated with invocations of power, I show how authority should be understood as distinct from an equally important conception of speaker powers. This allows for an answer to the Illocutionary Authority Problem as well. This research also gives a rigorous analysis of the phenomenon of *discursive injustice* and highlights the important role of authority in such cases, thereby giving a novel illocutionary account of this phenomenon.

CHAPTER 2:

Answering the Authority Problem

1. Exercitive Speech Acts

In the previous chapter I outlined the general aims of speech act theory. One important aim is to analyze how a speaker exercises powers, rights, and influence over others with their words. Such actions have been called *exercitive speech acts* by J. L. Austin (1962) and Mary Kate McGowan (2004; 2012). As I mentioned in the previous chapter, exercitive speech acts are unique among speech act categories in their connection to the authority of the speaker. In this chapter I will explore this connection between authority and exercitive speech acts by developing a novel theory of a speaker's authority.

In developing this theory, I aim to solve what Ishani Maitra (2012) has called the *Authority Problem*: "*whether*, and *how*, a particular speaker has the authority to constitute norms for others" (Maitra 2012, 102).[8] To solve the Authority Problem, we must determine what grounds that speaker's capacity to constitute such norms. This first project is distinct from the related problem of how a speaker exercises this capacity to alter norms via their utterances, which requires a theory of speech acts to account for a speaker's authority to do so. I call this second problem the *Illocutionary Authority Problem*, and I will solve it in the next chapter by constructing a model of exercitive speech acts.

In this chapter, I am interested in authority as it concerns a normative relationship

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[8] She also includes in her formulation of the Authority Problem "the *scope* of the authority involved" as a second condition in need of an explanation. I will not consider the scope of authority in this chapter.

between a speaker and that speaker's addressees. When it comes to a speaker's exercitive speech acts, I am especially interested in a speaker's authority to give an addressee normative reasons for action. The normative reasons I have in mind can be from one of many normative viewpoints, including those of morality, prudence, or conventional norms. Some of these viewpoints are critically normative, while others are merely descriptive of a social practice. To use an example of a typical descriptive social norm, consider a case in which a manager *orders* an employee to do something, say to take out the trash at the end of the work shift. Ordinarily, when the manager gives an order, the employee gains a conclusive social-norm reason (or, at least a very compelling social-norm reason) to do as directed. The capability of the speaker to generate these normative reasons is explained by the speaker's *authority* to give commands. Thus, we are in need of an articulation and explanation of what grounds that speaker's authority. In my view, a speaker's authority is constituted entirely by the addressee's respect for the speaker's use of such language directed at them. In what follows, I will give an explanation of why a speaker's authority rests on this respect from specific others.

Whereas the authority of a speaker plays a central role in speech act theories, considerations of the nature of a speaker's authority have not addressed much of the work on authority that is found in political philosophy. Thus, it is my aim to advance my view of a speaker's authority by considering how authority is understood within political philosophy. For this reason, I will be developing my respect-based account of a speaker's authority that responds to the major works of Joseph Raz (1975; 1986) and Stephen Darwall (2011; 2013a) on authority. I will then compare their views to the recent work of Ishani Maitra (2012) on the Authority Problem. I will be studying these accounts by

focusing on two types of exercitive speech act: the familiar and often discussed speech act of *ordering*, and the under-appreciated speech act of *recommending*. As we will see, a benefit of my approach is a new understanding of authoritative speech acts performed within a system of shared governance, a special case which is not properly handled by previous views of authority.

2. Practical Authority and Normative Reasons

To solve the Authority Problem, we must determine what grounds a speaker's capacity to constitute norms for others. So, it is best to begin with exploring these terms as they are understood within political philosophy.

I am primarily concerned with a speaker's capacity to create, change, or remove their addressee's normative reasons to act. For simplicity, I will simply refer to this as the 'capacity to alter' a person's normative reasons for action. A speaker's authority in this sense is a matter of *practical* concern, rather than of *theoretical* concern. This distinction is typically discussed in political philosophy in terms of a person's *practical authority* versus that person's *theoretical authority* (Raz 1979, 8; Shapiro 2002, 399; Green 2003, §2; Ehrenberg 2011, 1). A person is a theoretical authority when they are an expert on a subject matter. Being an expert allows the speaker to state what is the case and to apply theories, both of which supports the speaker's capacity to influence what others may believe about a subject matter. Being known as an expert also increases this capacity. Practical authority, by contrast, is concerned with the speaker's capacity to alter what someone ought or may permissibly *do*. Typically, this capacity is discussed in terms of the creation or alteration of *duties* for the addressee(s), and often (though not always)

these duties are understood as being owed to the speaker who created or altered the duty via their command.

This distinction between the theoretical and the practical is important, and it can be expressed with an example adapted from Stephen Darwall (Darwall 2010, 259-60). An expert on methods for saving for retirement can give me good reasons to *believe* that specific actions I may take will result in a good strategy for investing in a retirement portfolio. Non-experts (those who are not theoretical authorities on this subject) cannot *directly* give me good reasons for what I may believe about this subject. As it stands, these good reasons for belief do not in themselves affect how I *ought to act*. Perhaps these reasons for belief can combine with other prudential reasons I have regarding what I want to achieve; in which case, these reasons for belief will inform me of how I may act to better advance the prudential reasons I had previously. This mirrors the Hobbesian distinction between command and counsel: we understand that there is a difference between *informing* someone of what is permissible and *determining* (at least in part) what is permissible for them (Hobbes 2006, Chapter XV, sec 1). With this distinction between the practical and the theoretical in mind, I will use the term 'authority' to refer exclusively to a speaker's practical authority in the sense just outlined, unless otherwise stated.

The capacity to alter normative reasons for action, which in some cases amounts to the creation of a duty to obey an order, rests on an understanding of normative reasons. Following John Broome (2013), let us consider normative reasons as playing a part in a person's *normative weighing explanation* of how they ought to behave. Thus, when considering whether we ought to do some action φ, there is a set of reasons that *count in*

favor of φ-ing and a set of reasons that *count against* φ-ing. Similarly for some act, ψ, there are reasons in favor and against ψ-ing. This implies that φ will have some normative weight in (net) favor, as will ψ, and so we can compare performing φ over ψ (or vice versa) in our normative weighing explanation. Eventually, we will have determined that one of our options has more normative weight than the other, in which case we will have a decisive reason for doing the option that has the most normative weight (Broome 2013, 52). I understand a speaker's authority as that capacity to alter the normative reason(s) the addressee uses in their normative weighing explanation.

In political philosophy, there is an interest in explaining authority by distinguishing between *de facto* authority and *de jure* authority. *De facto* authority concerns whether or not a speaker can get the addressee to do as directed, which can occur by imposing, or threatening to impose, consequences for those who do not do as directed. For this reason, *de facto* authority is a non-normative notion regarding how one person can get another to act. *De jure* authority, by contrast, concerns whether the speaker can (normatively) influence what the addressee may do.[9] As an example of this distinction, consider a case where the local bully demands a child's lunch money. Suppose that the child simply does as the bully directs out of fear of some punishment; in

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9 This is adapted from the sense of a state's authority to bind the actions of its citizens, which is traditionally the focus of accounts of authority. Consider Tom Christiano's (2013) comments on a state's authority: "For most contemporary theorists to say that the state has authority in the descriptive *de facto* sense is to say that the state maintains public order and that it issues commands and makes rules that are generally obeyed by subjects because many of them (or some important subset of them such as the officials of the state) think of it as having authority in the normative [*de jure*] sense….We should note here that the attitudinal component of de facto authority is not accepted by everyone. For both Thomas Hobbes and John Austin, political authority in the de facto sense simply amounts to the capacity of a person or group of persons to maintain public order and secure the obedience of most people by issuing commands backed by sanctions."

this case, the bully has succeeded in getting the child to comply, and so has *de facto*

authority over the child. We can also inquire into whether this direction over the behavior

of the child is authoritative in the *de jure* sense: does the bully, by using those words,

create a normative reason to do as directed? With that distinction in mind, I use the term

'authority' to refer to a speaker's *de jure* authority to direct the behavior of others in the

way just outlined, unless otherwise stated.

A solution to the Authority Problem will require an explanation of what grounds

the speaker's capacity to alter a person's normative reasons for action. This concerns the

grounds of speaker's *de jure* practical authority to influence the behavior of another

person by altering the reasons they have in their normative weighing explanation. This

normative weighing explanation takes into consideration normative reasons from various

perspectives (i.e., moral, prudential, social, etc.), some of which are critically normative,

not merely descriptively normative. A speaker can alter normative reasons from any of

these perspectives if they have the authority to do so. Which kind of normative reason the

speaker alters for the addressee depends on the case.

I now move onto a description of two exercitive speech acts which require

authority to be performed felicitously: *ordering* and *recommending*. Orders are a

paradigm instance of using authority, and recommendations are a kind of exercitive

speech act which have not yet received much attention from philosophers. By considering

these kinds of speech acts, I will give two instances in which a solution to the Authority

Problem is needed.

3. Orders and Recommendations

Orders are a kind of exercitive speech act, which J. L. Austin has defined as a speaker's exercise of powers, rights, or influence (Austin 1962, 150). Austin lists recommendations as another kind of exercitive speech act (Austin 1962, 155), though these have been underappreciated. To see how I understand recommendations, it is best to begin with a formal definition of orders.

I define an order as the speaker giving a reason in favor of an action, and a number of reasons against any incompatible actions.

An order to φ, when performed with authority, will give the addressee a normative reason in favor of φ-ing and a normative reason *against* each of the members ψ of the set of incompatible actions Ψ.[10]

This captures the sense in which an order strongly influences (in the normative sense) an addressee: the speaker has a normative reason to do as directed, and has a normative reason against all incompatible actions which would prevent them from doing as directed. In this way the speaker 'puts their thumb on the scale' in favor of φ rather than any action incompatible with φ in the addressee's normative weighing explanation

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[10] This is a weaker understanding of orders than Raz's (1975) conception, which are defined in part with 'exclusionary reasons.' According to Raz, whether a person ought to do some action φ is a matter of what normative reasons there are in favor and against φ-ing. A reason to φ is called a first-order reason. There can be *second-order reasons* which affect whether or not one ought to φ, and these reasons are "any reason to act for a reason or to refrain from acting for a reason" (Raz 1975, 39). More simply, second-order reasons affect one's (first- and second-order) reasons for action. As a term of art, Raz defines an *exclusionary reason* as "a second-order reason to refrain from acting for some reason" (Raz 1975, 39). Orders then include first-order reasons in favor of φ and a second-order reason to exclude reasons which would be in favor of actions incompatible with φ.

of what they ought to do; all else equal, an order can conclusively determine what the addressee ought to do. The 'when performed with authority' clause captures the sense in which attempts to order do not succeed in altering one's reasons for action unless their source has the authority to do so. Thus, whether a speaker can actually alter how someone ought to act depends on the answer to the Authority Problem.

Orders have two parts: the normative reason which are for some action and the normative reasons which are against incompatible alternatives. This invites us to conceive of a speech act in which a speaker can generate reasons for action and *not* generate reasons against incompatible actions. I call this speech act *recommending* and define it as follows.

A recommendation to φ, when performed with authority, will give the addressee a normative reason in favor of φ-ing.

Recommendations do not necessarily provide conclusive reasons to φ, as orders often provide, all else equal. However, if a recommendation to φ is coupled with a set of reasons against doing any action incompatible with φ, that speech act will function precisely as an *order* to φ. If the speaker provided all of those reasons, then the speaker ordered the addressee to φ. However, suppose the addressee already had a set of reasons against those acts which are incompatible with φ (perhaps the reasons are impersonal, or they were given by someone else). The speaker's recommendation would then function as an order would by supplying the 'missing piece' of the normative puzzle, so to speak. In these cases, the distinction would be in what the speaker did: providing only a

normative reason in favor of an action is different from also giving reasons against incompatible actions.

This invites me to highlight two important features of my view. First, all orders are recommendations plus the speaker's creation of a set of reasons against incompatible actions. Second, this does not imply that all recommended actions are *optional*. It is possible that a recommendation to φ, when performed in the right circumstances, could provide a significantly weighty reason in favor of φ-ing such that no other act ψ would have more normative weight than φ. This would mean that φ would be the action that the addressee ought to do after the addressee performs their normative weighing explanation of what they ought to do. I want to stress that, if a speaker performs what turns out to be a non-optional recommendation in the sense just outlined, that does not imply that the speaker ordered the addressee to do that non-optional action. This is because there is a distinction between providing only a reason in favor of an act and providing additionally reasons against doing incompatible acts. Tipping the scales toward one side is not the same as preventing the scales from tipping toward the other.

Recommendations occur frequently in our everyday lives. An example of this may be when Bri and Jaime are deciding where to go for dinner, which is a matter of prudential reasons for action. Suppose Bri is indifferent between Restaurant A and Restaurant B. Bri has prudential reasons for and against going to each restaurant, and each option has relatively equal prudential normative weight. When Jaime voices support for A, Jaime does not order Bri to go to A. Instead, Jaime adds a new prudential reason for Bri (who cares about Jaime's interests) in favor of this action over the option to go to B. This results in Bri's normative weighing explanation being conclusively in favor of

going to A, though not because Jaime *decided* it. Jaime's recommendation for going to A instead functioned as the 'final vote' in the collaborative decision-making process.[11]

A feature of each of these speech acts is that they require a speaker's authority for their performance to be felicitous: without authority, the speech act is said to be infelicitous, and so the speaker will not alter the addressee's normative reasons for action. I will now give a positive proposal for a speaker's authority, thereby solving the Authority Problem.

4. Respect for Directed Utterances

I am interested in a speaker's authority to alter an addressee's reasons for action. Thus, a speaker's authority is constituted by whatever it is that grants the speaker this normative capacity to alter the normative reasons for the actions of another person.[12]

As mentioned in Chapter 1, when a speaker attempts a speech act, they do so by intentionally selecting an expression in their language to utter. These chosen expressions are the linguistic tool by which the speaker can perform their speech act. Each speech act type (e.g., ordering, recommending, etc.) determines which expressions are appropriate to use to bring about a token instance of the speech act. For example, I cannot appropriately use the expression, "Coffee, no sugar," to recommend to someone that they should watch

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[11] At least, as it concerns the prudential reasons for action. It is possible that reasons from other normative standpoints (such as morality) could outweigh some (or all) prudential reasons in favor of going to Restaurant A. Keep in mind that the normative weighing explanation for what Bri ought to do considers *all* reasons regarding going to A and B, even those reasons of which neither is presently aware. For simplicity, I have supposed that Bri and Jaime are each aware of all the reasons for and against where they ought to go for dinner.

[12] This means that 'authority' as I have construed it is a Hohfeldian power-right (Leif 2020).

the television show *The Expanse*. I would need to use one of a number of appropriate expressions to make this recommendation. I will refer to the intentional use of an appropriate expression to bring about a particular speech act as the speaker's *use of power*.[13] In the next chapter (Chapter 3), I will define 'power' more precisely so that I can give a model of exercitive speech acts.

With this understanding of power, my answer to the Authority Problem is simple: a speaker's authority is constituted entirely by the respect the addressee has for the speaker's use of power directed at them. More precisely:

A speaker has the authority to use power directed at her addressee(s) if, and only if, her addressee(s) respect the speaker's use of that power directed at them.

A simple distinction between authority and power is that authority is the normative capacity to alter someone's normative reasons for action. As I will expand upon in the next chapter, power is a non-normative, linguistic instrument by which someone can exercise this normative capacity. Some uses of power may not be authoritative, as someone can use certain words with certain intentions even if they lack the normative capacity to alter someone's normative reasons for action. In my view, invocations of power which require authority do not function unless the speaker has authority in the form of respect from their addressee(s) for the use of that power directed at them.

To consider a social-norm (conventional) example, a speaker uses the powers

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[13] This use of the term 'power' is non-normative, and so is not a Hohfeldian power-right (Leif 2020).

afforded to them by their office or title. A paradigm example of this is when a manager gives an employee an order to take out the trash at the end of their shift. My view states that when the manager makes that utterance, they attempt to conclusively determine what the employee may permissibly do relative to the prevailing social workplace norms. They do this by attempting to give that employee a reason to take out the trash and a set of reasons to refrain from incompatible actions (such as leaving it for the morning shift, or asking someone else do to it instead). The attempted use of power (i.e., intentionally using specific utterances with the intention of altering the reasons on which the employee may act) is felicitous when the manager has authority, which in my view is exactly when the employee respects the manager's use of power directed at them. The employee's respect for their manager's use of power constitutes that manager's authority to make those utterances with those intentions to thereby alter their normative status. This answers the Authority Problem.

This might seem initially like it is getting the story of authority backwards. When a manager tells their employee what to do, the employee ought to comply *because* the manager said so. If the manager's use of power isn't respected, then their utterance doesn't end up altering the employee's normative reasons for action. This is because, as the reader may recall, felicitous performances of *ordering* and *recommending* require authority, which will be absent in the absence of respect from one's addressee. One may reasonably wonder why the employee's (lack of) respect for the manager's use of power has anything to do with what the employee ought to do.

In reply to this worry, I note that a distinction needs to be made between what constitutes a speaker's capacity to alter someone's reasons for action, and what

constitutes a speaker's *right* to that capacity.[14] If a speaker has, for example, an institutional claim to use authoritative speech (e.g., the speaker is the manager and is talking to their employee), we can say that the speaker has an *entitlement* to use authoritative speech within that institution. In answering the Authority Problem, one is not guaranteed an answer to a separate but equally important question regarding what grounds a speaker's entitlement to issue commands (or other exercitive speech acts). This is just to say that it is not an objection to my view that a speaker's right to use authoritative speech is absent from this characterization of a speaker's authority as the capacity to alter what the addressee may do.

It is my view that a speaker's entitlement to perform various exercitive acts often depends on the institution governing the situations in which the speaker would perform those speech acts. For example, the manager's and the employee's job descriptions are settled by the institution of their workplace. In general, neither one of them can unilaterally and at a moment's notice change what rights and responsibilities they each have (though of course, this depends on each workplace). The structure of their environment determines the general rights of each agent, as well as their general obligations to one another. I claim that the structure of the environment dictates how each person ought to respect one another, which includes respecting how others may speak to one another in that space. The manager has an entitlement to use the powers afforded to them by their office, and this entitlement corresponds with the employee's role obligation

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[14] In political philosophy, this is often considered the distinction between the capacity to create duties and obligations, and the right to rule (Christiano 2013, §1).

to respect the manager's use of that power.[15] As a result, the employee ought to do as directed only in the sense that the employee ought to respect the manager's entitled use of power to give these directions. Importantly, this normative reason exists *independently* of the employer's performance of a speech act within that institution—it exists precisely because the employee occupies a role within it. Without the employee's respect for the use of power over them, the manager would lack the grounds for altering their employee's reasons for action *via their speech acts*. Further, this would be a failing of the employee to live up to the demands of their station: they would not be discharging the obligations they have based on their role alone.

We have just seen how this answer to the Authority Problem functions in a one-way directionality of manager to employee. This view of authority also explains the authority of speakers within a two-way directionality system, such as the speech acts made within a system of *shared governance*. Take the following example as a case of shared governance.

> *Student Committee*. At the University there is a Student Committee which collectively reviews the student fees and evaluates whether they ought to be increased, decreased, or held constant for the following academic year. This Student Committee then writes a report of their findings on each student fee, and then they send this report to the Vice Provost. The Vice Provost then determines what the fees will be for the following academic year.

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[15] I follow Michael Hardimon's understanding of role obligations. Briefly, a role is a node in an institutional setting which is determined by the obligations one has to others in that institution (Hardimon 1994, 334).

It is important to identify the normative significance of this report, that is, whether this report itself generates normative reasons for action for the Vice Provost. In writing the report, the Student Committee clearly becomes a collective *theoretical* authority on the student fees: *ex hypothesi*, they know a considerable amount about the fees assessed to students. This alone doesn't support the Student Committee's *practical* authority to alter the Vice Provost's reasons for action.

If they have practical authority, it should not be the kind which would result in the report determining *conclusively* how the Vice Provost may act. The Vice Provost is within their rights to deviate from the report and set the fees in some other way (within the boundaries of legal statutes, of course). Another way of saying this is that the Vice Provost is not completely accountable to the Student Committee: they cannot tell the Vice Provost what to do.

However, it seems clear to me that the report holds some normative significance: the existence of the report changes how the Vice Provost may act. We can see this by considering the case in which the Vice Provost simply tosses the report in the recycling bin (having never read it). We would say that the Vice Provost did not do the minimum of what he owes to the Student Committee. At minimum, in a system of shared governance all players ought to have some normative influence over the final decision. In this case, the influence comes from having the authority needed to create normative reasons for action for the Vice Provost.

For this reason, it seems to me that the Student Committee has the authority to *recommend*, but does not have the authority to *order*, the Vice Provost on what the fees ought to be. Their written report should recommend a course of action and not merely

identify possible future choices. This report, as a speech act from the collective Student Committee, would directly alter the reasons with which the Vice Provost may act. In my view, this implies that in a system of shared governance, those in the structure with higher rank ought to respect those who do not ultimately decide, but who have a voice in the decision-making process. In short, the Vice Provost ought to respect the Student Committee's report as a directed use of power at the Vice Provost, and by so doing contribute to the Student Committee the authority to recommend a course of action.

We have just considered a view of a speaker's authority as constituted entirely by the addressee's respect for the speaker's use of power over them. To justify this view, I will now contrast my view with several plausible alternate theories of a speaker's authority.

5. Alternate Views

Recall that, in answering the Authority Problem, a theory of a speaker's authority must explain how a speaker has the authority to constitute norms for others. I will now compare my respect-based model of authority to a 'naïve view,' as well as to the views of Joseph Raz (1975; 1986), Stephen Darwall (2011; 2013a), and Ishani Maitra (2012). Each of these views considers a different basis for the speaker's capacity to alter their addressee's normative reasons for action.

5.1 The Naïve View

I will call the naïve view of speaker authority that view which incorporates the following thesis.

Role Dependence: A speaker's authority is constituted entirely by the institutional role-based entitlement a speaker has for invocations of exercitive power.

Recall that I understand 'power' as the utterance of an expression directed at an addressee with the intention to perform a speech act.[16] The Role Dependence thesis states that whenever a speaker is entitled to use a power which would alter how someone may permissibly act, and they are entitled to this on the basis of the role they occupy in an institution, they will thereby have the authority to use that power. This is supposed to capture an intuitive aspect of authority, namely that one tends to acquire authority when one attains a certain position within an institution, and one tends to lose authority when one vacates that position. This aspect of authority is so intuitive that people often refer to such institutional positions as 'positions of authority.' This is why I call this view the 'naïve view' of a speaker's authority, as it is ultimately concerned with only the role-based entitlements one has in virtue of the role they occupy.

Despite the intuitiveness of this alternative view, there are three reasons to be skeptical of this approach. The first is conceptual. Recall that entitlements to use power are about what grounds a speaker's claim to use utterances in specific ways. As addressed previously, in answering the Authority Problem we are not guaranteed an answer as to what ground's a speaker's *entitlement* to invoke certain powers. The naïve view suggests that there is no difference in these questions: by settling what entitles someone to use certain forms of speech (e.g., an imperative), we've thereby settled that they have the

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[16] I will make this notion more precise in the next Chapter. This very general idea will suffice for present purposes.

capacity to alter norms for others. However, it is conceptually possible to be entitled to exercise a capacity that one in fact does not have. It is possible to be entitled to use authoritative language in a context and yet lack the capacity to alter someone's normative reasons for action. The naïve view defines this conceptual possibility out of existence.

The second reason to be skeptical of this approach is that it implies many instances of exercitive speech acts aren't exercitive at all. Because the Role Dependence thesis suggests that authority ultimately depends on the entitlements afforded to a speaker by their role, speakers who do not have a role cannot perform felicitous exercitive speech acts. This is clearly a problem with our previous example of Bri and Jaime trying to determine where they should go for dinner. Neither Bri nor Jaime have a role with respect to one another, so neither of them would have the authority to recommend any place to go. At best, they would each be making observations about their personal desires, which is not how we'd ordinarily understand their deliberations. So, for this reason, the naïve view should be rejected.

The third reason to be skeptical of this approach is that by endorsing the Role Dependence thesis, we would make obscure the wrongness of ignoring the contributions of those of lower rank in a system of shared governance. We can see this by reconsidering our example of the Student Committee. When the Student Committee creates its report assessing the student fees, they do so with the entitlement afforded to them by their position in the University. According to Role Dependence, the Student Committee thereby creates their recommendation with authority. Their report counts as a normative reason for how the Vice Provost may act. If the Vice Provost were to ignore the report, would they wrong the Student Committee? Intuitively, yes: the stakeholders

created a reason which ought to play a part in the Vice Provost's deliberations, and it did not play a part in those deliberations. But according to the naïve view, every right of each participant is exercised and every obligation has been discharged. Since the Student Committee's authority to recommend depends only on the entitlements afforded to them by their role, and the Vice Provost's action does not change anything about this entitlement, the Vice Provost owes nothing more to the Student Committee; according to the naïve view, the Vice Provost hasn't wronged the Student Committee. For this reason, it seems that we should reject the naïve view.

Instead, according to my view of a speaker's authority, the wrongness of the Vice Provost ignoring the Student Committee's report is the lack of respect the Vice Provost would have for the Committee's recommendation. When the report is ignored, the Vice Provost fails in their workplace obligation to respect the Student Committee's use of power, which amounts to *depriving* the Student Committee of their authority on the matter. This implies that the Student Committee was not able to make a recommendation in the normative sense, as they are entitled to perform. They would be able to make expert testimony about the fees, but this holds no normative weight on what the fees ought to be. That is how I locate the wrongness of ignoring the report in a system of shared governance—those above prevent the report from holding any normative weight when it otherwise should. In contrast, the naïve view just explored would suggest that the normative weight of the report stands, it was just simply ignored.

5.2 Raz

Joseph Raz (1975; 1986) views authority as a service that the purported authority would

perform for those subjected to the authority. We can easily adapt this view for a speaker's

authority over their addressee. In his view, a speaker has authority over an addressee

when the speaker acts in the service of that addressee. Specifically, Raz believes that an

imposition on the autonomy of the addressee is justified only if the speaker is helping the

addressee conform to the right balance of reasons that already apply to the addressee. Raz

views an authoritative speaker using their power as a 'device, one method' by which an

addressee can achieve the goals of their rational capacity, and this is what it means to

operate in the service of that addressee (Raz 2006, 1018).

To have practical authority on Raz's view, a speaker must satisfy two conditions.

First, the *dependence thesis* states that an order from a speaker to an addressee is

authoritative only if the order is based upon reasons which already and independently

apply to the addressee.[17] These reasons need not be known by the addressee, nor do they

need to be inclined to act on those reasons.

Second, the *normal justification thesis* states that typically an order from a

speaker to an addressee is authoritative when the order will make the addressee comply

better with the correct reasons than they would if they tried to determine how to act on

their own (Raz 1989, 1179). This means that the speaker exercises their practical

authority over the addressee as a service for them; the goal is to get the addressee to

comply with the reasons which independently apply to them.

However, Raz's view cannot explain how a speaker *recommends* a course of

action to an addressee. Recall that the Student Committee becomes a theoretical authority

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[17] Here and below I have omitted Raz's use of the word 'legitimate' and have replaced it with 'authoritative' for clarity.

on what the fees ought to be, which means that the Student Committee stands in a unique position to help the Vice Provost act in accordance with the reasons which independently apply to them. The Committee's report satisfies the dependence thesis for this reason. The report also satisfies the normal justification thesis: by complying with the recommendations in the report, the Vice Provost would comply better with their independently existing reasons than they would if they tried to determine how to act without reading the report. Thus, in Raz's view, the Student Committee would have *too much authority*: they would have the authority to make the Vice Provost conform to the content in the report and act accordingly. This means that the Student Committee would *order* the Vice Provost to set the fees in a certain way, and they would do so as a service to the Vice Provost. This cannot be the case, as the Vice Provost should always have the final word in discussions of this nature; this is just the nature of shared governance.

Against this conclusion, a Razian could argue that the Student Committee does not base their report on reasons which already and independently apply to the Vice Provost, hence the report fails the dependence thesis. This could be the case if, say, the report itself generates new reasons for the Vice Provost's normative weighing explanation. If this is the case, then the Student Committee would have *too little authority*: they would fail to have authority to order on Raz's view, and so have no authority at all. This is because Raz's view is built to explain the normative authority of conclusively determining a course of action for others. It is not designed to explain recommendations. So, either the Student Committee can order the Vice Provost, or they can advise him, on Raz's view. This should show the inadequacies of Raz's view over the one I have offered here.

5.3 Darwall

Stephen Darwall (2010) has given a strong critique of Raz's service conception of practical authority, and he has given his *second-personal standpoint* view in response to it. We noted previously Darwall's example of the financial expert giving instructions on how to save for retirement; for reasons much like those in the previous section about shared governance, it would turn out on Raz's view that the financial expert has practical authority to demand obedience, which is intuitively false. As Darwall says, "In order for [an expert] legitimately to claim authority over me, I would have to be answerable to her, and actually being answerable to someone cannot follow from the desirability…of regarding oneself (or of someone's regarding one) as answerable to her" (Darwall 2010, 259-60).

We should focus on the second-personal ('I-You') lines of accountability between speaker and addressee in order to understand practical authority, Darwall says. In his (2013) paper, "Authority and Second-Personal Reasons for Acting," he makes clear that an exercise of practical authority concerns an *appeal to compliance* on the part of the subject. But this appeal can fail because, "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 the acceptance of this duty, "no genuine authority exists" (Darwall 2013a, 144).

My view has a similar result: without respect for the speaker's use of power, the speaker's practical authority to use that power does not exist. However, Darwall's view focuses on the speaker's 'credible appeal' to an addressee and thereby goes awry. Darwall here suggests that a speaker's practical authority depends on whether he can

make such a credible appeal, but this can obtain only if the speaker can expect the addressee to accept that they have a duty or obligation to follow the speaker's directives. As I shall explain, this cannot be right.

There are two senses of expectation (of the addressee's acceptance of an obligation to the speaker to obey their directives) that Darwall could mean, and both are insufficient to explain the speaker's practical authority. First, there is the *descriptive* sense of expectation, namely that the speaker can anticipate the addressee's future acceptance of a duty. On this understanding of expectation, a manager has practical authority over her employees only if she can correctly predict the future behavior of her employees (the acceptance of the duty), which is an intuitively implausible ground for a speaker's authority.

Second, there is the *prescriptive* sense of expectation, as when the speaker believes the addressee ought to accept that he has a duty to obey. Here Darwall and I agree: the manager can expect that the employee ought to accept a duty to obey when the manager gives an order. However, this prescriptive sense of expectation which underlies a speaker's practical authority ('credible appeal') is inadequate to capture the authority of recommendations. Simply put, the Student Committee can expect the Vice Provost to adopt the proposed changes to the student fees as outlined in their report, unless the Vice Provost has a better reason for not doing so. However, the Student Committee cannot expect that the Vice Provost ought to accept that he has a *duty to obey* them. Thus, even on the promising view that hinges on the prescriptive sense of 'expectation,' Darwall's view is inadequate for explaining the authority of recommendations.

Further, and more generally, the circular definitions of Darwall's view of

authority have seemingly confined his view to applying to only the exercitive speech act of ordering (and so it does not apply to acts of recommendation). A speaker on Darwall's account exercises *practical authority* over an addressee if, and only if, the addressee has a *second-personal reason* to comply with the speaker's *valid claims and demands* and is *accountable* to the former for so doing (Darwall 2010, 266). 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." (Darwall 2010, 266). He defines *accountability* and *validity of claims and demands* in a similarly circular fashion. These four core concepts are interrelated and self-reinforcing. For every authoritative directive, there is a corresponding accountable subject who has a second-personal reason for doing as validly claimed or demanded. Yet we have noted that there is a kind of exercitive speech act which requires practical authority, but for which there are no relationships of accountability in the way Darwall has defined: a recommendation from the Student Committee to the Vice Provost is one such example, and a recommendation on where to go to dinner is another. Simply put, Darwall's account of practical authority is too narrow to explain the authority relevant to non-ordering exercitive acts.

5.4 Maitra

Following Rae Langton's (1993) understanding of 'positions of authority' as they relate to authoritative speech acts, Ishani Maitra (2012) has given an account of authority in which she identifies three kinds of authority. I will take each in turn and compare them

with my view.

Maitra begins with what she calls *'basic authority'*.

First, [a speaker] has authority to do what he does in virtue of occupying a

particular *social position*… Anyone occupying that office would possess the same

kind of authority. Call authority in virtue of one's own social position 'basic

(positional) authority,' or 'basic authority,' for short (Maitra 2012, 104).

This description of basic authority aligns with how I understand positions of

power. As I've mentioned previously, a speaker can be entitled to use authoritative

language because of the role one occupies. Anyone in that role will be similarly entitled.

However, as we have explored previously, having an entitlement to use authoritative

language does not imply that one has authority in the sense that they have the capacity to

alter the normative status of another person. For this reason, it is best to understand

Maitra's 'basic authority' as not really a form of authority at all, but one way of noticing

how speakers are entitled to use certain powers in some circumstances. Further, if it was

a form of authority as I understand the term, 'basic authority' would amount to a view

which depends on the *Role Dependence* thesis (i.e., that authority is constituted by one's

role-based entitlements to use power), which I have argued against in section 5.1.

This important distinction between discursive entitlements and authority as a

normative capacity appears in Maitra's second kind of authority, which she calls '*derived

authority*.' She imagines a case in which a teacher directs a student to give directions to

her classmates while she (the teacher) is out of the room. The designated student now has

some special claim to give directives to her classmates, whereas she would not have had

this special claim without the teacher's approval. This 'authority' is not dependent on the

student's own social position, but on the social position of the teacher. However,

> …it is still positional authority, for it is authority in virtue of *someone else's*
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> social position, namely, the teacher's. Call such authority 'derived (positional)
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> authority,' or 'derived authority,' for short (Maitra 2012, 105).

Given my response to her previous understanding of 'basic authority,' it should

turn out that this derivation of 'authority' is likewise not authority in the sense that I have

been understanding it. The special claim that the designated student has to use

authoritative language has been granted to her by the teacher. A student's claim to use

authoritative language is distinct from the student's capacity to alter someone's

normative reasons for action. It would be better to understand 'derived authority' as a

specific way in which a speaker gains an entitlement to use authoritative speech from

someone else who has this entitlement. It is then an open question whether any entitled

use of authoritative language actually alters someone's reasons for action.

Maitra's last kind of authority is not positional, and she calls it '*licensed*

authority.' In one example, a group is on a hike and Andy, concerned that no one will

make a decision, "decides to take over, and begins to make decisions." He assigns tasks

and "no one objects" (Maitra 2012, 106). Those who are assigned tasks do them as

assigned. Clearly in this case, Andy has *de facto* authority: his utterances result in

compliance. However, Maitra argues that he has *de jure* authority as well. This is because

Andy's speech depends on the reactions of those to whom he directs his use of power, and so they would have to object to this use of power in order to render it ineffective.

> If, for instance, Andy's friends had objected as he issued his first instruction, if they had made clear that they had no intention of doing as he said, or if they had told him that he had no business telling them what to do, then he would not have come to have any authority. When speaker authority depends on (relevant) others refraining from challenging the speech, I shall say that the speaker (and the speech) is 'licensed' by those others (Maitra 2012, 107).

Here we can see that Maitra's 'licensed authority' is close to my view of authority, though there is an important difference. Maitra's view says that a speaker has authority when he presupposes it (i.e., as Andy presupposed authority) only if the relevant hearers do not challenge the presupposition. My view is stronger than this: a speaker has authority when he presupposes it only if the relevant hearers respect the speaker's directed use of power. Respect is not given in the mere absence of challenge: it is a positive response to the presupposition. Thus, there will be cases where a speaker could have 'licensed authority' in the way Maitra describes but no authority in the way I have defended. Such a case could be one where a hearer stays silent but does not respect the speaker's use of authoritative language.

To see how this difference plays out, consider again the case of Bri and Jaime deciding where to go for dinner. Jaime utters, "Let's go to Restaurant A." In doing so, Jaime's utterance would count as a recommendation for A only if Jaime has the authority

to make a recommendation. Suppose Bri doesn't want to go to A but offers no objection in response. According to Maitra, in the absence of challenge, Jaime's utterance becomes authoritative. Thus, because Bri offers no objection, Bri's normative weighing explanation gains a new prudential normative reason for where Bri *ought to go for dinner*. As we explored previously, this normative reason could potentially tip the normative weighing explanation decisively in favor of going to Restaurant A. This suggests to me that the grounds for authority are not found in the absence of challenge: a person does not authorize the use of power directed at them simply because they said nothing in response.

6. Conclusion

In this chapter I have explored authority as it concerns a speaker's directed use of power, and with it I have given a novel answer to the Authority Problem. A speaker's authority to perform exercitive speech acts is constituted entirely by the addressee's respect for the speaker's use of power directed at them, that is, for the speaker's intentional use of expressions to bring about an exercitive speech act directed at the hearer. Authority in this sense is the speaker's capacity to alter the addressee(s) normative reasons for action, and is separable from the speaker's *entitlement* to use authoritative speech. This view of authority allows us to better understand the nature of exercitive speech acts, especially as it concerns non-ordering exercitive speech acts (such as recommendations).

However, whether a speaker has authority is just one felicity condition of exercitive speech. In the next chapter I model exercitive speech acts by expanding on the concept of speaker powers, which shows how authority is used in practice.

CHAPTER 3:

Normative Expressionism and the Illocutionary Authority Problem

1. Modeling Authoritative Speech

A speaker's authority plays an important role in the production of some speech acts.[18]

Paradigm examples of these 'authoritative illocutions' include *ordering* and

recommending, as I outlined in the previous chapter. These speech acts are part of what J.

L. Austin (1962) and Mary Kate McGowan (2004; 2012) call *exercitive* speech acts,

which are defined as the exercising of powers, rights, and influence over others.[19] A goal

of illocutionary theories of speech acts is to give a satisfying account of exercitive

speech. Therefore, an illocutionary theory of exercitive speech ought to properly account

for a speaker's authority.[20]

There are two separate but equally important projects which can be labeled as an

account of a speaker's authority. The first is to answer what has been called 'the

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[18] Rae Langton (1993, 305) labels 'authoritative illocutions' as those "actions whose felicity conditions require that the speaker occupy a position of authority in a relevant domain." Ishani Maitra (2012, 99) adopts this understanding as well.

[19] It is specifically J. L. Austin (1962, 150) who has identified them as the "exercising of powers, rights, or influence." McGowan (2004) specifies further that Austin's understanding of exercitives "enact[s] rules (or permissibility facts), thereby fixing the bounds of permissibility in a certain domain." McGowan (2012) specifies further that "exercitives work *via the exercising of a speaker's authority* over the realm in which the enacted permissibility facts preside." Bach and Harnish (1979, 47) identify these kinds of acts as the "express[ion of] the speaker's attitude toward some prospective action by the hearer... [and] they also express the speaker's intention (desire, wish) that his utterance or the attitude it expresses be taken as (a) reason for the hearer to act." Andrei Marmor (2009) adopts Bach's and Harnish's (1979) approach to speech acts.

[20] I am not here identifying *every* exercitive speech act type as one which requires authority. This is because it is not clear to me that *influence* (as distinct from exercises of power and rights) is properly thought of as *authoritative* in the way I identify later in this chapter. Setting aside that kind of influence, I will treat exercitive speech as authoritative in what follows, essentially using both 'exercitive speech act' and 'authoritative speech act' synonymously.

Authority Problem' by Ishani Maitra (2012): "*whether*, and *how*, a particular speaker has the authority to constitute norms for others" (Maitra 2012, 102).[21] I have given an answer to the Authority Problem in the previous chapter.

However, *having* authority is not the same as *exercising* that authority—plausibly, one can have authority and fail to exercise it properly on any occasion. Thus, an answer to the Authority Problem will not answer a second and equally important question regarding a speaker's exercise of the authority they have. Once the nature of a speaker's authority is explained, we need to specify how a speaker exercises their normative capacity which we call authority. Answering this question is answering what I call the *Illocutionary Authority Problem*. More simply, specifying how a speaker *has* authority is responding to the Authority Problem; specifying how the speaker *uses their authority via their speech* is responding to the *Illocutionary* Authority Problem. To answer this second problem, I will give an illocutionary model of exercitive speech.[22]

My model of exercitive speech will be a hybrid *normative* and *expressionist* view of illocutionary acts.[23] In broad strokes, my view is that the speaker signals to the hearer (via an utterance) their mental attitude regarding an action the hearer can take. The mental attitude expressed by the hearer can be an intention (or a desire, wish, etc.) that

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[21] Maitra specifies that her understanding of the Authority Problem also includes "the *scope* of the authority involved" (i.e., over whom and within what contexts that authority extends), though that aspect of the problem is outside the scope of my current project.

[22] Keep in mind that my focus will be on exercitive speech, and so my account may have implications for how to characterize non-exercitive speech acts (such as, for some examples, making *assertions*, giving *apologies*, and placing *bets*). However, I leave for future work the project of defending a full view of speech acts which incorporates both exercitive and non-exercitive speech.

[23] For the differences in the five major families of speech acts, two of which are the normative and expressionist families, please see Chapter 1.

the hearer do, or refrain from doing, an action. This act of signaling can be performed with or without authority. However, felicitous exercitive speech requires that these signals be produced by a speaker that has authority over the hearer to alter that hearer's normative reasons for action, as we explored in the previous chapter. Thus, the expression of an attitude (e.g., having the right mental state about the hearer's conduct while speaking) together with the normative capacity of authority (e.g., being able to alter what the hearer may permissibly do or not do) results in felicitous exercitive speech (e.g., giving the hearer an order to do or refrain from doing some action).

My hybrid normative expressionist view of exercitive speech is similar to but different from the influential *intentionalist* view defended by Kent Bach and Robert Harnish (1979). As we will see in section 2, Bach's and Harnish's view specifies, for example, that to give an order, the speaker must express a specific mental state of *intention*. I will also show in that section how Bach and Harnish leave underdeveloped the role of a speaker's authority in cases of giving orders. Then, since Andrei Marmor's (2009) *statement theory* of speech acts depends on Bach's and Harnish's (1979) view, I will show in section 3 how my hybrid account differs from Marmor's. Then I will give my own hybrid view of how authority functions within speech (section 4) and consider some important objections to my view (section 5). In short, I will show that felicitous exercitive speech is not simply a matter of having the right intention while speaking, and it is not simply a matter of making a statement which happens to be true. I will show that authority needs to take a more central role in a theory of exercitive speech.

2. Intentionalism and Exercitive Speech

Let us begin with an example to guide the discussion of Kent Bach's and Robert

Harnish's (1979) view of speech acts. Suppose Jane is Joe's boss, and she says to Joe,

"Close the door." One important question for this scenario regards whether Joe *thereby*

ought, according to the demands of workplace normativity, to close the door because of

Jane's utterance.[24] As we explored in the previous chapter on a speaker's authority,

whether Jane has the normative capacity to alter what Joe ought to do matters for whether

Joe ought to do as she says. For now, let us assume that Jane has the workplace-

normative capacity of authority over Joe.[25] Thus, it is plausible that Jane's utterance does

change how Joe ought to act within the workplace—unless there is some more

compelling workplace-normative reason to avoid doing otherwise, it would seem that Joe

ought to close the door simply because Jane said so. With these two assumptions in mind,

it is important to consider how Jane *exercises* her authority with her words. How exactly

does Jane's utterance function in that context so as to alter what Joe ought to do? This is

to say, we must have an answer to the Illocutionary Authority Problem.

    To answer this question, we can turn to Bach's and Harnish's view of

illocutionary acts. They defend an *intentionalist* view of speech acts in which illocutions

are essentially *literal*. As a first approximation of their view, a speaker's literal words

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[24] Recall from the previous chapter that there are different kinds of normativity, such as that of *moral* normativity, or of a non-moral normativity which exists due to social or workplace norms. Whether someone *ought* to do some action depends on which kind of 'ought' is under discussion. In this example, it is also a question whether Joe ought to close the door according to the demands of *moral* normativity. However, for simplicity, I will focus solely on workplace normativity.

[25] I do not here wish to conversationally implicate that Jane's authority over Joe is settled simply because of Jane's position as Joe's boss. In Chapter 2 I have shown that such a "naïve view" of authority has problems that need to be avoided to adequately solve the Authority Problem.

(usually in the form of a truth-apt statement) are the performance of a speech act, and the

speech act succeeds so long as the speaker makes their utterance with the right intention.

To return to Joe and Jane, so long as Jane has the right intention when she says, "Close

the door" to Joe, Joe will have the obligation to close the door. If the speaker's utterance

is true, then they perform the illocution they literally say. Supposing that Jane's speech is

elliptical for, "I hereby order you to close the door," that would be true if in fact Jane is

ordering Joe. If Jane's intention is recognized by Joe, then Jane has successfully

communicated her performative to Joe. To put things simply: on their view, we can

properly answer the Illocutionary Authority Problem by figuring out whether Jane had

the right intention when she spoke to Joe, and part of the analysis is with respect to the

truth value of what statement Jane has uttered.

To be more precise, Bach and Harnish defend the view that performing an

illocution requires that the speaker *express* a mental attitude via their utterance. In their

view, to "express" an attitude is a special way of intending, and they are constituted by

Reflexive intentions (R-intentions). An R-intention is an intention of the speaker that the

intention be recognized by the hearer as intended to be recognized.[26] So, "For *S* to

express an attitude [by means of an utterance] is for *S* to R-intend the hearer to take *S*'s

utterance as reason to think *S* has that attitude" (Bach and Harnish 1979, 15). To use a

non-exercitive speech act as an example of this, if Joe says, "I apologize," to Jane, Joe

expresses his regret for having done something to Jane—he makes his utterance with the

intention that his words be recognized by Jane as intended to give her a reason to think he

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[26] This follows Grice's (1957) understanding of reflexive intentions.

has this attitude of regret.[27]

Performance of an illocution is the expression of an attitude via one's utterance, which one says literally. However, according to Bach and Harnish, successful illocutionary performance is not the same as successful illocutionary *communication*, and this is an important difference as it concerns giving orders and performing other exercitive speech acts. Very briefly, they model successful illocutionary communication as follows. When the speaker expresses an attitude via their utterance, the hearer is led to *infer* which speech act the speaker literally performed.[28] On the assumption that the speaker and hearer are speaking the same language, and that they share some mutual contextual beliefs about the speech context, then the hearer infers a literal meaning from the utterance made. From this literal meaning, the hearer infers that the speaker *says* something—that they perform a *locutionary act*. From the saying, the hearer infers that the speaker is *doing* something—an *illocutionary act*. This occurs because of the *Communicative Presumption*: that whenever someone says something, they do so with *some recognizable illocutionary intent*.[29] Illocutionary *communication* succeeds with the recognition of this illocutionary intent. The bottom line is: one can perform a speech act (say, an order) without that speech act being communicated to the hearer (such as when the hearer misapprehends the order as some other speech act).

Let's see Bach's and Harnish's full view in action by revisiting the example of

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[27] "[A]n apology is R-intended to be taken as occasioned by the speaker's having done some regrettable thing to the hearer" (Bach and Harnish 1979, 40).

[28] Bach and Harnish call this pattern of inference the *speech act schema* (SAS) (Bach and Harnish 1979, 7).

[29] More precisely: "*Communicative Presumption* (CP): The mutual belief in C_L [the linguistic community] that whenever a member S says something in [language] L to another member H, he is doing so with some recognizable illocutionary intent" (Bach and Harnish 1979, 7).

Jane telling Joe, "Close the door." Jane's performance of an order as an illocutionary act succeeds so long as she expresses the mental attitude that she desires Joe to close the door. To express this attitude, Jane utters the words with the intention that her words be recognized as intended to be recognized as reflecting this desire for Joe to act. Jane's performance of this speech act is *communicated* so long as Joe recognizes that Jane is expressing this attitude. Joe would recognize Jane's mental attitude by making a set of inferences. Joe assumes that they share mutual contextual beliefs about the conversational context and that they share a language; from these assumptions and hearing Jane's utterance, Joe infers that Jane says something that is linguistically meaningful. From this saying, Joe can infer what act Jane performed with her utterance, since Joe assumes the *Communicative Presumption* as well. Since Jane said, "Close the door," with a recognizable intent, and Joe recognized that intent, Joe can correctly infer that Jane ordered him to close the door.

In what follows, I will set aside Bach's and Harnish's well-developed theory of illocutionary communication and instead focus on their view of illocutionary performance. This is because Bach's and Harnish's view of illocutionary communication rests on the hearer discovering what the speaker does in their speech—which speech act they perform—via a series of inferences. The conditions for whether a speech act is performed are distinct from the conditions for how one infers that this act was performed, and so I will focus solely on the former. It is my view that whereas Bach's and Harnish's view of communicating performed speech acts is correct, Bach's and Harnish's view is insufficient to explain the felicity of exercitive speech.

In what follows, I will continue to focus on the exercitive speech act of *ordering*,

though my analysis should work in principle for any authoritative illocution (such as *recommendations*). On Bach's and Harnish's view, the speaker *performs* an order when they make an utterance with a recognizable attitude which comes in two parts.

1. The speaker expresses an "attitude toward some prospective action by the hearer," in particular, the belief that their utterance, "in virtue of [their] authority over [the hearer], constitutes sufficient reason for [the hearer] to [do that prospective action]," and

2. Additionally, "the speaker's intention (desire, wish) that [their] utterance or the attitude it expresses be taken as (a) reason for the hearer to act." [30]

So it is not enough that the speaker believe that their words count as a sufficient reason for the hearer to act. The speaker must believe that their words count as a sufficient reason for the hearer to act *in virtue of their authority* over the hearer. The speaker must also intend that the hearer take those words as a reason to act.

When Jane says to Joe, "Close the door," Jane expresses the following attitude with respect to Joe closing the door: (a) that Jane believes her words, in virtue of her authority, constitute a sufficient reason for Joe to close the door, and (b) that Joe takes Jane's desire as a reason to close the door. Then Jane has thereby ordered Joe to close the

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[30] More precisely: "In uttering *e*, *S* requires *H* to *A* if *S* expresses: (i) the belief that his utterance, in virtue of his authority over *H*, constitutes sufficient reason for *H* to *A*, and (ii) the intention that *H* do *A* because of *S*'s utterance." Bach and Harnish (1979, p. 47).

door. Keep in mind that whether Joe correctly recognizes Jane's expressed attitude is a matter for illocutionary communication, not of Jane's performance of the order.

However, this view of exercitive speech does not work. This is because a speaker can perform utterances with the attitudes required by Bach's and Harnish's view without them having the authority needed for a felicitous exercitive speech act. Thus, the *doing* succeeds even when the speaker lacks authority. As an example of this, consider a third character added to the previous example, one who believes she has authority over Joe when she does not in fact have such authority. Jessica—who is not Joe's boss—says to Joe, "Close the door." Suppose that Jessica (a) desires that Joe close the door and that she *falsely* believes that her words, in virtue of her authority, constitute sufficient reason for Joe to close the door, and (b) that Jessica desires that Joe takes her first desire as a reason to close the door. Then Jessica has ordered Joe to close the door, just as Jane did. However, since Jessica is not Joe's boss (and, more importantly, she presumably lacks authority over Joe), it doesn't seem that Jessica has successfully performed an exercitive speech act. As evidence of this, it would seem that Jessica's words should not alter what Joe ought to do in the same way as Jane's words should. Despite this, Bach and Harnish must claim that they each perform the same speech act (they each order Joe to close the door) despite this difference in who is Joe's boss. Thus, it appears that Bach's and Harnish's view cannot explain any intuitive difference between Jane's and Jessica's speech acts. Keep in mind that the hearer's (Joe's) reactions are irrelevant to the speaker's performance.

This distinction between expressing a desire and having one's desires count as exercitively efficacious is important. Consider Stephen Darwall's (2010) example of the

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financial adviser. An expert on methods for saving for retirement can give good reasons to believe specific actions will result in a good strategy for investing in a retirement portfolio. The financial expert can explain this with a series of utterances, together made with the expression of an attitude toward some prospective action regarding investments of a certain sort: the belief that their words count as a sufficient reason to take those prospective actions, and the expert's intention that their utterance be taken as a reason for making these investments. Thus, it would seem that, on Bach's and Harnish's view, the financial expert can succeed in expressing the attitude required for giving an order when making this utterance, and thus succeed at performing an order to make those investments. However, in Darwall's example it is assumed that the financial expert does not give orders, but instead gives expert *advice* on what one's best options are regarding the financial market, and advice is not an exercitive speech act (Darwall 2010, 259-60). This parallels the distinction between command and counsel, which we explored in the previous chapter.

The important takeaway is that counselors can intend that their words be taken seriously, though this does not make their words count as commands. For the reasons we have just seen, it would seem that Bach's and Harnish's intentionalist view cannot distinguish between counselors and commanders; each can make an utterance with the same intention, but the commander's words carry normative weight. Commanders make orders where counselors cannot. I believe that Bach and Harnish recognize this when they require that the speaker perform an order while expressing the "belief that [their] utterance, in virtue of [their] authority over [the hearer], constitutes sufficient reason for [the hearer] to [act]" (Bach and Harnish 1979, 47).

This added clause of "in virtue of [their] authority" makes the difference between an order and good advice, but how authority functions in Bach's and Harnish's view is left unexplained. As mentioned previously, whether the speaker has the authority to constitute sufficient reasons for action is an answer to the Authority Problem. Perhaps Jane has authority in virtue of being Joe's boss, and perhaps Jessica lacks authority in virtue of not being Joe's boss—these are answers to the Authority Problem for our pair of contrasting examples. However, it is the *Illocutionary* Authority Problem that needs an answer. Bach and Harnish say that the specific belief one needs to give an order is the belief that their authority makes the difference. Presumably, Jane can believe that *her* authority makes her utterance count as a sufficient reason for Joe to act, whereas Jessica *cannot* believe this (since she, *ex hypothesi*, lacks authority over Joe). But this claim about Jessica seems false: she can be *wrong* about what authority she has, so she *can* believe she has authority when she really doesn't.

To be clear, on Bach's and Harnish's view, a speaker's authority functions only to the extent that the speaker believes that one's words are backed by authority. So, let us suppose that Jessica had encountered a new coworker earlier in the day, one pretending to be a high-ranking member of the company. Suppose as a cruel prank the new coworker led Jessica to believe that she had been promoted, and that due to this new promotion Joe would report to her. Thus, at the moment of her utterance, we can suppose that Jessica believed that her utterance, "Close the door," would count as a sufficient reason for Joe to close the door in virtue of the authority that she believed she had. Thus, in this augmented scenario, both Jessica and Jane can express the same mental states required to perform an order. The only difference between the cases is that Jessica is *mistaken* about the

authority she has, whereas Jane is not. This shows that, on Bach's and Harnish's view, these two speakers are performing orders despite only one of them having the authority necessary for giving orders. This result is unacceptable for a theory of exercitive speech. Instead, we should be able to explain why Jessica's speech act fails *despite* expressing the mental states required by Bach's and Harnish's view.

I see two ways of trying to salvage this deficiency of their view, though neither works. The first way is to argue that one's expression of an attitude can be made only if the authority of the speaker is part of the expression itself. Put differently, the presence of authority changes which attitudes are expressible. On this interpretation, since Jessica (and also the financial adviser) lacks the authority to make orders, she cannot express the attitude needed to give an order. Additionally, Jane *would* have authority and thus *could* express the right attitude when making orders. But Bach and Harnish have argued that expressions of attitudes comprise only R-intentions, which can be intended regardless of what authority one has. To argue that some R-intentions cannot be expressed when one lacks authority is *ad hoc* and unmotivated, so this is not a satisfactory way to save their view.

The second way to salvage their view is to argue that, if one has authority, then one's expressed attitude is expressed because this authority *supplements* the speaker's intention in some way. But any way of explaining how this supplement operates alongside the speaker's intentions will derail Bach and Harnish's intentionalist model of illocutionary acts. This is because the performance of an illocution on their view is a literal statement made with special intentions. The supplemental authority interpretation would move their intentionalist view toward a *normative* view of speech acts, which, as

we explored in Chapter 1, explains the felicity of a speech act in distinctively normative terms. This by itself is not a problem and is in fact the strategy I will adopt in section 4. However, it is a problem for Bach's and Harnish's view of exercitive speech: it is an *ad hoc* solution which runs contrary to the aims of their larger intentionalist project. In addition, the "in virtue of [their] authority" clause appears in no other place in Bach's and Harnish's view of illocutionary acts, and no other category of speech features this clause *or any other clause* in its place; other speech act types simply lack this additional requirement. In my view, a satisfying model of exercitive speech acts needs to properly account for the role of authority in speech, which can be achieved by having authority take a more central presence in such a theory.

3. Statement Theory and Exercitive Speech

Before moving to my hybrid normative expressionist view of exercitive speech, I will briefly consider Andrei Marmor's (2009) view of illocutionary acts, which builds upon Bach's and Harnish's (1979) view. By examining this view of exercitive speech, I will consider (and ultimately reject) the idea that authority simply plays a contextual role in performing literal speech acts.

Marmor's view of speech acts is a *disjunctive* account which features multiple speech act families. According to Marmor there are at least three classes of illocutions: some are *institutional*, some are *conventional*, and some are *general*; the latter are explained best by Bach's and Harnish's view, which he labels 'statement-theory.' Institutional performatives gain their performative aspect from the institution in which they serve a function (Marmor 2009, 129). One follows the institutional rule by invoking

an institutional performative. Marmor considers as examples *adjourning* a meeting and *firing* an employee, as the success of each "depends on some institutional context in which the speech has been made, and on the institutional role of the speaker" (Marmor 2009, 122). These speech acts depend on the institutions supporting them because absent an institution, firing someone would not be a meaningful act. Outside of an institution in which meetings take place, there is no meaning to an act of adjournment. Hence, these acts could not take place *without* the institution. Since the institution settles the meaning of the illocution, the illocution is neither conventional nor general.

The second class of speech acts in Marmor's view are *conventional* performatives, which are utterances which are *not* truth-apt and yet serve a performative function. Examples of these conventional performatives include 'Hi!', 'Damn you!', 'Congratulations!', and 'Thanks' (Marmor 2009, 127). None of these expressions are truth-apt, so there is no literal act being performed with these utterances. This implies that Bach's and Harnish's view is ill-equipped to explain the performative meaning of these conventional acts, since their view ultimately explains the felicity of speech acts in terms of truth-apt statements performed with specific intentions.

Finally, *general* performatives, such as, "Close the door," "I apologize," and "I invite you to my dinner party," are

> the kind of performatives best explained by [Bach's and Harnish's] statement-theory. No institutional or conventional background is required in order to explain them. Under normal circumstances, the literal use of the words uttered amounts to a statement that is rendered true by uttering them—because they express the

speaker's attitude or commitment—and it also amounts to an act of some type beyond the act of making the relevant statement. In such cases, the success of the performative utterance is secured by the literal meaning of the words used and the hearer's recognition of the speaker's intention in making the statement. In recognizing the speaker's communication intention we understand the kind of action performed (Marmor 2009, 130).

In Marmor's view, when one utters, "I apologize," the performance of the statement renders the statement true, and it is also an act of apology. When one says, "I invite you to my dinner party," the statement is also thereby made true, and the utterance is also an act of invitation which grants certain permissions. "Close the door," is elliptical for, "I hereby order you to close the door," which would be a statement made true by its utterance, and which is also an act of ordering that creates normative reasons for action.

While Marmor does not identify any kind of performative other than the three classes just outlined, he does not rule them out. However, Marmor has defended the view that truth-apt utterances will have their performative use best explained by statement theory, which is what Marmor means when he claims that the statement-theorists, such as Bach and Harnish, are "generally correct" (Marmor 2009, 121).

It should come as no surprise, then, that I believe Marmor's view of exercitive speech acts is mistaken. When a speaker attempts an authoritative illocution, that performative act will succeed *only if* the speaker has authority. When a speaker attempts an order, that speaker will not alter the normative reasons on which the addressee may act *unless* they are an authority over that addressee. However, and as noted in the previous

chapter, speaking *as if* you are authoritative is not the same as *being* authoritative. When a speaker purports to order that a hearer φ, the speaker may fail to order because they misinvoke the performative. An example of this is when Jessica says to Joe, "Close the door," while she believes (falsely) that she is Joe's boss. Jessica expresses her desire to Joe that the door be closed, that she believes her words count as authoritative over Joe, and that Joe takes her desire as a reason to close that door, but this will not succeed at changing Joe's normative reasons to act. This is because Jessica is not the right person to change Joe's normative reasons for acting, in part because she lacks authority over Joe.

Further, even if Jessica had authority over Joe, to answer the Illocutionary Authority Problem we need an explanation of *how* Jessica would use this authority felicitously. In particular, it is not enough that Jessica make a statement to Joe with a certain intention; the statement itself (together with an expression of Jane's mental state) is not the correct path for exercising the authority she has. According to the statement-theory of performatives that Marmor defends, the *primary* feature of performatives is that they are statements which are rendered true *simply by saying them with the right intention*. This makes the difference between authoritative speech and *purported* authoritative speech mysterious, because two speakers can each make the same truth-apt statement with the same intention, yet one succeeds with the illocution while the other fails. This is exactly the same deficiency that exists in Bach's and Harnish's view of exercitive speech.

Doing things with words requires contextual features to be satisfied before (or during) the speaker's utterance. If that contextual feature does not exist prior to the speaker's utterance, and that speaker's utterance *itself* cannot bring that feature into

existence, then the attempted speech act will fail. Whether a speaker has authority is a feature of the conversational context. So perhaps Marmor can salvage his view (and also Bach's and Harnish's view) by appealing to the conversational context in that way. Jessica, for example, lacks authority over Joe (despite believing she has this authority), and so when she attempts to order Joe to close the door, her lack of authority in that context matters. Her attempt to order fails. Jane has authority over Joe in that context, so her attempt to order him succeeds. Just as uttering, "It's freezing in here," is true depending on the context (are you in a walk-in cooler when speaking?), perhaps uttering, "I hereby order you to close the door," is true depending on the context as well (do you have authority as you are speaking?).

I find this response to the Illocutionary Authority Problem unsatisfying because it would relegate authority to simply rendering certain utterances true, which does not seem to be what authority is supposed to do. Recall from the previous chapter that authority is the speaker's normative capacity to alter what someone ought to do. It would be quite strange if it turned out that a speaker's capacity to alter the normative status of another person operated simply by rendering uttered locutionary acts *true*. It seems to me that when a speaker exercises their capacity of authority over someone else, it operates over the reasons in that person's normative weighing explanation for what they ought to do, not over the semantic content of the speaker's utterance.

If I am right about that, then this suggests that a speaker's authority is not *simply* a matter of whether they have authority in the given context in which an utterance is spoken. In which case, the statement-theory of exercitive speech defended by Marmor will be ill-equipped to explain the efficacy of exercitive speech as statements rendered

true upon their utterance. This would imply that authority should be taken more seriously within a theory of exercitive speech.

Before moving on to my view of authoritative speech acts, I need to revisit Marmor's institutional category of speech acts. Recall that Joe is in an institutional relationship with Jane (his boss) and Jessica (his coworker, who falsely believes she is Joe's boss). Much of what I have said here might be dismissed because it could fit within the institutional category of Marmor's disjunctive view of speech acts. Because of this, I would ask that the reader recall that not all exercitive speech will be institutional in this way. One can give orders absent an institutional context, as is the case in the example from the previous chapter in which Bri and Jaime are deciding where to go for dinner. Neither of them has an institutional role with respect to the other; however, when Jaime voices support for Restaurant A (over Restaurant B), it would seem that Jamie has given a normative reason in favor of going to A over B.[31] In such a case, a *recommendation* is an authoritative speech act which would operate within a non-institutional context. Such a speech act would occur, on Marmor's view, as a statement which is rendered true upon its utterance. In that case, the arguments above would still function to point out that authority cannot simply be a matter of context. Instead, it must take a more central role in a theory of exercitive speech.

4. A Hybrid Normative Expressionist View

I now turn to my hybrid normative expressionist view of authoritative speech. As

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[31] Keep in mind that this example is of an exercitive speech act which operates within the bounds of *prudential* normatively. See Chapter 2 for more on this example.

motivated by the last two sections, an illocutionary model of authoritative speech ought to treat authority as central to the felicity of such speech acts. Thus, I see felicitous authoritative speech as consisting in two parts.

1. *Speaker authority* is a central component of the felicity of authoritative illocutions.

This means that when a speaker attempts an authoritative illocution, such as an order or recommendation, the speaker's attempted illocution will *misfire* if the speaker lacks authority. This explains the difference between Jane's and Jessica's attempted orders; since Jessica lacks authority over Joe, Jessica's attempt to order Joe fails despite her making the same utterance with the same expressed mental attitude as Jane. This leads me to the second component of felicitous exercitive speech.

2. A speaker must make their utterance with a particular mental attitude regarding some action.

I do not require this mental attitude to be an *intention*, as Bach and Harnish require. On ordering in particular, I agree with Bach and Harnish to the extent that a speaker makes an order when they express the mental attitude of *desiring* a particular course of action from the addressee. The performance of an utterance with a mental attitude (say, *desire*) is all that is required for this second component of felicitous exercitive speech. The addressee need not recognize the mental attitude, nor recognize

the speaker's illocutionary intent.

This means that if the speaker makes an utterance *without* having such a mental attitude, the speech act will fail to be an attempted authoritative illocution. Let me illustrate this point with an example. Suppose during a meeting with my dissertation advisor she utters, "I need a cup of coffee." My dissertation advisor is not my boss, though there is a relationship of authority which exists between us. Typically, as it concerns matters regarding my dissertation, I would take her utterances as reasons to make changes, additions, and deletions. Suppose I interpret my advisor's utterance as a reason to get her a cup of coffee. Since my advisor did not have a mental attitude regarding *my* action of getting her a coffee, it was not an attempted order. This is so regardless of whether she had the authority to order me to get her a cup of coffee.[32] For the same reason, this means that any attempted speech act will not necessarily misfire if the addressee fails to grasp what the speaker has attempted. In such a case, the performance may succeed while *communication* of this performance fails.

These two points combine in what I call a *normative expressionist* view of authoritative speech. Whether the speaker has authority is the normative component; which mental attitude the speaker has when making an utterance is the expressionist

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[32] Recall from the previous chapter that I have argued that a speaker's authority is a matter of the respect the hearer has for the use of authoritative language directed at them. Thus, when I respect my advisor's use of "I order you to get me a cup of coffee," (as I have assumed in the example) she would have the authority needed to make that order. In which case, if she had uttered "I need a cup of coffee" as an expression of the mental state of desiring me to get her such a cup, that *would* amount to being an order. This makes for two interesting points of future research. First, whether something is an order would depend on the mental state of the person making an utterance, and in certain cases in which ambiguous speech is used, an order can be sneaky. Second, it opens up the space to describe *taken* orders: cases in which a speaker has the authority to conduct the behavior of others and is perceived as doing so despite not having the right mental state so as to be giving orders.

component. Both are primary features for explaining the felicity of authoritative speech. I

consider this view *expressionist* rather than *intentionalist* because I do not require the

authoritative speech to be produced with intentions that the addressee respond to the

speaker's utterance in any particular way.[33] In my view, expressions of desires regarding

the actions of others (when combined with a speaker's authority) can count as felicitous

authoritative speech.

This view implies that a speaker can attempt an authoritative illocution without

having authority. Since the felicity of an order (say) will depend on the speaker's

authority, the order succeeds only if the speaker has authority. Thus, I view all attempted

authoritative speech acts as presupposing a fact of the world: whether the speaker has

authority. This follows Maciej Witek's (2013) understanding of *Austinian*

presuppositions of a speech act, which we can understand for present purposes as

presuppositions of facts of the conversational context. On Witek's view, whenever a

speaker attempts an authoritative illocution, the speaker is committed to the aspects of the

performance which are required for its felicity.[34]

Witek defends the view that some Austinian presuppositions can be

accommodated: if the felicity of an illocution requires a fact, but this fact does not obtain,

then that fact will *spring into existence*, within certain limits of course. This is very much

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[33] For more information on the differences between expressionist and intentionalist families of speech acts, see Chapter 1, Section 1.

[34] Another way to put this point is how Witek does when talking about Austinian illocutions: "the felicity of an illocutionary act *presupposes*, first, that the speaker of the act is endowed with an appropriate illocutionary power and, second, the circumstances into which the act is produced are appropriate" (Witek 2013, 4).

like how *presupposition accommodation* functions in the case of asserted propositions.[35]
To mirror this function, Witek states the rule for objective accommodation like so, where
"presupposition$_A$ *F*" means that *F* is an Austinian presupposition of the attempted speech
act:

> *Objective Accommodation*: If at time *t* speaker *S* makes [authoritative] illocution
> *I*, and if the felicity of *I* requires presupposition$_A$ *F* to be satisfied by the objective
> context, and if *F* is not part of the objective context just before *t*, then — *ceteris*
> *paribus* and within certain limits — presupposition$_A$ *F* becomes part of the
> objective context at *t*.

The '*ceteris paribus* and within certain limits' clause does a lot of work here. If
breaking a bottle over the stem of a ship is required for its christening, and there is no
bottle present, the bottle will not spring into existence to become part of the objective
context via this rule. However, if there are features of the conversational context which
depend only on the mental states of those in attendance, certainly *that* kind of social fact
can spring into existence when presupposed. It is Witek's view that the authority of a
speaker is one such kind of objective fact that can spring into existence when
presupposed. Given what I have defended in the previous chapter, the *respect* of those
hearers is something which can appear in the way Witek describes.

Indeed, Witek's view of Austinian presupposition combines harmoniously with

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[35] See Stalnaker (2002) and Lewis (1979) on presupposition accommodation and the common ground.

my answer to the Authority Problem in the previous chapter. In my view, a speaker's authority is constituted by and proportional with the amount of second-personal respect they have from their addressees, specifically respect for the speaker's use of power over them. This kind of second-personal respect from a speaker's addressees is the kind of objective fact which can spring forth into existence whenever presupposed. It is my view that when a speaker attempts an authoritative illocution, if at the moment of their utterance they lack authority, it is possible for that speaker to suddenly acquire the authority they have presupposed. This would be due to the sudden presence of second-personal respect from the addressees.

This results in an answer to the *Illocutionary Authority Problem*. Instead of believing one's words are authoritative (as Bach's and Harnish's view requires), I argue that a speaker uses their authority in speech by presupposing it; if they do not already have authority, that authority can spring forth into existence by the addressees accommodating it with second-personal respect for that use of authoritative speech. Thus, in my view, if Joe had respected Jessica's use of authoritative language when she said, "Close the door," he would have accommodated Jessica's presupposed authority; Jessica's attempted order would have then been felicitous.[36]

To be more precise about presupposed authority and attempted illocutions, it is helpful to have terminology related to what a speaker does even when their authority is

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[36] However, suppose Joe decides on his own that he will close the door, but does so after Jessica happens to utter, "Close the door," to him. Would this be an accommodation of her authority? No, for Joe did not respect her attempted authoritative illocution directed at him. However, it is admittedly plausible that Jessica could misinterpret Joe's actions as a signal of his respect for her use of authoritative language. Thus, Jessica could (falsely) believe she has authority when she does not.

not accommodated and their attempted illocution is not felicitous for that reason. For this reason, I will introduce the concept of a *speaker power* (or simply 'power' for short). As a first approximation, a power is a linguistic tool with which a speaker may attempt an illocution. A speaker *invokes* a power by using a particular utterance with a certain illocutionary intent: the intention to bring about a particular illocutionary force with that particular utterance.

To clarify this definition of a speaker power, I will borrow Bach's and Harnish's understanding of *locutionary-compatibility* (L-compatibility). L-compatibility is a relation between illocutions and expressions in a language; when a speaker has "the right sort of communicative intent," then an illocution is L-compatible with an expression.[37] With this understanding in mind, I define a speaker power as a set of expressions within a language such that the illocution is L-compatible with each expression in that set. I then define an *invocation* of a speaker power as the intentional use of an expression within that set.[38] By *intentional use* of an expression I mean that the selection of the expression was made with the communicative intent to bring about an illocution which is L-compatible with that selected expression. As a result, invocations of *exercitive* speaker powers will always presuppose a speaker's authority; by intentionally using an expression to perform an exercitive speech act, the speaker will be thereby committed to

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[37] Bach and Harnish also define a related concept of force-determinacy (Bach and Harnish 1979, 34-6).

[38] This raises two immediate points. First is a matter of *size*: these speaker power sets can be quite large, depending on the number of unique expressions which have been used to bring about a particular illocutionary force. Second is a matter of uniqueness: for any particular utterance *e*, *e* could be the member of multiple speaker power sets. I do not envision either of these points to be of concern: this is because an invocation of a speaker power requires the speaker to intentionally select an utterance within the power set whose illocutionary force they are attempting to bring about. Thus, so long as the chosen utterance *e* is in the specified power set, the speaker will invoke the correct illocution.

having the authority needed for that illocution's felicity.

Now we have a helpful shorthand for describing the difference between Jessica's and Jane's cases. Jessica and Jane each invoke the same speaker power. They each utter an expression (indeed, the same expression: "Close the door") with which the authoritative illocution *ordering* is L-compatible. They each *intentionally use* this expression: they have the communicative intent to order Joe to close the door. By doing so, each commits herself to having the authority needed to felicitously order: they each *presuppose* her authority to do so. By hypothesis, Jane has authority prior to her utterance, and so her exercitive speech act is felicitous. By hypothesis, Jessica lacks authority; thus, it is up to Joe to *accommodate* her authority at the moment of her utterance (via the rule of Objective Accommodation) if her invocation of power is to succeed with being an exercise of authority. If Joe does not accommodate her presupposition of authority, Jessica's invocation of power fails to amount to an order— her illocution misfires. This is due to the fact that she has no authority over Joe (despite believing she does) when she needs this authority to alter what Joe ought to do.

But what if Joe accommodates Jessica's authority as she speaks? I have said that Jessica's utterance presupposes her authority, and Joe has the opportunity to accommodate this authority when this presupposition occurs. Would this not imply that the success of Jessica's illocutionary *communication* would cause the success of Jessica's illocutionary *performance*? This is quite like putting the cart before the horse—one cannot communicate an action which one has not performed. This is because Joe cannot infer which action Jessica performed if Jessica did not perform any speech act.

This reveals an important point about illocutionary communication according to

Bach's and Harnish's view. Recall that illocutionary communication succeeds with the recognition of the speaker's illocutionary *intent*. Successful illocutionary communication is a two-step inference on their view: first from the utterance to the locutionary act, then from the locutionary act to the illocutionary act that is performed via the recognized intention of the speaker. In recognizing the speaker's illocutionary intention at the second step, the speaker is more-or-less *discovering* which speech act the speaker has performed. Instead, on my view of illocutionary communication, a hearer can infer from the speaker's illocutionary intent that they are *attempting* to perform something with their words, not necessarily that they are actually performing it. This leaves room for a hearer to accommodate presuppositions of authority, thus allowing the attempt to become a felicitous speech act.[39]

5. A Perlocutionary Effect View of Authoritative Speech

So far, I have been arguing that authoritative speech acts are in need of an illocutionary analysis. However, Bach and Harnish and Marmor could respond that I have committed a fundamental misunderstanding: that I have mistaken the *illocutionary* with the *perlocutionary*. Perhaps Jessica and Jane each do give orders to Joe, but their difference in authority changes only the outcomes of their orders: Jessica's orders do not result in the perlocutionary effect of altering what Joe ought to do, whereas Jane's orders *do* succeed with altering what Joe ought to do. Thus, to save their views, they could rely on

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[39] This implies that Bach's and Harnish's Speech Act Schema will be insufficient to explain how an exercitive speech act is inferred by the hearer in the cases of accommodation. A different model of illocutionary communication will need to be developed to handle cases of authority accommodation.

an illocutionary/perlocutionary distinction and show that authority matters for only the consequences of speech acts, but not for the speech acts themselves.

First described by Austin (1962), the distinction between the illocutionary and the perlocutionary is a distinction between what is done *in* saying and what is done *by* saying something (Austin 1962, Lectures IX and X). Bach and Harnish acknowledge that this is "suggestive at best, since it does not explain the distinction it marks," (Bach and Harnish 1979, 4) and the illocutionary/perlocutionary distinction has been a difficult one to make.[40] The problem rests with identifying which aspect(s) of a speaker's utterance cause which effect(s) downstream from that utterance, and is expressed nicely with the following example. In uttering, "There is an alligator in the next room," one performs a *locutionary act* which has a meaning, discernible by the words used and the grammar of the language. This utterance can also function as a performative act in the context: the *illocutionary* act of *warning* someone. Finally, this utterance can result in the hearer responding in certain ways, such as with an increased heart rate, or with the hearer taking their hand off of a doorknob; these are *perlocutionary* effects of the utterance. Importantly, the perlocutionary effects are *not* the speech act performed, even if they are intended by the speaker, and even if it is the speaker's utterance itself which directly causes those responses.

For Bach and Harnish, the illocutionary effect of an utterance is the securing of uptake: that is, the recognition of the speaker's intention when making the utterance. For "acts like ordering, warning, informing, and assuring, we must distinguish the ultimate

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[40] This thorny issue has led some philosophers to eliminate the distinction entirely. See Kukla (2014) for one such example.

perlocutionary effect the speaker is trying to achieve from the illocutionary effect of hearer uptake" (Bach and Harnish 1979, 4). So, Bach and Harnish could argue that I have mistaken the perlocutionary effects of the order for its illocutionary effects; perhaps the creation or modification of normative reasons for action is a perlocutionary effect of the utterance, and the hearer's uptake of the speaker's intention to so create or modify these reasons is the only illocutionary effect to consider.

The result of such a view is that an illocution succeeds when uptake is given. This means that the order is successfully performed (has its illocutionary effects succeed) regardless of whether the hearer thereby *ought* to do as directed. This is because the perlocutionary effects would be separated from the performance of the illocution and the success of its illocutionary effects. This would result in a set of successful orders, some of which need not be followed, as seen with the distinction between Jessica's and Jane's orders. Both Jessica and Jane succeed at ordering Joe to close the door according to this response, but only Jane's orders change what Joe ought to do. This implies that whether an order obligates the hearer to do some action is not a matter of illocutionary theory; and this implies that an illocutionary theory of exercitive speech cannot be given. Instead, a *perlocutionary* theory of orders will suffice.

I find that last result unsatisfying. The goal of any illocutionary theory is to explain how speech acts work in their contexts. It is reasonable to request an explanation for the phenomenon of *requiring* action from another person via one's utterance. It is reasonable to suggest that giving the requirement is *itself* the speech act, as distinguished from other speech acts such as *requesting* or *recommending* that same action. I have been considering *orders* as the speech act by which a speaker requires the hearer to do some

action. Thus, it seems perfectly reasonable to expect that an illocutionary theory of orders could be satisfactorily addressed.

As with many disagreements, I believe that this possible critique of my view rests on a linguistic dispute. There is a sense in which Jessica and Jane do the same thing, and another sense in which Jessica and Jane do not do the same thing. I have chosen to call the way in which their actions are similar *invocations of the speaker power of ordering*. I have chosen to call the way in which their actions are different *the giving of felicitous orders*. Jessica and Jane each invoke the same power, but only Jane gives orders to Joe. But if the above critique is correct, it implies that we should call invocations of power 'giving orders,' and these orders would be normatively inert. According to the critique, Jessica and Jane each give orders to Joe, but only Jane's must be followed. Perhaps it is possible to call Jane's orders 'felicitous' and Jessica's 'infelicitous' to mark that Jessica's utterance, while counting as an order, doesn't change what Joe ought to do. This reveals what I take to be a linguistic dispute on the issue of what to consider 'giving orders.'

But as I hope has become apparent throughout this discussion, this verbal dispute exists only if we neglect the centrality of authority as a felicity condition for giving orders. Once we accept that there is a category of speech acts which requires authority for felicity, then we see that the verbal dispute disappears. The sense in which Jessica's and Jane's cases match is not with respect to the speech acts they perform, for one has authority while the other does not. So, while they both *attempt* to order Joe, only Jane's utterance counts as an order due to Jane's authority.

The added benefit to this response is that it leaves open the question of whether Jane's words thereby result in the perlocutionary effect of making it so that Joe *ought* to

do as ordered, all things considered. It is possible that Joe has normative considerations other than the reason(s) Jane gives him that he must weigh in his normative weighing explanation, as we considered in the previous chapter. This opens up the explanatory space to consider other normative effects on Joe's actions apart from Jane's speech, which is itself a theoretical benefit of my approach.

In summary, I have given an answer to the Illocutionary Authority Problem. A speaker exercises their authority in their speech by presupposing it. To presuppose authority, a speaker invokes a speaker power which requires authority for felicitous illocutionary performance. It is possible that a speaker's authority can be accommodated at the moment of their utterance; given my previous reply to the Authority Problem, I argue that authority accommodation can occur when an addressee respects the speaker's invocation of power. This leaves open the question of whether and how a speaker *ought to have authority* in a given context, as well as how to characterize when a hearer does not accommodate authority that a speaker *ought to have*. That is the topic I address in the next chapter.

CHAPTER 4:

An Illocutionary Model of Discursive Injustice

1. Authoritative Speech

The previous chapters have carefully distinguished between a speaker's *authority* and the *exercitive speaker powers* that the speaker invokes by using specific utterances. Whereas an *exercitive speaker power* is a linguistic device by which a speaker attempts an exercitive speech act, that speaker's *authority* is part of what makes that performance felicitous. Thus, not all invocations of power will be felicitous: for example, orders attempted without authority will not alter the addressee's set of normative reasons in their normative weighing explanation of how they ought to act, even if the speaker uses the words typically used in an authoritative utterance.

In everyday life, there is the possibility that a speaker may say the right words, in the right way, in the right circumstances, to the right people, and yet their words fail to have the force they intended for them to have. In some of those circumstances, a speaker may also have a special claim to use authoritative language. In such cases, I would say that a speaker invokes a power that they are *entitled* to invoke. As we explored in Chapter 2, being entitled to authority is not equivalent to having the capacity of authority which one needs to perform felicitous exercitive speech acts. So, some entitled invocations of power may not be exercises of authority, and so those attempts will not have their intended force.

In this chapter I will explore how a speaker's entitled invocation of power can be wrongly prevented from having its intended illocutionary force. A specific form of this

has been called *discursive injustice* by Professor Quill R. Kukla (2014). This phenomenon occurs when a speaker's attempted speech act is wrongfully prevented from having its intended force in part due to the speaker's social identity. I will argue that hearers can wrongfully cause a speaker's attempted exercitive speech acts to misfire because of their lack of respect for the speaker's invocation of power. I will also argue that this understanding of discursive injustice can be solved within the illocutionary model of speech acts that I have developed in the previous chapter, as opposed to Kukla's (2014) non-illocutionary *performative force* model of speech acts.

I will begin with reviewing some basic terminology of speech act theories, and then I will define a speaker's *discursive entitlement* to invoke speaker powers (Section 2). I will then review Kukla's understanding of *discursive injustice* and refine it with my understanding of discursive entitlement (Section 3). I will give some clear examples of discursive injustice (Section 4) and then model discursive injustice with an illocutionary model of speech acts in which a speaker's authority is a felicity condition (Section 5). I will then review Kukla's competing *performative force* model of discursive injustice and argue that my illocutionary force model should be preferred (Section 6).

2. Force and Entitlement

Before discussing discursive injustice specifically, I will quickly review what we have explored so far. A speech act can be understood as an utterance with a performative meaning. Consider the following utterance: "Would you pass the salt?" This utterance expresses the speaker's desire to be in possession of the salt—this is the *linguistic meaning* of the utterance. This utterance also constitutes a speech act—a *request* for the

hearer to pass the salt. That is the *force* of the utterance.

One popular way to discuss a speech act, introduced by J. L. Austin (1962), is in terms of a speech act's *illocutionary force*, which views the meaning of the utterance in terms which distinguish the illocutionary from the perlocutionary. As a rough approximation, recall the earlier example of the speaker saying, "There is an alligator in the next room." The illocutionary force (i.e., the meaning of the utterance) is to warn the hearer; the perlocutionary force (perhaps one of many) is to cause the hearer to refrain from opening that door. I will return to my illocutionary model of speech acts in Section 4.

A speech act can be prevented from succeeding. One way to prevent a speech act is to systematically interrupt the speaker before they can complete the attempted act. In such a case, the speech act is prevented because they are systematically prevented from making an utterance. The speaker's utterance cannot have the intended force if there is no utterance.

A speech act can also be prevented from succeeding despite the speaker making the utterance. Depending on the model of speech acts used, there may be *felicity conditions* of the speech act. When one or more of the felicity conditions is not met, the utterance will not have the intended force. This can occur despite the speaker making the utterance with the right words, at the right time, and in the right circumstances. An example of this may be when the wrong person tries to christen a ship by taking the ceremonial bottle and smashing it over the stem (Austin 1962, 23). Despite the interloper saying the right words, their utterance does not have the force of christening the ship, and we would be incorrect if we considered the ship to have been named.

When it comes to exercitive speech acts, the speaker must have authority if their speech act is to be felicitous. In the previous chapter I defended an illocutionary model of exercitive speech which falls into both the normative and the expressionist families of speech acts. To have authority is the normative component of my view, and to express a mental state regarding some course of action the hearer can take is the expressionist component. Thus, in my view, felicitous authoritative speech requires two conditions of felicity: if either is missing, the attempted illocution will misfire.

To be more precise, In Chapter 3 I defined the notion of a speaker power as a set of expressions within a language such that the speech act is *Locutionary-compatible* (L-compatible) with each expression in that set. For a speech act to be L-compatible with an expression in the language, a speaker has to use the expression with "the right sort of communicative intent" (Bach and Harnish 1979, 34-6). When a speaker intentionally uses an utterance, and the intended speech act is L-compatible with that utterance, I say the speaker *invokes* that speaker power. This is helpful when talking about what a speaker does and does not do as it concerns felicity conditions of speech acts: when a speaker invokes a speaker power, they do so by intentionally using an expression in the language as determined by the intended speech act.

As it concerns exercitive speech acts, a speaker invokes an exercitive speaker power by using utterances with which the intended act is L-compatible. If the speaker has authority, such invoked powers will likely be felicitous.[41] As we explored in the previous

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[41] This is of course a first approximation. Speakers with authority who say the right words to the right people typically will perform felicitous speech acts. Of course, depending on the details of the speech act theory, other conditions of felicity may matter for the performance of an exercitive speech act.

chapter, invocations of exercitive speaker powers *presuppose* the speaker's authority, and this gives the addressee an opportunity to *accommodate* the speaker's authority.

Typically, the notion of authority as it concerns exercitive speech appears within an institutional setting in which a speaker has a special claim to invoke exercitive powers. For example, a paradigm instance of authoritative speech is when a manager gives an employee an order. The manager and employee would operate within an institutional setting which supports the boss's special claim to use utterances which are L-compatible with giving orders. But as we have noted previously, having a special claim to a capacity is not the same as actually having that capacity.

This invites us to envision what such a special claim to a capacity might be. The sense in which a speaker has a special claim to use a specific speaker power is what I call a *discursive entitlement* to that speaker power. More precisely:

> *Discursive Entitlement* (DE): A speaker is discursively entitled to invoke speaker power *P* when they have a claim right to intentionally use an utterance *e* with which *P* is L-compatible.

More compactly: a speaker's discursive entitlement just is their claim right to invoke a speaker power. This definition does not specify where the claim right has to come from, though I have in mind that the institutional role the speaker occupies would typically be the basis for such a claim right.

From what we have explored so far, we can see that some entitled invocations of power may not be authoritative, and some authoritative invocations may not be entitled.

Someone's attempted illocution may misfire despite them having a special claim to use those words on that occasion; someone may have the authority to felicitously perform exercitive speech acts and not be entitled to invoke such speaker powers.

Now that we have reviewed these features of my view and we have a better understanding of discursive entitlement, we can now begin to model the phenomenon of discursive injustice. To begin, I will discuss Professor Kukla's (2014) understanding of the phenomenon, then I will refine that definition, and then I will demonstrate the phenomenon with some examples.

3. Discursive Injustice

Recently there has been a focus on *discursive injustice*: the phenomenon whereby a speaker is systematically prevented from performing a speech act that they are entitled to perform. What is interesting about this kind of systematic prevention is that the speaker makes utterances, but they are unable to have their utterances count as meaningful in the way they are entitled for them to be.[42] Paradigm cases of this phenomenon include that this systematic prevention occurs in large part because of, or entirely due to, the speaker's social identity. For example, a female manager in a workplace may be unable to give successful orders to her male employees because of how they react to women in positions of leadership.

The term *discursive injustice* comes from Professor Kukla (2014), and their definition is less general than the definition I have offered. Kukla writes that discursive

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[42] We will return to this idea in detail as we discuss Kukla's (2014, 441) definition of discursive injustice. See also (Langton 1993, 299) for the related phenomenon of illocutionary silencing.

injustice occurs when a speaker "face[s] a systematic inability to produce certain kinds of speech acts that [they] ought, but for [their] social identity, to be able to produce" (Kukla 2014, 441). The insight is that paradigm cases of discursive injustice are caused partly, or entirely, because of the speaker's social identity. The injustice Kukla has in mind concerns how one's identity reduces the speaker's ability to use discursive conventions in their speech. They write: "Victims of discursive injustice are, in virtue of their disadvantaged social identities, less able to skillfully negotiate and deploy discursive conventions as tools for communication and action than others" (Kukla 2014, 445). It seems that the injustice Kukla has in mind is distinctively *moral*, as it deals with the fairness of how a speaker can use standard discursive conventions. It is matter of moral concern when a speaker's ability to perform speech acts is reduced simply because of their social identity.

In contrast to Kukla's understanding of discursive injustice, I will offer a more general view which takes into account *two* normative standpoints. It seems to me that the injustice occurs because one has a discursive entitlement to produce some kind of speech, and this claim right is being violated in some way. Therefore, I believe discursive injustice is best understood as a distinctively *conventional* phenomenon: a speaker's words can be entitled simply by conventional norms, and then their entitled speech can be prevented from succeeding. However, we can consider the means by which the entitled speech is prevented. It may be that a speaker's entitled speech is prevented as a result of a deeper *moral* injustice occurring in the circumstances, such as being treated differently simply because of one's perceived gender or the color of one's skin. So, on my view, a speaker can be subject to a discursive injustice for reasons which do not have to do with

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their social identity, and perhaps also for reasons which are not of any moral interest. Despite my more general understanding, in what follows I will consider only those cases of discursive injustice which are caused by, or otherwise deal primarily with, the speaker's social identity. So, for present purposes my understanding and Kukla's function identically.

Present in both Kukla's understanding and mine is the idea that cases of discursive injustice are ones in which conditions of the speech act are in tension. In some ways the performance is *appropriate* and in other ways it is *inappropriate*. When the speaker is entitled to perform the act, the conditions of the performance seem appropriate. However, cases of discursive injustice are ones in which the speaker is unable to perform the entitled speech because of, or in large part due to, their social identity. This suggests that a condition of the performance of the speech act is inappropriate given the speaker's social identity. I will now demonstrate this with some examples.

4. Unjust, Systematic Illocutionary Misfire and Discursive Injustice

I will now demonstrate five more-or-less ordinary examples of unsuccessful speech acts that misfire because of the speaker's social identity. By comparing these cases, we will have a full understanding of what discursive injustice is and how it differs from other related forms of injustice, which will allow us to more easily explain this phenomenon in the next sections.

David and Charlie.[43] David and Charlie, a same-sex couple, walk into a bakery. They put correct change on the table and utter, "We would like to purchase a wedding cake." They are refused service on the basis of their same-sex relationship.

These two speakers intend for their words to have the illocutionary force of purchasing a cake. However, their words do not have the meaning of being a cake purchase because of how they are treated by the store owner.

Tom.[44] Tom, a black man on trial during the Jim Crow era of the United States South, expresses sympathy for Mayella, a white woman who is the alleged victim of the court case, by uttering "Yes suh, I felt right sorry for her, she seemed to try more'n the rest of 'em—." The Prosecutor expresses his disbelief that a black man could feel 'sorry' for a white woman.

Tom intends for his words to have the illocutionary force of expressing sympathy. However, the Prosecutor (and the jury) do not believe that this is even *possible* for Tom, as that would put Tom, a black man, in a position to feel sorry for a white woman, which

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[43] This case is inspired by actual events. David Mullins and Charlie Craig, a same-sex couple, approached Jack Phillips, owner of Masterpiece Cakeshop, to purchase a cake for their wedding. Phillips refused his services to the couple on the basis of their same-sex marriage (Compton 2017).

[44] This case is inspired by the events depicted in Harper Lee's (1960) *To Kill a Mockingbird*, Chapter 19. There, Tom Robinson is on trial for allegedly sexually assaulting Mayella Ewell. During his answers from the prosecutor, Tom expresses sympathy for Mayella. The inappropriateness of this attempted conversational act is expressed as a 'mistake' of Robinson's and that 'damage was done' in the eyes of the jury.

was not believed to be true in the Jim Crow era of the United States South.

Brandi.[45] During a team meeting, Brandi suggests an idea which is quickly

dismissed. The very next day, Brandi learns that the team is moving forward with

an idea that is exactly like the one she suggested the previous day, but only after it

had been pitched by a male colleague.

Brandi intends for her words to have the illocutionary force of an idea pitch.

However, Brandi's words are taken seriously as an idea pitch *only after a male colleague

repeated them*; the male colleague gets credit for the idea pitch, rather than Brandi.

Celia.[46] Celia is the manager of a factory in which 95% of the workforce are

males that are deeply unaccustomed to taking women as 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.

Celia intends for her words to have the illocutionary force of an order. However,

Celia is not able to get her employees to do as she intends because of how she is treated

for being a woman in a position of power.

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[45] This case is inspired by a blog post from Brandi Neal explaining the phenomenon of 'hepeating': "when a woman suggests an idea and it's ignored, but then a guy says same thing and everyone loves it" (Neal 2017).

[46] This example comes from Professor Kukla (2014).

Juan. Juan, a latino child on a U.S. public school playground, approaches the white kids forming a play group and says "I am playing too!" The other kids laugh at Juan in response and exclude Juan on the basis of his skin color. Juan sits down alone.

Juan intends for his words to have the illocutionary force of joining the play group. However, he is unable to join because of how he is treated for being latino.

I take it that each of these five examples are *morally unjust* preventions of speech acts, though some of these examples are controversial on this point. For instance, some may argue that the children in Juan's case need not play with anyone in particular, Juan just happens to not be included. I have in mind that the children in Juan's case are purposefully and intentionally *excluding* him solely on the basis of his skin color, and so this *would* be a moral injustice: behavior which only disadvantages others, and which is performed simply on the basis of their skin color, is *prima facie* morally wrong. Similarly, Celia's not being taken seriously by her factory workers, and Brandi's idea not being taken seriously by her colleagues, simply because of their perceived genders, would be an expression of an injustice occurring in those workplaces. Tom not being seen as capable of expressing sympathy for Mayella simply because of his race is also an injustice, as is David and Charlie being refused service in a public setting simply because of their sexual orientation.[47]

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[47] As has been argued by many critics in the case which inspired the one I have discussed here, the baker who refused service to David and Charlie invokes religious liberty as a reason defending his refusal. By being required by law to not refuse service to David and Charlie, the baker argues that he would be

To count as cases of discursive injustice, each of these cases of prevented speech must be caused systematically and be a prevention of a speech act the speaker ought to be able to produce. Each of these cases are examples of *systematic* inabilities to produce speech acts. I take it that each of these cases is an instance of a more consistent experience these individuals face. David and Charlie were not the first same-sex couple to be denied service on the basis of their sexual orientation, and they are likely to encounter similar hurdles in the future. Similarly, Celia and Brandi are likely to continue experiencing difficulties in their workplaces simply because of their perceived genders, as will other women. The same applies for Juan, and for other latino children, who will likely not be invited to play with the other kids unless their opinions about race change. Tom's experience reflects a deeply problematic time in the United States South which affected many people, and which has numerous lingering effects today.

What remains to be shown is that each speaker *ought to be able* to have produced the speech acts that they respectively attempted. This sense of 'ought' is conventional. According to the local norms of an environment, some speakers are granted privileges while others are not. Celia's case is an example of this: as manager of a factory, she is entitled to give orders to her employees, and so she ought to be able to do so. The other cases I have considered are not as clear as Celia's, but the notion of discursive entitlement makes this clearer. According to DE, a speaker has a discursive entitlement just in case that speaker has a claim right to invoke a speaker power. Thus, we can see that David and Charlie are entitled (at least) *qua* consumers to purchase a cake when

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participating in the wedding itself, which he argues would be a violation of his religious freedom. I do not here consider the merits or implications of this argument.

operating within the marketplace. It is plausible that all potential consumers have a claim

to invoke the speaker power of making a purchase, so long as they have a sufficient

amount of money. Tom is entitled *qua* defendant to express the truth (and, indeed, is

legally required to do so): being a defendant gives the speaker a special claim to being

able to use words to express the truth. Brandi, *qua* colleague, is entitled to pitch ideas to

the team, the same as anyone else employed as a team member in that workplace,

because all team members have the same claim to use words to express their ideas. Less

obvious is whether Juan is entitled to use language to become part of the playground

team. Perhaps, but perhaps not; do students, all else equal, each have the same claim to

use language to express their respective desires to join schoolyard teams? This is not

entirely clear, but it would seem that Juan does *not* have an entitlement to this kind of

language in the schoolyard, though his speech act is caused to misfire systematically and

unjustly. Thus, it would seem that each of the first four stories we considered is an

instance of discursive injustice, but Juan's is not. Instead of a discursive injustice, Juan is

experiencing a systematic moral injustice which I will not explicitly characterize here.

Now that we understand what discursive injustice is and we have seen some

examples of it, we can move into a discussion of how to characterize it with a theory of

speech acts.

5. Normative Expressionism and Discursive Injustice

Some strategies for explaining discursive injustice and related phenomena have been

outlined by Samia Hesni (2018). Hesni explains that to find a theory of speech acts which

can explain systematic performative failure on the basis of a speaker's social identity, we

can attempt one of the following three ways. We can (1) distinguish 'actual' from 'felt' speech, where 'felt speech' is going to rely on the *perceived* effects of language use, (2) distinguish 'attempted' from 'successful' speech, where the *objective* success conditions of speech acts settle whether the attempted act is successful, or (3) focus on what Hesni calls *illocutionary frustration*, which is "the phenomenon of a hearer treating a speaker as though she does not have standing to perform the speech act she intends to perform" (Hesni 2018, 949, 963).

In what follows, I will take an approach which has aspects of Hesni's second and third strategies combined. I will argue that discursive injustice is best explained as a form of unsuccessful speech caused because of a violation of an objective condition of the speech act's success. I will identify that objective success condition as the authority of the speaker.

As specified in the previous chapter, I view exercitive speech as consisting in two parts: (1) the normative component of the speaker's authority to alter what someone ought to do, and (2) the expressionist component of the speaker's mental state regarding some prospective action the hearer can do. To give an order, for example, the speaker must have the authority needed to give reasons for action (and also against incompatible actions), and they must exercise this authority by invoking the correct exercitive speaker power.

When someone is entitled to authority, one can perform an *entitled* invocation of power. Some entitled invocations of power can misfire, such as when a speaker is entitled to perform an exercitive speech act, but they lack the authority to do so. Let's see how this can happen by returning to Kukla's example of Celia the factory manager. Celia

invokes a speaker power to which she is entitled: because she is the manager in the factory, she is entitled (via DE) to use certain words to direct her employees to do various tasks in the workplace. According to the hybrid normative expressionist view I defended in the previous chapter, Celia would invoke the speaker power of ordering and thereby commit herself to having the authority needed to felicitously order her employees—she would presuppose her authority to give orders. However, according to Kukla's example, Celia's employees do not do as she intends for them to do, presumably because they do not respect her as a person capable of giving orders in the factory. Specifically, they do not respect her use of such language to tell them what to do because "the workers are deeply unaccustomed to taking women as authorities in the male-dominated space of the workplace" (Kukla 2014, 446). According to my view, Celia's attempted orders misfire because she lacks the authority she needs: her presupposition of authority is not accommodated by her employees. Further, she is entitled, due to her position of power, to be respected in this way. This means that she is being wrongfully deprived of the authority to which she is entitled. Still further, she is wrongfully deprived this authority *solely on the basis of her gender*. This demonstrates that Celia experiences a discursive injustice in the workplace.

A similar explanation can be given for Brandi's case. As a member of the team, Brandi is entitled to pitch ideas. It is plausible that there is a lack of respect from the other team members for her intentional use of language to pitch ideas. However, perhaps the male colleagues experience no such lack of respect to pitch ideas. This would explain why Brandi's male colleague could receive credit for pitching the idea she attempted to pitch the previous day: her attempted speech act misfired and so it was not pitched to the

team, but *his* attempt faced no such resistance and so it succeeded. She experienced a discursive injustice, but he got credit for a pitch. This difference in who the audience respects tracks the gender of the speaker, and so it also seems that this discursive injustice is caused by a deeper moral injustice in the workplace.

The experiences of Tom and of David and Charlie can also be explained as mismatches in their entitlement to perform a speech act and the respect from their audiences to do so. Tom very likely was not respected by the members of the courtroom to express sympathy for a white woman: that kind of act was something black people could not do in the Jim Crow era of the South. Similarly, the fact that David and Charlie's attempt to buy a wedding cake misfired was entirely up to the baker who refused to offer his services to them specifically: the baker did not respect their claim to buy a wedding cake in his bakery.

I submit that discursive injustice can be explained by a mismatch between having a discursive entitlement to invoke speaker powers and lacking the authority that those invocations of power require. I have explored various cases in which a speaker is entitled (via their role) to perform a speech act, but this performance was not respected by that speaker's audience. Further, such examples are suitable to demonstrate that discursive injustice occurs within a normative expressionist illocutionary model of exercitive speech. When one's presupposed authority is not accommodated, even in cases in which the speaker is entitled to such authority, they will lack the authority which is necessary for the felicity of performing such speech acts. Thus, we an illocutionary model of discursive injustice.

We will now consider Professor Kukla's non-illocutionary approach to

characterizing discursive injustice.

6. An Alternative Model

6.1 Kukla's Performative Force Model

Professor Kukla (2014) has given a different account of discursive injustice, one which is
explained with a different theory of speech acts. On Kukla's account, a speech act can
have a *performative force* only if it is given *uptake*. These terms differ significantly from
the senses of *illocutionary force* and *uptake* that we have been discussing. The
performative force of a speech act considers the actual difference in the world that is
made by the speaker's utterance. To have its performative force, the utterance must be
given *uptake*, which for Kukla means: "…the [audience's] enacted recognition of [the
speech act's] impact on social space" (Kukla 2014, 444). It is how the audience
recognizes and responds to the utterance which will determine what performative force
the speech act has. Speaker intentions are 'part of the story' of what performative the
speaker produces, but they alone do not settle the performative force of a speech act.
Importantly, intentions take a *secondary* status to uptake on Kukla's account, as
evidenced by their claim that a "speaker may only discover, in how her utterance is taken
up, what sort of speech act it really was" (Kukla 2014, 444), such as in the following
case.

> …if I ask my dinner companion, 'Do you think we should get married?,' this
> speech act might constitute a marriage proposal, the start of a conversation about
> the future, a request for an opinion, or a joke. Which it is depends partly upon the

social context and input…But it also partly depends upon the uptake: if my companion laughs in my face, or takes me unexpectedly seriously and gives me a definitive answer of a certain sort, then I might learn on the spot what sort of speech act I actually produced, and the answer might surprise me (Kukla 2014, 443).

One utterance can have one (or more) of a variety of performative forces. To determine the performative force(s) of an utterance, we have to look at the context, input conditions, and also the enacted recognition (*uptake*) the utterance receives. Thus, the speaker may attempt a marriage proposal and be surprised when a joke is performed unintentionally.

This model of performative force handles the phenomenon of discursive injustice quite differently than my illocutionary model. To see this, let us turn to Kukla's analysis of Celia's case. The factory workers give Celia's utterances the uptake of it being a rude request (Kukla 2014, 446). Kukla argues that the factory workers thereby subvert Celia's authority (perhaps unintentionally). Additionally, the factory workers also thereby settle that Celia is *rudely requesting* (Kukla 2014, 447). Importantly, the fact that she is performing requests (and not orders) is not her fault. It is not within her control to have her utterances be supplied with the uptake they need to count as orders. It is outside of her control for her utterances to function as anything except for requests in this work environment. Thus, since she is entitled to give orders on the basis of the role she occupies in the institution, and she is systematically unable to give orders, Celia suffers a discursive injustice. As a reminder, the injustice on Kukla's view seems to be primarily

moral, whereas mine has been entirely conventional (though often caused by deeper moral injustices). Celia's words are treated differently because of her perceived gender and so her words are augmented into an act she did not intend; on Kukla's view, that is what makes it a discursive injustice.

On both Kukla's model and the model I have offered, Celia does not order. In my view, Celia's attempted illocution misfires. In Kukla's view, Celia's attempted order comes to have the performative force of a request, and *this fact* is why Celia's order fails: the fact that her utterance is a request is the very reason why she does not order. In my view, Celia does not *necessarily* request anything of her employees. I have argued that the lack of respect Celia's employees have for her use of exercitive power is the reason why her words lack the illocutionary force of being an order; whether her words have the illocutionary force of a request *instead* is an open question, on my view.

Now that we have seen Kukla's model of performative force and how it differs from the one I have offered, I will explore Kukla's reasons for preferring their approach over an illocutionary model.

6.2 Kukla's Objections to an Illocutionary Model of Discursive Injustice

Kukla has argued that an illocutionary model of discursive injustice cannot succeed (Kukla 2014, 454). The first reason they give for this is what I will call the 'miss the timing' objection to illocutionary models of speech acts. The idea is that conditions of felicity which occur temporally downstream of the speaker's utterance cannot coherently count as conditions of felicity for the speaker's illocution: they 'miss the timing'. They express this position when comparing their account to that of the account of *illocutionary*

silencing offered by Hornsby and Langton (1998), on which a speaker's illocution can misfire because the hearer fails to recognize the speaker's illocutionary intention.[48]

> If we are going to maintain a strict Austinian illocutionary/perlocutionary distinction, as Langton and Hornsby do, then illocutionary effects and forces are those that are accomplished *in the act of speaking itself*, as opposed to those caused by the speech act. Austinian illocutionary effects are immediate: the ship is named *in* the act of baptism, and so forth. But on their account, performative force is not effected in the act of speaking, but rather partially constituted by a wholly separate, contingent subsequent event, namely the audience's recognition of the speaker's intention. But this recognition is a perlocutionary effect of speaking, and hence the performative force they are talking about does not seem to be illocutionary after all (Kukla 2014, 454).

This response to Hornsby and Langton can be applied equally to the account I have offered. When David and Charlie attempt to buy a cake from that particular baker, the baker has the opportunity to respect their use of language to make a cake purchase. By refusing to do so, the baker makes it the case that David and Charlie do not satisfy the appropriateness condition for their attempted speech act: on my view, the baker's withheld respect causes David and Charlie's illocution to misfire. However, this withheld

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[48] Austin (1962), and Hornsby and Langton (1998), refer to the hearer's recognition of the speaker's illocutionary intent as the hearer giving *uptake* to the speaker's utterance. I have suppressed the use of this word for this meaning to avoid confusion with Kukla's conception of 'uptake'.

respect is an event which is 'wholly separate' from David and Charlie's utterance, it occurs temporally downstream from the actual words uttered. Thus, Kukla can argue, as they have against the account offered by Hornsby and Langton, that the account offered here is incoherent: the crucial act which would make the difference for whether the utterance has its intended illocutionary force is not itself a condition of illocutionary felicity.

This objection fails because it relies on a confusion about Austin's understanding of utterances, illocutionary force, and perlocutionary effects. Implicit in the 'miss the timing' objection is the idea that perlocutionary effects are caused only by illocutionary acts. Kukla claims illocutions occur in the speaker's utterance and succeed (or fail) before any witnesses could recognize a speaker's intention or respect the speaker's claim to perform the speech act. But there is no reason to agree to Kukla's assumption that the illocution must *successfully be completed* before these temporal downstream events can occur. Indeed, Austin has this in mind when he discusses betting. "[F]or a bet to have been made, it is generally necessary for the offer of the bet to have been accepted by a taker (who must have done something, such as to say "Done")" (Austin 1962, 9). The speaker attempting to bet makes a grammatical construction with certain intentions, but the illocution does not succeed prior to the bet-taker's saying "Done." Saying "Done" is a perlocutionary effect of the *attempted bet* (the speaker's invocation of a speaker power) not of the bet itself (the speaker's illocution). That is because a bet is not a bet unless this subsequent behavior occurs. Thus, there is no way for these conditions of felicity to 'miss the timing' in the way Kukla describes.

I will call Kukla's second reason for abandoning illocutionary theory the

'extended speech acts' objection, which is similar in spirit to the first objection. In Kukla's view, a model of speech acts must treat the speech event as extended well beyond the speaker's utterance. We cannot simply view a speech act as completely (and solely) contained in the utterance, but Kukla argues that we must view illocutions this way. This is what Austin means, Kukla argues, when he claims an illocution occurs 'in speaking.' This is partly what constitutes a virtue of Kukla's account: the uptake the audience gives is part of the performance of the speech act, and so the speech act is not complete until the behavior downstream from the speaker's utterance is performed.

This objection relies on a view of the temporality of illocutions for which Austin did not argue. Austin has never claimed that the felicity conditions of an illocution must obtain prior to or during the speaker's utterance. Austin's framework allows for illocutions to be extended over a time interval during which all participants of the invoked procedure may do their part. Notice what Austin says about gift-giving: "…it is hardly a gift if I say "I give it to you" but never hand it over" (Austin 1962, 9). Austin's view of illocutionary acts is that they are temporally extended from when the speaker begins their utterance to the end of when the relevant behavior is performed by the individuals, speaker or audience, who needed to perform it. Austin motivates this in saying:

> The uttering of the words is, indeed, usually a, or even *the*, leading incident in the performance of the act (of betting or what not), the performance of which is also the object of the utterance, but it is far from being usually, even if it is ever, the sole thing necessary if the act is to be deemed to have been performed (Austin

1962, 8).

I read 'leading incident' as what is necessary to get the act started. Importantly, uttering the words is not the beginning *and end* of the illocutionary act; it often is only the beginning. In Kukla's view, a model of temporally extended speech acts is warranted. Kukla acknowledges that we cannot simply view a speech act as contained only in the utterance of the speaker. However, they mistakenly believe that this is a reason to abandon Austin's model of illocutionary acts and move to a model of performative force. I suspect this is due to Austin's use of 'in speaking' to flag an occurrence of an illocution, but we need not let that distract us. Austin clearly views the utterance of certain words as the leading incident in a series of events which together constitute the act performed 'in speaking.'

The final reason to prefer the performative force model over that of my normative expressionist illocutionary model is that Kukla's model has a virtue that my model fails to capture. Kukla's model explains that speakers can perform speech acts *unintentionally* and solely due to how the audience responds to their utterances. Indeed, this is the feature of Kukla's account that allows them to capture the phenomenon of discursive injustice: intended speech acts are augmented into performatives that the speaker does not intend, when they intended to produce performatives they were entitled to perform.

I concede that the view of speech acts I have offered does not have this feature to describe the production of unintended speech acts. However, I shall argue that this virtue of Kukla's account functions more as a vice. Take into account an example Kukla offers:

Frank. Consider an older male faculty member who is attracted to his young

female graduate student. Being a basically well-intentioned fellow, what he would

like to do is to invite her, in the gentlest possible terms, to reciprocate his

affections. Indeed, he is horrified at the idea that she might take him as ordering

or even requesting that she have sex with him; he does not want her to feel

compelled to sleep with him, or even to sleep with him as the granting of a favor.

He wants to sleep with her only if she is genuinely and freely interested. And so

he tries to issue this invitation. But it may well be that no matter how he words

and performs the speech act in accordance with the standard conventions for

issuing an invitation—no matter how much he assures her that he is inviting

rather than requesting or ordering, that there will be no repercussions from her

turning him down, and so on—it is simply impossible for him to broach the topic

without creating pressure to acquiesce (Kukla 2014, 455).[49]

Kukla's goal with this example is to clarify their analysis of discursive injustice.

They do not want to say of Frank that he experiences a discursive injustice because he

cannot perform his intended sexual invitation. They say simply that though he is

systematically unable to perform his intended performative, this "inability to issue an

invitation does not track systematic disadvantage; if anything, the opposite is so" (Kukla

2014, 455). Because this is caused by his relative position of power, he faces no injustice.

I believe that the notion of discursive entitlement helps clarify further: Frank is not

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[49] This older male faculty member goes unnamed in Kukla's example.

entitled to give these invitations, either. Though systematic, his performative failure is neither unjust, nor a prevented performative to which he was entitled.

I think that this result shows the unfortunate downside of Kukla's model of performative force. In their view, Frank *requests* or *orders* his student to have sex with him, despite his best intentions. This is because the uptake the student gives Frank's utterance is that of it being a request or an order: she feels pressure to acquiesce and she reacts accordingly. Frank does act inappropriately here, but it does not seem correct to say of him that he performed a *request* or an *order* for sex from his student.

Instead, I would characterize the event as follows. Frank invokes the speaker power of *inviting* by intentionally using an expression with which invitations are L-compatible. I should hope it is clear from my analysis above that this invocation of power is not necessarily felicitous on that basis alone. However, invocations of power can themselves produce perlocutionary effects. Using language of this nature can indeed produce consequences that we may want to avoid, regardless of whether the utterance has an illocutionary force. I do believe, as Kukla says, "it is simply impossible for him to broach the topic without creating pressure to acquiesce." For this reason, policies regarding sexual harassment consider the words spoken by individuals in the workplace, and not the speech acts they may or may not perform with those words.

So, Frank's words are inappropriate. However, it is a separate question whether Frank's inappropriate use of words counts as a felicitous speech act. In my view, Frank's attempted invitation systematically fails, and each invocation of power here is inappropriate. This seems closer to a correct analysis of the case than how Kukla's view handles it.

Indeed, this aspect of Kukla's view generalizes in ways we ought to avoid, and we can see that by considering this case from Hornsby and Langton (1998).

> *Refusal*. A woman says "No" to a man, when she is trying to refuse sex; she uses the right locution for an act of refusal, but somehow her speech act goes wrong. The woman says "No" and the man does not recognize what she is trying to do with her words. She says "No," intends to refuse, but there is no uptake in her hearer (Hornsby and Langton 1998, 27).[50]

In this example, the assailant does not give the uttered 'No' the uptake as of it being a refusal. In such a case, it seems mysterious how, on Kukla's view, we can say the speaker's words function as a refusal in that context. However, suppose that the assailant only continues his advances because he (incorrectly) perceives the uttered 'No' as a coy 'Yes'. In that case, Kukla's model implies that the woman's utterance has the performance force of *consenting*. That would be because the uptake the man gives to this woman's utterance would be that of consenting to his advances. But it is incorrect and quite unfortunate to suggest that the woman's words fail to be a refusal because they function in that context as words of consent instead. For these reasons, I believe that Kukla's view of performative force does not succeed, and that this 'virtue' of their account functions more as a 'vice'.

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[50] Notice the use of 'uptake' here does not map onto Kukla's use of 'uptake'. Hornsby and Langton mean by this word the hearer's recognition of the speaker's intention. Kukla, recall, uses that same word to describe the hearer's enacted recognition of the utterance: how they understood it and then respond to it.

7. Conclusion

I have argued that my normative expressionist model of exercitive speech accounts for the phenomenon of discursive injustice, contrary to Kukla's objections to illocutionary models of this phenomenon. When authority is a condition of felicity for performing exercitive speech acts, and this authority can be wrongfully deprived from the speaker as they are speaking, we can see how their attempted speech acts can systematically misfire. Additionally, my illocutionary force model of discursive injustice avoids the unnecessary consequences of the performative force model. For instance, it does not say of Frank that he orders his students for sex when he (unsuccessfully and inappropriately) attempts to invite them to do so. My illocutionary force model also does not say of women refusing sexual advances that those utterances have the performative force of being words of consent, whereas Kukla's performative force model appears to have this conclusion. Therefore, I argue that my normative expressionist analysis of discursive injustice is superior to the performative force model Kukla has defended.

1. Discursive Injustice

Let us briefly recall the phenomenon of discursive injustice. A speaker experiences

discursive injustice when they ought to be able to perform a speech act but, because of

their social identity, they are systematically unable to do so (Kukla 2014, 441). As I have

specified in the previous chapter, I believe this is best understood as cases in which a

speaker has a discursive entitlement to invoke a speaker power, but such invocations are

not respected by that speaker's addressees. Rebecca Kukla gives us the example of Celia,

the manager in a factory where her utterances are taken as being *requests* instead of being

orders. As we saw in the previous chapter, 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 (Kukla 2014, 446). Kukla's

view is not an illocutionary view of discursive injustice. In contrast, I have argued that

Celia's attempted illocutions *misfire* because her presupposed authority is not

accommodated by her workforce. In both models of discursive injustice, we are invited to

understand Celia's authority as somehow *deficient* in the context of the factory.

I will argue that Celia's discursive injustice is best explained in terms of the

deprivation of the authority she is entitled to have (Section 3). To this end, I will show that the alternate theories of authority offered by Joseph Raz and Stephen Darwall are each unable to explain the discursive injustice Celia experiences (section 4). I now turn to briefly mention what I have argued speaker authority is, in general.

2. Speaker Authority

I have argued that a speaker's authority ultimately relates to invocations of exercitive speaker powers. I understand exercitive speaker powers to be linguistic tools by which a speaker presupposes the authority necessary for felicitously performing exercitive speech acts. A specific speaker power is a set of utterances such that the illocution is *L-compatible* with each of them.[51] A speaker *invokes* a speaker power by intentionally performing an utterance within that set of L-compatible utterances. The invocation of a power implies that the speech act is *attempted*, and does not imply that it is *felicitous*.[52] For exercitive speech acts, felicitous performance requires that the speaker has authority. As such, a speaker *presupposes* her authority when invoking an exercitive speaker power. When their presupposed authority is accommodated by the addressee(s), that speaker has the authority needed to give the hearer *good (normative) reasons for behavior* (Ehrenberg 2011, 1).[53]

   With those definitions in place, we can further distinguish between a speaker's

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[51] L-compatibility is a concept borrowed from Bach and Harnish (1979). See Chapter 3 for more details.

[52] There are many ways for an attempted speech act to be performed infelicitously (Austin 1962, 18).

[53] Practical authority is thus distinguished from *theoretical* authority, which concerns whether the speaker gives the hearer good reasons for *belief*.

power and her *authority* in terms of an addressee's *autonomy*. Speaker powers are linguistic tools which, in the case of many exercitive speech acts, will infringe someone's autonomy if the speech act is felicitous by determining (at least in part) how they ought to act. 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; a theory of speaker power explains the linguistic mechanism(s) by which a speaker would infringe their autonomy via an utterance.

3. Authority Deprivation

I will now apply the definition of authority from Chapter 2 to explain how some speakers can be deprived of this authority, whether justly or unjustly. A speaker will intentionally use an imperative utterance to invoke an exercitive speaker power. 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 felicitously. As such, I will say the mugger *directs*, but doesn'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. Recall that I have defined a speaker's authority as follows:

Speaker authority: a speaker's invocation of power will be performed *with*

authority if and only if the addressee over whom this speaker power is invoked respects the speaker's directed use of a speaker power.

Respect is something each participant in the conversation has the capacity to do, and it is a second-personal ('I-you') respect for another person's use of power directed at them.

In my view, a hearer has the capacity to *withhold* respect from a speaker's use of power and by so doing they will *deprive* the speaker of the authority needed for them to felicitously perform exercitive speech acts. For example, Sally does not have to respect the mugger's use of such language directed at her. In that case, the mugger will lack authority to *order* Sally to hand over her purse. Similarly, Sally could also withhold her respect from the police officer's use of such language directed at her. If she did, Sally would be depriving the police officer of his authority as well. Notice that while it is permissible for Sally to withhold respect from the mugger, it does not seem permissible for Sally to withhold respect 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 claim right to give orders. In virtue of being a citizen, Sally has certain *role obligations* (Hardimon 1994); plausibly, one such obligation is to respect the police officer's intentional use of exercitive speaker powers which aim to alter what she ought to do in the situation. Naturally, Sally does not have such a role obligation to respect the mugger's intentional use of exercitive speech.

We can identify the officer's *entitlement* to give orders in terms of Sally's role obligation to respect the officer's invocation of exercitive speaker powers. Thus, if Sally

was to withhold respect from the officer's invocation of power, she would be failing in her role obligation she has *qua* citizen, and thus she would be depriving the officer of the 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 misfire on this view if Sally withholds respect for the officer's invocation of power 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. She would be *unjustly depriving* the officer of the authority he is entitled to have in that setting, thereby unjustly causing his illocution to misfire.

As we saw in the previous chapter, 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 respect for Celia's invocation of power in the workplace. On this view, the workers are withholding respect from Celia, and thus Celia's authority to order is *deprived*. Further, the workers deprive Celia of her 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 respect her invocations of power—and this they do not do. Thus, we have explained Celia's discursive injustice in terms of her deprived authority, which is unjustly deprived because of her worker's wrongful withholding of respect. Now I will analyze some alternate accounts of a speaker's practical authority and show how they lack the resources to explain how a speaker can experience discursive injustice.

4. Inadequate Alternatives

4.1 The Naïve Conception

Celia is a manager in her factory, and one might think that this fact alone ought to count for something. One promising alternate account to the one I have offered would be to define a speaker's authority in terms of the position she occupies. On this view, which I will call the *naïve conception*, Celia would have the authority to give orders just in case Celia has the position of 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 respect for her invocations of power. However, the naïve view cannot account for the discursive injustice Celia experiences.

If Celia has the authority to felicitously invoke exercitive speaker powers simply because she occupies the position of manager in the factory, this naïve view implies that Celia's attempted invocations of power are *felicitous*. 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 the naïve conception of 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 authority. In Raz's view, a speaker would invoke a speaker power with

authority if and only if her utterance satisfies the following two conditions.[54] First, the *dependence thesis*: the order is felicitous 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 felicitous 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 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 them.

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 their reasons on their own

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[54] I have replaced the word "legitimate" with the word "felicitous" in what follows so that I can reduce confusion. My preference for "felicitous" comes from its use in speech act theories, but I intend for the word to function in the way Raz uses "legitimate."

because Celia 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 utterances satisfy both the normal justification thesis and the dependence thesis. If so, the service conception of authority is unable to explain how Celia experiences an inability to give orders to her employees. Like the naïve conception, the service conception would then say that 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 authority ought to explain a hearer's *accountability* to the speaker. A speaker on Darwall's account has 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 (Darwall 2010, 266). He explains this circularly (though he takes this to be 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" (Darwall 2010, 266). Darwall then 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.

Celia's utterances are *valid* in virtue of the role she occupies. As in, she has a discursive entitlement to give orders because she is the manager of the factory. 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. (Recall that these role obligations were part of the story surrounding Celia's discursive entitlement to give them orders.) 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 authoritative uses of force 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 (Darwall 2013a, 144).

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 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 legitimately 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, since 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 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 defended that my view of a speaker's practical authority 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 respect her invocation of an exercitive speaker power. However, a hearer's role obligations will settle whether they may permissibly withhold this respect from a speaker. This view of authority fairs better

than promising alternatives which I have examined.

As a concluding remark, I acknowledge that the view I have offered also has the benefit of not being tied to the exercitive speaker power of *ordering*, to which Raz's 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 (such as recommendations, as we explored in Chapter 2), thus allowing an expansion in the understanding of discursive injustice to cover cases of non-ordering illocutionary misfires. I conclude that the account of speaker authority I have offered is thus powerful enough to explain the phenomenon of discursive injustice, and general enough to explain non-ordering exercitive speech acts.

CONCLUSION

I have answered three interrelated questions regarding a speaker's authority. First, I answered the *Authority Problem*: what is it that grounds a speaker's capacity to alter the balance of normative reasons on which someone may act? My answer is a simple one. A speaker *S* has the capacity to alter the balance of normative reasons on which a person *P* may act just in case *P* respects *S*'s use of language with the intention to alter *P*'s balance of reasons in this way. To help clarify this idea, I introduced the concept of a *speaker power*: the set of utterances in a language such that a particular illocutionary act *I* is L-compatible with each member of that set. A speaker attempts an illocutionary act by intentionally using a member of that illocutionary act's power set of L-compatible utterances. As a shorthand, I refer to this as a speaker's *invocation of power*. So, my answer to the Authority Problem is that a speaker *S* has the authority to invoke a speaker power just in case *S*'s addressee, *P*, respects *S*'s invocation of that power.

Second, I answered the *Illocutionary Authority Problem*: assuming the speaker has authority, how is the exercise of this authority modeled by a theory of speech acts? My answer is that we should view all exercitive speech acts through the lens of *normative expressionism*. A speaker's (*S*'s) invocation of an exercitive speaker power *presupposes* that *S* has authority, thereby allowing for the *accommodation* of that authority from *S*'s addressee(s). Once *S* expresses *S*'s mental state via this intentional use of an expression (with which *S*'s attempted illocution is L-compatible), and *S* has the authority to felicitously invoke this power, *ceteris paribus*, *S*'s exercitive speech act will succeed.

Third, I answered the *Problem of Discursive Injustice*: assuming a speaker has an

institutional entitlement to invoke a speaker power, how is it that such invocations can result in illocutionary misfire? In short, entitlements to use utterances in a context are not guarantees that performances are felicitous. A speaker may have a *discursive entitlement* to intentionally use utterances within the power set of exercitive speech acts and yet be *deprived* of the authority needed to perform them. This is because the capacity to alter the normative reasons on which someone may act is distinct from the speaker's *right* to such a capacity: one's rights may be violated, and so such a capacity to alter the normative status of others may be taken from the speaker wrongfully. Such an event often occurs because of a fact about the speaker's social identity; for example, it may be difficult for the male employees of a factory to take seriously the invocations of exercitive power from their female manager. In such a case, her authority to give orders to her employees has been deprived—her employees need to respect her invocations of power directed at them; indeed, she is entitled to such respect.

As a final thought, I would like to point toward future avenues for this work. Authority and power are important concepts in business, in law, in education, and elsewhere. In my view, many attempted speech acts are cases of illocutionary misfire because that speaker lacks authority. This might seem to imply that speakers who attempt exercitive speech acts without authority (as I have defined it) ought not be held accountable for their illocutionary misfires. After all, such misfires are 'void,' as Austin puts it. I resist this implication. The intentional use of language (invocation of speaker power) is far too important to ignore in the case that the speaker's utterance doesn't result in changing what someone ought to do.

My suggestion is to focus on *entitled* invocations of speaker power instead of

authoritative invocations of speaker power when it comes to regulations on speech. As I have defended, a speaker's entitlement to perform a speech act does not necessarily track the reasons why that speaker would authoritatively perform it. As such, some entitlements to speak may ultimately need to perish. This points to holding speakers accountable for their *intentions* and *invocations*, rather than for their effective speech. Further, this view suggests changing the *institutions* which support a speaker's discursive entitlements when invocations of entitled speech become problematic. My hypothesis is that institutions structure how the addressees respect (or ought to respect) certain speakers; by changing the structure, we can more effectively hold speakers accountable for what they try to accomplish, regardless of whether such attempts are ultimately successful illocutions.

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