Ethical Dimensions of Assertion

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Abstract and Keywords

This article considers the ethical dimensions of acts of assertion. Acts of assertion often have moral features, such as being wrong. In this regard, they are like many other familiar acts such as invasions of privacy and inflictions of bodily harm, which are also often wrong. But might assertion have an even more intimate link to moral reality than these other actions? Might it be that how things are ethically explains how it is that we could perform illocutionary acts such as asserting? A version of what the author calls *the normative theory of speech* answers in the affirmative. This view maintains that the performance of illocutionary acts such as asserting not only often have moral properties, such as being morally wrong, but also that there are cases in which moral facts explain (in part) how it is that agents can perform these acts. The article presents the rudiments of the normative theory of speech, paying attention to why it maintains that moral facts are among the features that explain how it is that we can assert. Along the way, the author points to some interesting metaethical implications of the position.

Keywords: assertion, ethical dimensions, normative theory of speech, moral facts, metaethics

People lie. They sometimes dismiss what others assert simply because their interlocutors belong to a certain religion, ethnic group, gender, or profession. And speakers often say things that are offensive, skewed, or completely unsubstantiated. These acts of assertion have ethical dimensions. Lying, dismissing what others claim simply on the basis of their social identities, and saying things that are offensive, skewed, or completely unsubstantiated are often wrong. In this regard, acts of assertion are like a good many acts with which we are familiar, such as invasions of privacy and inflictions of bodily harm, which are also often wrong. But might assertion have an even more intimate link to moral reality than these other actions? Might it be that how things are ethically *explains* how it is that we could perform illocutionary acts such as asserting?

A version of what I'll call *the normative theory of speech* answers in the affirmative. This view maintains that the performance of illocutionary acts such as asserting not only often have moral properties, such as being morally wrong, but also that there are cases in which moral facts explain (in part) how it is that agents can perform these acts.[1] My project in this chapter is to present the rudiments of the normative theory of speech, paying attention to why it maintains that moral facts are among the features that explain how it is that we can assert. Along the way, I'll point to some interesting metaethical implications of the position.

1. The normative theory of speech

The normative theory of speech takes as its starting point two observations regarding locutionary acts, such as sentence utterances and inscriptions, and illocutionary acts, such as assertions and promises.[2] The first is that these act types are not identical. I can utter a sentence—say, when I am learning to pronounce a difficult word in English—and not assert anything. Conversely, I can assert something—say, by sending a message in Morse code—and not utter any sentences.[3] The second observation is that, while locutionary and illocutionary acts are not identical, they are nonetheless very closely related: agents perform illocutionary acts such as asserting by way of (and only by way of) performing locutionary acts such as writing and uttering sentences. But if the "by way of" relation isn't identity, just what relation is it?

The relation is not causal. My uttering the sentence "Bob shot the sheriff, but he did not shoot the deputy" doesn't cause me to assert the proposition <Bob shot the sheriff, but he did not shoot the deputy>. There is no causal law or law of nature that links locutionary and illocutionary acts. Nor is the relation that of logical or necessary implication. As we've just seen, it's possible for me to utter this same sentence merely to work on my pronunciation. What, then, is the glue that binds these acts together? According to the normative theory, it is that of *count-generation*.[4] My uttering the sentence "Bob shot the sheriff, but he did not shoot the deputy" both counts as my asserting <Bob shot the sheriff, but he did not shoot the deputy> and generates this act of assertion.

For present purposes, think of the type of generation in question as a noncausal determination or accounting for relation. An example of such a relation would be when Socrates's death brings it about that Xanthippe is a widow. And think of the counting-as relation as consisting in something's falling under a concept but not in virtue of that thing's essential or intrinsic properties. An example of one thing's counting as another would be when an event of hitting a ball over a fence (in fair territory) counts as a home run. The event counts as a home run but not in virtue of any essential or intrinsic properties of the ball's clearing the fence. According to the normative theory, acts of uttering or inscribing sentences (inter alia) often satisfy both these conditions: a perceptible action, such as a sentence utterance, both counts as and generates an imperceptible one, such as an assertion.

There is much more to be said about count-generation and, in particular, the type of non-causal generation in question.[5] Rather than explore these issues on this occasion, let me note that the count-generation relation is not brute or inexplicable. Count-generation occurs because certain conditions are in place that explain its occurrence. Think of the phenomenon of signaling to take a left-hand turn in your car. In the normal case, flipping your blinker to the down position both counts as and generates signaling to take a left-hand turn. Flipping your blinker to the down position count-generates your signaling to take a left-hand turn in virtue of the fact that there are rules of the road in effect. Were there no such rules in effect, the act of flipping your blinker into the down position would not count-generate signaling to take a left turn.

The normative theory maintains that something similar is true of speech more generally. Locutionary acts count-generate illocutionary ones in virtue of there being conditions that hold in virtue of which the count-generation occurs. As its name suggests, the normative theory maintains that these conditions are (at least in part) normative: they consist in agents having rights, responsibilities, and obligations of various sorts. (In what follows, I'll assume that these rights, responsibilities, and obligations are defeasible.)

Let's isolate some of the key ingredients that explain how it is that we can speak. Begin with what we can call *arrangements for acting*.[6] These are ordered pairs of act types such that by performing the pair's first member one can perform its second member. An example would be:

i. {flipping a light switch, turning on a light}

While there are untold numbers of arrangements for acting, only a segment of them are in effect by social convention at a given time. Call those that are *conventional arrangements for acting*. By saying that these arrangements for acting are in effect by convention, I mean that there is some social stipulation or established pattern of acting in place such that one can perform an act of one kind by performing an act of some other kind. Most of us who've spent time in a classroom know that examples of such an arrangement are:

ii. {uttering "Bob shot the sheriff, but he did not shoot the deputy," presenting a well-formed sentence of English}

iii. {uttering "Bob shot the sheriff, but he did not shoot the deputy," illustrating a point of grammar}

Of particular interest, given our purposes, are what I'll call *arrangements for speaking*. These are arrangements for acting that have as their first member a locutionary act and as their second an illocutionary act. An example of such an arrangement is:

iv. {uttering "Bob shot the sheriff, but he did not shoot the deputy,"

asserting <Bob shot the sheriff, but he did not shoot the deputy>}

When arrangements for speaking are in effect by convention, they are the vehicles by which we speak: they are what we must use in order to perform actions such as promising and asserting.

An agent, let's suppose, utters the sentence "Bob shot the sheriff, but he did not shoot the deputy." What distinguishes the case in which an agent employs an arrangement for speaking, such as what is specified in (iv), rather than a mere arrangement for acting, such as what is specified in (ii) or (iii)?[7] The difference between mere arrangements for acting and arrangements for speaking cannot reside in the fact that arrangements for speaking include locutionary acts, while mere arrangements for acting need not. Arrangements of both sorts, after all, can have as their first member a locutionary act, such as a sentence utterance. The difference must lie elsewhere.

The key difference, according to the normative theory, is that when an agent employs a mere arrangement for acting such as what is specified in (ii) or (iii), she does not thereby "stick her neck out" or take responsibility for things being as she says: in uttering the sentence "Bob shot the sheriff, but he did not shoot the deputy," she makes no claim that Bob shot the sheriff, but did not shoot the deputy. Her aim instead is merely to present a well-formed English sentence or illustrate a point of grammar. If a student in her classroom were to sincerely object that Bob did not in fact spare the deputy's life, this would be decisive evidence that that student did not understand that her teacher was employing the arrangements for acting specified in (ii) or (iii) rather than the one specified in (iv). In contrast, when an agent employs an arrangement for speaking such as that specified in (iv), she alters her normative position with regard to her audience, thereby putting herself on the "normative hook."[8] If things are not as she presents them—either (say) because Bob did not shoot the sheriff or because she does not believe that Bob did—then she is liable in ways that she would not be were she to have employed the arrangements specified in (ii) or (iii).

To illustrate: suppose that you were to employ the arrangement specified in (iv), asserting <Bob shot the sheriff, but he did not shoot the deputy>. If what you say is false but you're unaware of this, then you are rightly open to correction. Alternatively, if you were lying, then you would be rightly open to blame. According to the normative theory, then, the difference between cases such as (ii) and (iii), on the one hand, and (iv), on the other, is a normative one. In cases of the first type, the speaker lacks certain rights, responsibilities, and obligations that she has in cases of the second type.

We can be more specific about the nature of the normative alteration by making a threefold distinction between an agent's *presenting things as being a certain way*, an agent's *committing herself to things being a certain way*, and her *asserting a proposition p* by way of performing some locutionary act. (I am using the expression "things being a certain way" broadly to include both any proposition presented and any relevant mental states of an agent, such as her believing a proposition.)

Roughly, to present things as being a certain way is for an agent to perform some locutionary act in a way such that, in standard conditions, his audience would reasonably hold that he thereby commits himself to things being as he presents them. Consider a case in which you utter the sentence “Bob shot the sheriff, but he did not shoot the deputy” to company in your living room. An act of this type counts as presenting things as being a certain way, since in standard conditions that is how an agent would assert the proposition just mentioned. (In contrast, prefacing this sentence with the disclaimer that you are not thereby asserting anything about Bob would not be a case of presenting anything about Bob.) But not every case of presenting things as being a certain way is such that an agent thereby commits herself to things being that way. That would be so if in the case just described you were merely reciting lines from a song.

Committing oneself to things being a certain way, in contrast, is to put oneself on the normative hook by presenting things as being some way. For an agent to put herself on the normative hook, in turn, consists in things being such that, if they are not as she presents them, then she is liable to being corrected, admonished, blamed, or the like. Or to state the matter from the perspective of the speaker’s audience: for an agent to put herself on the normative hook consists in things being such that, if they are not as she presents them, then her audience has a right to correct her, admonish her, blame her, or the like, for their not being as she presents them. It is worth emphasizing that an agent can commit herself to a proposition p’s being the case even if she knows p is false, unjustified, or otherwise dubious. Commitment, then, does not imply sincerity or genuine confidence that what one is saying is correct or how one is presenting oneself is accurate. For ease of reference, we can say that when an agent commits herself to things being some way by performing some locutionary act in which she presents things as being that way, she exhibits the *accountability features*. The speaker is accountable to her audience, liable to correction, admonition, blame, or the like if things are not as she presents them.

To assert that p involves both a particular type of presentation and commitment. It involves presenting the world as being a certain way and committing oneself to the world’s being that way. In this respect, it is different from illocutionary acts such as speculating or conjecturing, which do not involve presenting the world as being (as opposed to possibly being) some way. But there are good reasons to believe that asserting involves more than this. For note that many illocutionary acts are such that their performance involves presenting the world as being a certain way and committing oneself to the world’s being that way. Consider promising. In the typical case, it involves presenting oneself as having the authority, or standing power, to perform what is promised. And it also involves putting oneself on the normative hook, committing oneself to having the requisite authority or standing power. But, presumably, by so presenting and committing herself, an agent doesn’t thereby assert that she has the requisite authority or standing power. Assertion does not appear to be a component of promising.[9] If it is not, then there must be some other condition that transforms presenting the world as being a certain way and committing oneself to the world’s being that way into an assertion.

On this occasion, I won't offer any proposals as to what that additional ingredient might be.[10] I'll assume only that, although presenting the world as being a certain way and committing oneself to its being that way by way of the performance of some locutionary act are components of many (and perhaps all) illocutionary acts, they are not themselves illocutionary acts.

2. Moral dimensions of speech

The normative theory states that an agent's altering her normative position with regard to her audience explains (in part) why it is that her performance of a locutionary act count-generates her performing an illocutionary act such as asserting or promising. As such, it purports to offer a perfectly general and unified (although not necessarily exhaustive) account of what count-generates speech. In the next section, I'll present a more detailed account of why the normative theory takes the approach it does. But it is worth emphasizing that nothing I've said thus far commits the normative theory to the claim that these rights, responsibilities, and obligations are moral. Is there reason to think that at least some are?

In addressing this question, let me bracket for the moment antirealist views in ethics which deny that there are any moral features or moral facts, assuming for the moment that there are such entities. The argument that moral rights, responsibilities, and obligations are among those that explain the count-generation of speech is one to the best explanation.

Consider a case in which you sincerely assert that "Bob shot the sheriff, but he did not shoot the deputy." Suppose, for illustration's sake, you have good enough evidence that what you are saying is true. But imagine that your interlocutor knows better. She truthfully replies: "No, I'm afraid you're wrong about that. I know this for a fact because *I* shot the sheriff." In replying this way, your interlocutor is not out of line. She has a right to correct you on this issue (even if her reply is surprising or unwelcome). So you are liable to correction given that things are not as you say they are. But your failing in this case does not appear to be moral; it's not as if you treated your audience with under-respect or contempt in asserting that Bob shot the sheriff, but not the deputy. Through no fault of your own, the evidence you had to go on wasn't good enough (or, perhaps, was good enough but simply failed to track the truth).

That the rights, responsibilities, and obligations in question are not (exclusively) moral is not particularly surprising. There are, after all, a variety of normative domains, and morality is just one of them. We shouldn't expect every normative alteration to involve moral rights, responsibilities, and obligations. It might be that, in this case, the relevant sorts of rights, responsibilities, and obligations are of their own kind, namely, those constitutive of the social practice of speaking. We might call them *discursive* rights, responsibilities, and obligations because they constitute the social practice of discourse (or speaking).

Now take a variation of the case we've been considering in which you know that Bob did not shoot the deputy but assert that he did anyway. You intentionally deceive your audience—say, to protect your interests and throw the police off the scent. We can suppose that your interlocutors do not correct you in this case because they do not know the truth. Still, in committing yourself to the truth of Bob's having shot the deputy, it appears that you are liable to being not simply corrected but also held accountable for your deception. By all appearances, you have done something wrong in deceiving them. Indeed, by all appearances, you have wronged them, treating them with under-respect.[11]

Consider yet another variation of the case. Suppose you know Bob shot both the sheriff and the deputy (you witnessed the shootings) and assert that he did. But suppose your audience refuses to accept your testimony because of your social standing: you are a foreigner who speaks halting English with a thick accent, or are gay, or are a member of a frowned-upon religious minority. You have a right against your audience that they not dismiss what you say in virtue of your accent, or your sexual identity, or your religious affiliation. If they fail to accept what you say for considerations of the sort just mentioned, then they have thereby wronged you, treating you with under-respect.[12]

We can, then, look at the apparent moral dimensions of speech situations from the side of either the audience or the speaker. In the case in which you lie simply because doing so is in your personal interest, your audience has a right against you not to be deceived for this reason. The right is moral, for were you to violate it, you would have thereby wronged them—taken advantage of them, treated them as if their knowing the truth matters less than your personal advantage. In a case in which the truth matters deeply—such as when the audience is Bob's own family—the wrong may be egregious. Looked at from the side of the speaker, you, as the speaker, have an obligation not to deceive your audience because doing so is to your advantage. The obligation appears to be moral; it is an obligation not to treat others with under-respect.

In the case in which you tell your audience something that you know to be true, you have the right against your audience that they not dismiss what you say simply due to your social standing. The right is moral, since were they to violate it, they would wrong you, treating you with under-respect. Your audience, in turn, has an obligation not to dismiss what you say simply because of your social standing. The obligation is moral because, once again, were they to do so, they would demean you.

This is, according to the normative theory, how things appear. Admittedly, the appearances may be deceptive: it might be that the rights, responsibilities, and obligations appear to be moral but are really of some other kind. But, according to the argument, unless there are particularly powerful reasons to believe that appearances deceive, the best explanation of the fact that moral facts are among the normative features that explain the count-generation of speech is that things are as they appear. Since, according to the normative theory, there are no such countervailing reasons, there is powerful reason to hold that moral facts are among the normative ones that explain the count-generation of speech.[13]

The argument for the claim that moral facts are among those that explain the count-generation of speech does not tell us much about the character of the moral facts themselves. It is compatible with many different accounts of what they are. But it does have at least these three metaethical implications.

First, a prominent argument against moral realism charges that moral reality would do no significant explanatory work were moral facts to exist.[14] That it would do no such work is typically assumed to be a sufficient reason for holding that there are no such facts. Usually, it's assumed that this explanatory work would be causal. But if the normative theory is correct, moral facts would play a significant explanatory role, albeit noncausal in character. They would explain (at least in part) the count-generation of speech. The normative theory promises to neutralize a prominent argument against realism.

Second, according to minimalist or deflationary views in metaethics, moral facts exist but not in any interesting, ontologically heavyweight sense. These deflationary positions sometimes say that moral facts are mere "shadows" cast by the assertoric form of moral discourse.[15] However, if moral facts explain the count-generation of speech, then so-called deflationary or minimalist views of moral facts are false. For lying at the heart of all such deflationary views is the claim that moral features do no interesting explanatory work at all; in the main, that is what makes them ontologically "lightweight." But if the argument just offered is on target, then moral facts do very interesting explanatory work in the world: they are among that in virtue of which we speak. It follows that the normative theory puts significant pressure on deflationary views of moral reality.

Third, there is a long history of contractualist positions that would attempt to explain the emergence of moral norms by appeal to the agreements reached by actual or hypothetical agents by the performance of illocutionary acts.[16] The conclusion that moral facts explain the count-generation of speech presents a challenge to such views. For it implies that these views attempt to explain the emergence of morality by acts—namely, illocutionary ones—that require the very sorts of facts whose existence they attempt to explain.

3. The consequential intuition

To this point, we've focused on two general issues: first, what the normative theory says about the count-generation of speech and, second, why there is reason to think that moral facts are among the entities that explain its count-generation. Let's now address a worry about the normative theory that charges the view with putting the explanatory cart before the horse. (Unless the context indicates otherwise, I'll henceforth use the term "normative theory" to designate a view according to which some of the normative features that explain the count-generation of speech are moral.) Doing so will enable us to articulate more fully why the normative theory holds that normative reality is among that in virtue of which we speak.

Stated more precisely, the worry in question states that, by all appearances, a speaker alters her normative position with respect to her audience *because* she performs illocutionary acts such as promising and asserting, and not the other way around. It is by promising that he'll meet you for lunch that your colleague lays an obligation on himself to meet you for lunch. It is by asserting that your favorite lunch spot is closed that you lay yourself rightly open to correction if things are not as you say. The normative theory, however, maintains the opposite: agents promise by laying obligations on themselves and assert by laying themselves rightly open to correction, admonition, blame, and the like if things are not as they present them. In short, the objection states that, while there is indeed an alteration in normative position when we speak in which agents display the accountability features, this alteration is not explanatorily upstream but rather explanatorily downstream from speech.

Call the objection's central premise—which asserts that the alteration in normative position in speaking is explanatorily downstream of speaking—*the consequential intuition*. Let me begin by making four observations about this intuition.

First, as the terminology I've used indicates, there is a very intimate relation between locutionary and illocutionary acts: the former are not identical with but count as the latter. If one fails to keep these act-types distinguished in one's own mind, thinking of a given locutionary act as an illocutionary act, then of course it's going to seem as if the normative alteration is downstream of asserting. For the normative alteration is definitely downstream of performing *locutionary* acts. But if we keep the two types of act sharply distinguished, I think it shouldn't seem obvious at all that the alteration is explanatorily downstream from the performance of illocutionary acts. We'll have to appeal to other considerations to explain why it might seem as if these normative facts are explanatorily downstream of speech.

Second, the consequential intuition is not one concerning first-order ethics, such as the intuition that drowning puppies is wrong. Rather, it concerns a highly theoretical matter about order of explanation. Given its subject matter, I think it's important to be careful not to weight such an intuition too heavily when theorizing. Compare, for example, questions regarding the order of explanation when it comes to essence and necessity: some claim that we should explain necessity in terms of essence, while others maintain the reverse.[17] Or consider questions about whether an act is right because God commands it or whether God commands an act because it is right. While people have intuitions about these matters, the issues are complex and cannot be settled by mere appeal to how things strike one initially. The issues require theorizing. The same appears to be true in the case of speech.

Third, as the second point indicates, I think the way to most fruitfully approach the issue before us is not simply to lean on an intuition but to see which theory can do the explanatory work we want, explaining the hook-up between locutionary and illocutionary acts. If you see that a given theory regarding speech can do that explanatory work and not do deep violence to our moral intuitions or our intuitions regarding other dimensions of

speech, but is incompatible with the consequential intuition, that is good reason to downgrade and perhaps reject the consequential intuition.

Finally, the normative theory is not as such committed to the claim that every normative alteration that occurs in speaking is explanatorily upstream from speech. It says only that some such alterations are and that these explain (in part) the count-generation of speech. So, it is important to see that pointing to a case in which the normative alteration that occurs is downstream from the performance of an illocutionary act wouldn't be enough to constitute an objection to the normative theory. A satisfactory objection must instead maintain that there is no normative alteration that occurs explanatorily upstream from speech that could plausibly explain (even in part) the count-generation of speech. Again, this appears to be a theoretically loaded issue that requires more than mere appeal to intuition.

These four initial points having been made, let me now offer several arguments for thinking that some of the normative features in speech—specifically, the accountability features—are explanatorily upstream from speech, as the normative theory says.

4. Three arguments for the normative theory

In this section, I present three interlocking arguments for the normative theory's central claim that moral facts explain (in part) the count-generation of speech. The first argument plays a ground-clearing role, as it is aimed at rebutting the consequential intuition. If the argument does its work, then there is ample reason to worry that the consequential intuition is false. This opens up the possibility that it is an agent's altering her normative position with regard to her audience that explains (at least in part) the count-generation of speech. The second and third arguments maintain that it is an agent's altering her normative position that is the best candidate for explaining (at least in part) the count-generation of speech.

4.1. The First Argument

Consider an account of promising according to which, in promising, it is necessary that:

i. the speaker presents herself as having the requisite standing power;
ii. the speaker presents herself as intending to do what she says;
iii. the speaker presents herself as believing that she can do as she intends.[18]

In presenting herself in these ways in ordinary conditions, let's say that the speaker thereby satisfies the *commitment condition*. She commits herself to having the requisite standing power, to intending to do what she says, and believing that she can do as she intends. Now suppose we could identify cases in which an agent (a) satisfies the commitment condition (b) exemplifies the accountability features but (c) fails to speak. We would then have excellent reason to think that, contrary to what the consequential intuition

states, there are instances in which the accountability features are present but not explanatorily downstream from speech.

The best way to identify such cases is to have before us the primary rival to the normative theory, which I'll call the *perlocutionary-communicative intention view* (or the "PCI view," for short).[19] The normative theory and the PCI view offer competing answers to the question: In virtue of what does one count as performing acts of asserting and promising? The normative theory holds that it is an agent's altering his normative position that (in part) explains the count-generation. The PCI view maintains that it is not an agent's altering her normative position, but rather her expressing perlocutionary or communicative act intentions that does so (at least in part).

Advocates of the PCI view understand such intentions differently. For present purposes, think of perlocutionary-communicative intentions as intentions such that, in performing some locutionary act, a speaker intends to get his audience into some relevant mental state or other. For example, one version of the PCI view holds that, when an agent sincerely utters the sentence "Bob shot the sheriff, but he did not shoot the deputy" in standard conditions, it is the speaker's intending his audience to believe that Bob shot the sheriff, but did not shoot the deputy that explains the count-generation of his assertion. Another version holds that, in standard conditions, it is the speaker's intending his audience to engage with the content of what he says that explains the count-generation. Yet another version maintains that, in standard conditions, it is the speaker's intending his audience to take his locutionary act as a reason to think that Bob shot the sheriff, but did not shoot the deputy (whether or not there is any "uptake" by the audience) that does the work. Let me emphasize that here I am considering a "pure" version of the PCI view. In principle, one could hold that *both* the alteration of one's normative position and the expression of perlocutionary-communicative intentions explain the count-generation of speech.[20]

Now consider these two cases:

> **Duress**: You are a prisoner of war being coerced into signing a document that maligns your country. After a bit of struggle, you give in and sign, (seemingly) thereby asserting that your country is to blame for the world's woes. But you form no intention to communicate this to your audience. You form no intention, for example, that your audience take your performance of this locutionary act to be a reason to believe that you believe that your country is in the wrong, or that the content of what you've said is true. Still, you've signed and (by all appearances) thereby asserted that your country is to blame for the world's woes. When those who were tortured and wouldn't sign arrive home, they receive a hero's welcome. But you are merely excused for what you did.
>
> **Invocation**: Jake has recently joined a nature mystery cult. Today, he stands in his bedroom and chants the following invocation that Nature—what he holds to be an impersonal force that permeates all of reality—manifest its power:

> Nature is eternal. May Her power be manifest!
>
> Since Nature is not an agent and Jake does not take it to be an agent, Jake forms no intention to get it into any state of mind or to communicate with it. Rather, as is the fashion of the nature mystery cults, he *invokes* Nature. Unbeknownst to Jake, however, his spouse is taking a nap in his bedroom. Having been woken by Jake's chanting, she wonders whether it's worth correcting Jake's claim that Nature is eternal.

Both Duress and Invocation are such that neither you nor Jake forms or expresses any perlocutionary-communicative intention. It is an implication of the PCI view, then, that in both scenarios you do not perform speech acts such as asserting and invoking. I myself think this is an implausible implication. It is reason to conclude that the PCI view—and, indeed, any view that attempts to explain the count-generation of speech by reference to speaker's intentions—yields the wrong results and, so, is false. (I also realize that the two scenarios I have presented are unusual. But that, I take it, is not a decisive mark against them. Unusual cases are standard in philosophy!) That the PCI view is false, however, is not the primary claim that I wish to make here.

Instead, I want to note that both the scenarios offered here are such that, by all appearances, both you and Jake satisfy the commitment condition: both of you put yourself on the normative hook, laying yourself rightly open to correction, admonishment, blame, and the like by doing such things as signing a document and chanting. You both thereby exemplify the accountability features: among other things, your audience has a right against each of you to correct you if things are not as you present them. (Your audience needn't exercise that right, of course. In fact, in both scenarios, they do not.) Nonetheless, both you and Jake fail to perform the relevant speech acts in these scenarios if the PCI view is true, since in each case you lack the relevant intentions with regard to your audiences. It follows that, if the PCI view is true, these are cases in which the accountability features are present in speech (because the commitment condition is satisfied) but not explanatorily downstream from speaking (because the perlocutionary-communicative intentions are absent). That there are such cases, however, is incompatible with the consequential intuition, which states that such features are explanatorily downstream from speaking.

I have presented this argument against the consequential intuition in such a way that it draws upon commitments of the PCI view. But note that a similar argument can be run without any commitment to the PCI view.[21] To see this, consider so-called exercitives, such as adjourning, baptizing, pardoning, and so on. According to any theory of speech, there are illocutionary acts such that, if one lacks the requisite standing power, one fails to perform the relevant speech act. And yet in failing to speak, one can still be on the normative hook. For example, suppose I, who am not a justice of the peace or a religious official, impersonate one at your wedding ceremony. Then even if I say the right words, I haven't succeeded in marrying you. My speech act has "misfired" due to my lacking the requisite standing power. In this case, too, the accountability features are present—my

audience has a right to hold me accountable—without my having performed the illocutionary act in question.

This argument does not establish that a speaker's altering his normative position explains (even in part) the count-generation of speech. But it opens up conceptual space to take the view seriously. For what the argument helps us to see is that bare appeal to the consequential intuition is problematic. Far from being a theory-neutral datum that theories of speech should accommodate, or a consideration that militates against the normative theory, there is excellent reason for both the PCI view and the normative theory to reject it by their own lights.

4.2. The Second Argument

The second argument draws attention to a distinction and asks what explains it. The distinction is between implementing an arrangement for *acting* that includes a locutionary act and an arrangement for *speaking* that includes such an act. The argument maintains that the normative theory best explains this distinction.

We noted earlier that arrangements for acting include:

> **ii.** {uttering "Bob shot the sheriff, but he did not shoot the deputy," presenting a well-formed sentence of English}
> **iii.** {uttering "Bob shot the sheriff, but he did not shoot the deputy," illustrating a point of grammar}
> **iv.** {uttering "Bob shot the sheriff, but he did not shoot the deputy," asserting <Bob shot the sheriff, but he did not shoot the deputy>}

We want an informative account of both (a) what distinguishes mere arrangements for acting, such as those specified in (ii) and (iii), from arrangements for speaking, such as that specified in (iv), and (b) what explains why an agent performs the actions specified in (ii) or (iii) rather than those specified in (iv).

Earlier we noted that the distinction appears, at least in part, to be a normative one. In neither (ii) nor (iii) does the speaker stick out his neck, laying himself rightly open to correction, admonition, blame, or the like if things are not as he presents them. Given that the point of uttering "Bob shot the sheriff, but he did not shoot the deputy" in (iii) is to illustrate a point of grammar, it wouldn't matter whether Bob had in fact shot the sheriff but not the deputy or whether the person illustrating the point of grammar believed that Bob did any of these things. The question before us is whether this normative difference is also what *explains* why on some occasion an agent performs the actions specified in (ii) or (iii) rather than those in (iv).

Let us have what are arguably the most salient options before us. (I'll bracket the proposal that nothing explains why an agent merely illustrates a point of grammar in (iii) but asserts a proposition in (iv). There must, I'll assume, be some explanation of the difference.) We are looking for considerations that would explain the fact that, despite performing one

and the same locutionary act, an agent in one case merely tests a microphone or illustrates a point of grammar but in another asserts a proposition. Here are three candidate considerations:

(a) contextual features
(b) speaker intentions
(c) altering one's normative position (having the accountability features)

Let's consider each candidate in turn.

There is no denying that contextual features, such as tone of voice, facial cues, social setting, social standing, and the like have a role in determining whether an agent performs the actions specified in (iii) rather those in (iv). But identifying that role is difficult. The primary problem is not so much that it is often extremely difficult to identify which contextual features are doing the explaining and which are not: Do vocal inflections matter in one case but not the other? If so, why? Rather, the more pressing problem is that contextual features frequently underdetermine whether an agent is employing a mere arrangement for acting rather than an arrangement for speaking. Imagine two cases in which we hold all the contextual features fixed and an agent sits down at a desk, writing the sentence "Bob shot the sheriff, but he did not shoot the deputy." It seems possible that contextual features such as this agent's facial expressions, his handwriting style, the home in which he writes the sentence, the year in which he has written it, and so on—will not determine whether that agent is doodling, or practicing his handwriting, entertaining a proposition about Bob's behavior, floating a conjecture about a murder, or asserting something about Bob. But if this is possible, and there is some fact of the matter about what act that agent has performed, then contextual features are not the sort of thing that can (by themselves) perform the necessary explanatory work.

The second option appeals to speaker intentions. Again, I think there can be no doubt that a speaker's intentions often play a role in explaining why agents speak in some cases but not in others. In the ordinary case, it's probably true that when an agent utters "Bob shot the sheriff, but he did not shoot the deputy" to merely illustrate a point of grammar, she intends to use the sentence in that way. Similarly, in the ordinary case, it's probably true that, when an agent uses the same sentence to assert something about Bob, she intends to use the sentence in that way. But even here there are worries, at least given the assumption that the sort of explanation for which we are looking is both general and unified, providing a general and unified explanation of why the use of words generates speech in some cases, while in others it does not.

If the scenarios I labeled Duress and Invocation are revelatory, the explanation of why agents speak in some cases but not others does not lie with the expression of perlocutionary-communicative intentions. These scenarios (and others like them) indicate that it is possible to speak and lack intentions of these sorts. Might, then, the sort of speaker intention for which we are looking simply be that of intending to perform an illocutionary act of a given kind—an *illocutionary act intention*? If such a view were correct, the

thought would be that in those instances in which an agent performs the actions specified in (ii), she is not on the normative hook for things being as she presents them. That is simply because she intends simply to present a well-formed sentence of English and not assert anything. In contrast, in those circumstances in which an agent performs the actions specified in (iv), that is simply because she intends to assert <that Bob shot the sheriff, but he did not shoot the deputy>. This intention puts her on the normative hook, but her being on the normative hook doesn't explain what distinguishes (ii) from (iv). Her illocutionary act intentions do.[22]

But, again, there are concerns that such an explanation would not be sufficiently general and unified. Consider a case such as:

> **Bid**: You have wandered into an auction, and see people raising their hands at various points. Not understanding auctions but interested in joining the fun, you follow suit. Unbeknownst to you, by raising your hand at a given moment, you successfully bid on an expensive piece of furniture. You're now required to pay for this piece of furniture.

Although there are different diagnoses available of what has transpired in this scenario, it looks as if you have unintentionally but successfully performed an illocutionary act of a certain type.[23] Think of how the relevant authorities would respond if they were apprised of the situation. One response runs as follows: "Given your ignorance of how auctions work, we recognize that you didn't successfully bid on the furniture. This is just one big misunderstanding." Another response is this: "You should've been aware of how auctions work. Given the norms in play, you are on the hook. But since this is an unusual situation, we'll have to consult further about whether to hold you accountable for having successfully bid on the furniture."

The second response seems more probable. If it is, that is evidence that having illocutionary act intentions is not a necessary condition of performing some illocutionary act. Option (b), then, does not provide a sufficiently general and unified explanation of how we speak.[24]

This leaves option (c), which is embraced by the normative theory. Note that this option has this virtue: it provides a perfectly general and unified account of what count-generates speech. Necessarily, for every illocutionary act whatsoever, it is an agent's altering her normative position that explains (at least in part) the count-generation of speech. This position agrees that conventional features have a role to play in explaining why agents have rights, responsibilities, and obligations in a given case. They can help explain why an agent commits himself to things being as he presents them. And it agrees that contextual features do too. Option (c) also maintains that speaker intentions often but do not always have such an explanatory role. The common explanatory element in speech, option (c) insists, is that agents alter their normative position, having rights, responsibilities, and obligations vis-à-vis their audience. That is what explains (at least in part) the differ-

ence between why agents employ mere arrangements for acting rather than arrangements for speaking.

4.3. The Third Argument

The third argument is like the second: it draws attention to a distinction and asks what explains it. The distinction in this case is between an illocutionary act type of one kind and those of other, rather similar kinds. The question is what explains the distinction between the illocutionary act of the first kind and those of the other, similar kinds.

Once again, let's use promising as our central example. Recall that according to the view employed earlier, in order to promise, it must be the case that:

i. the speaker presents herself as having the requisite standing power;
ii. the speaker presents herself as intending to do what she says;
iii. the speaker presents herself as believing that she can do as she intends.

Now consider illocutionary acts such as predicting, warning, or threatening, which are close relatives to promising but nonetheless distinct. According to correspondingly toy versions of these illocutionary acts, they also include conditions parallel to (i)–(iii). For, in standard conditions, it is often true that in order to predict, warn, or threaten, an agent must present herself as having the requisite standing power or authority to perform the action, present herself as intending to do what she says, and present herself as believing that she can do as she intends. (In some cases, the authority in question is specialized; only those with a unique social standing, such as an employer or government official, can perform the illocutionary act. In other cases, the authority is generic; just about anyone who belongs to the community of speakers has the authority to perform the illocutionary act in question.[25]) What distinguishes illocutionary acts of these types from promising?

Here is a plausible candidate:

iv. the speaker lays on herself the obligation to act as she says she will.

While promising must arguably satisfy this condition (or something like it), predicting, warning, and threatening do not.

To illustrate, suppose that in standard speech conditions you sincerely utter the sentence "There will be hell to pay." If you are predicting that there will be hell to pay, or warning that there will be hell to pay, or threatening that there will be hell to pay, you do not, in performing these illocutionary acts, lay an obligation of any sort on yourself. But if you are promising that there will be hell to pay—presumably, that you will undertake actions to ensure that there is—then, under a very plausible understanding of what it is to promise, you lay an obligation on yourself to perform whatever actions that will ensure that there will be hell to pay.

To be clear: the normative theory is not, as such, committed to the view that (iv) specifies the very normative alteration that explains how it is that we can promise. The theory might also be formulated in such a way that the alteration consists in committing oneself to having the standing power to lay such an obligation on oneself. That, too, would distinguish it from illocutionary acts such as predicting, warning, or threatening. But suppose, for illustration's sake, that (iv) specifies the type of normative alteration to which the normative theory would appeal. In doing so, the normative theory would have provided a clear and principled explanation of what distinguishes promising from related illocutionary acts such as predicting, warning, or threatening. In contrast, if a theory of speech maintains that the alteration that consists in laying this obligation on oneself is explanatorily downstream from conditions (i)–(iii), per the consequential intuition, then it will have succeeded in identifying what distinguishes promising from those other illocutionary acts: in promising one lays such an obligation on oneself, but in predicting, warning, or threatening one does not. Still, that theory wouldn't have *explained* the difference between promising and these other illocutionary acts. Given the plausible assumption that satisfying (i)–(iii) does not itself explain the difference between promising and performing these other illocutionary acts, such a view would have to identify some other nonnormative condition that explains the difference.

In principle, this explanatory gap could be filled. When presenting the last argument, we canvassed three candidates that might fill it:

(a) contextual features
(b) speaker intentions
(c) altering one's normative position (having the accountability features)

The arguments presented earlier against options (a) and (b) apply in this case, too. While contextual features and speaker intentions might help explain the count-generation in some cases, they fail to provide a sufficiently general and unified explanation. In contrast, (c) provides such an explanation. While this does not entail the truth of the normative theory—there might be better options than we have considered—it does provide support for it. For while we may not have canvassed the full range of options, we have considered the most prominent ones.

5. Norm-based accounts

Thanks primarily to Timothy Williamson's work, there has been a flurry of discussion regarding the so-called norm-based account of assertion.[26] The most prominent versions of the view maintain that assertion is governed by an epistemic norm—what I'll call an "E-norm"—which states, roughly, that it is permissible for you to assert a proposition p only if you have the correct sort of a doxastic attitude toward p, such as believing it, and your attitude has the right sort of epistemic status, such as being certain, being a case of knowledge, being justified, being warranted, or the like. In closing, it is worth asking what relation the norm-based view bears to the normative theory.

As I understand it, the norm-based account is designed to answer two questions. The first, which we can call the *Essence Question*, asks: What is the nature or essence of assertion? The norm-based account maintains that:

> What it is to be an assertion is to be an illocutionary act of a kind such that it is governed by the E-norm.[27]

The second, which we can call the *Individuation Question*, asks: What distinguishes assertion from other speech acts? The norm-based view answers:

> What distinguishes assertion from other illocutionary acts is that it is governed by the E-norm.

There is, however, a third question that views of assertion face, which is what we can call the *Grounding Question*. This question asks: In virtue of what does something count as an assertion? I am not sure whether the norm-based account takes itself to address this question. However that may be, it is this question to which the normative theory addresses itself. Its answer, once again, is that a locutionary act counts as an assertion in virtue of (at least in part) an agent's altering her normative position with regard to her audience in a specific way.

If this is correct, the norm-based account and the normative theory are similar insofar as they take the normative dimensions of assertion to be crucial to understanding assertion. Nonetheless, they may differ insofar as they address themselves to different questions. The norm-based account addresses the Essence and Individuation Questions, but it may not address the Grounding Question. The normative theory, in contrast, addresses the Grounding Question but appears not to explicitly commit itself to addressing the Essence and Individuation Questions. My suspicion is that the normative theory's answer to the Grounding Question positions it to answer the Essence and Individuation Questions. But I am not so sure that the norm-based account—at least as it is presented in its most developed form—is equally well-placed to answer the Grounding Question. Let me close by briefly explaining why.

The most thoroughly worked-out version of the norm-based view of which I'm aware is presented in Sanford Goldberg's book *Assertion: On the Philosophical Significance of Assertoric Speech*.[28] The view states that—to employ the terminology I've been using—to assert is to alter one's normative position with regard to one's audience in such a way that one commits oneself to having satisfied the relevant E-norm.[29] When presenting this view, Goldberg appears to commit it to the consequential intuition, maintaining that assertion generates the rights, responsibilities, and obligations that attach to a speaker and her audience in asserting.[30] The resulting view is one that embraces both:

> (A) To assert is to commit oneself to having satisfied the relevant E-norm;

and

> (B) The accountability features are generated by asserting.

(B) precludes the norm-based view from holding that an agent's having the accountability features—his being liable to correction, blame, and the like—are among those that explain the count-generation of speech. To answer the Grounding Question, then, the norm-based view would either have to surrender (B) and embrace the normative theory's explanation or identify some other feature or set of features suited to explain the count-generation. For the reasons offered earlier, advocates of the normative theory maintain that the former is the better option.[31]

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Notes:

(1.) Advocates of the position (or its near relatives) include Alston (2000), Brandom (2008), Cuneo (2014b), Wolterstorff (1980, Part IV), and Wolterstorff (1995, ch. 5). Goldberg (2015), Green (2007), Kukla and Lance (2009), Searle (1969), Stainton (2016), and Williamson (2000, ch. 11) also emphasize the normative dimensions of speech. Three terminological notes: first, I’ll speak of things having moral properties and there being moral facts interchangeably. Second, I’ll sometimes say that the acts generative of speech have moral properties and that speakers who perform such acts have moral properties. While in some contexts these distinctions might matter, I’ll assume that they don’t here. Third, I

will use the term “speech” to designate the performance of speech acts, using the terms “illocutionary act” and “speech act” interchangeably.

(2.) Austin (1963) is the source of this commonly used terminology.

(3.) The claim that their tokens are also distinct is somewhat more controversial. Cuneo (2014a, ch.1) discusses the issue.

(4.) Borrowing from Goldman (1970), Wolterstorff (1980, Part I) and (1995, ch. 5) introduce and develop this notion. Proponents of the normative theory, such as Alston, do not explicitly appeal to the notion, but to characterize their views by using the concept is not, I believe, to distort them.

(5.) Cuneo (2014b, ch. 1) explores the issue in more detail. It is probably worth noting that the view presented here is compatible with a normative fact F being such as both to explain (in part) why a locutionary act count-generates an illocutionary act and also constitutes that illocutionary act.

(6.) See Wolterstorff (1980, Part IV).

(7.) I’ll use the expression “mere arrangements for acting” to designate arrangements for acting that are not also arrangements for speaking. In what follows, I’ll make the simplifying assumption that when an agent employs a mere arrangement for acting, he simply employs that arrangement.

(8.) We can distinguish between an *audience* and an *addressee*. As I use the concept of an *audience*, this is anyone who might engage with what the speaker says. Suppose I assert something in 1970. My audience might include people living in 2018, provided that they can engage with what I said in 1970. As I use the concept of an *addressee*, this is anyone who the speaker intends to address in performing some illocutionary act. Again, this person or persons might be more or less proximate in time. Since the concept of an audience is broader, I’ll work with that concept in presenting the normative theory.

(9.) Alston (2000, 121–125) discusses the issue.

(10.) Proposals include Alston (2000, 114–120), Goldberg (2015, ch. 3), and Tasseni (2005); cf. MacFarlane (2011).

(11.) I hasten to add that this is compatible with a variety of views about what the fundamental wrong in question is—for example, whether it fundamentally concerns one’s community or the individual(s) addressed; cf. Shiffrin (2014).

(12.) Such cases are instances of (or close relatives to) what Fricker (2007) calls *epistemic injustice*.

(13.) Cuneo (2014b, ch. 3) considers some possible countervailing reasons. This argument does not imply that the cases I’ve described do not involve violations of what I’ve called discursive rights, responsibilities, and obligations. For it may be that some of these

normative features are moral or have essential moral dimensions in the way that, say, prudential or epistemic norms have essential moral dimensions. If that is right, in some cases, to violate a discursive right involves violating a moral one.

(14.) The locus classicus is Harman (1977, ch. 1).

(15.) See Blackburn (1993, Introduction) and Wright (1992, 181–182); cp. Parfit (2011, ch. 31) and Scanlon (2014). Rosen (1998), Dreier (2004), and Cuneo (2007, ch. 6) and (2014b, ch. 6) discuss deflationary views.

(16.) Many interpret Hobbes to endorse such a view. Southwood (2010) represents a recent example of the position.

(17.) See Fine (1994).

(18.) Although I use promising as the central example, it's worth emphasizing that there are close parallels between it and asserting; see Goldberg (2015, 174–175).

(19.) Those familiar with speech act theory will recognize the PCI view as having its roots in the broadly Gricean tradition. Among others, Bennett (1976), Bach and Harnish (1979), and Barker (2005) develop variants of the position.

(20.) See Harnish (2005).

(21.) I say "similar" because this version of the argument doesn't clearly have the same scope, applying to a wide range of illocutionary acts, as the one presented earlier in the text.

(22.) Goldberg (2015, 12–15) presents a different battery of considerations against what he calls the "attitudinal view," arguing that the view cannot explain the normative dimensions of speech.

(23.) Alston (2000, 137–141) discusses other cases.

(24.) And, so, I'll also assume, neither does the combination of contextual features and illocutionary act intentions.

(25.) Goldberg (2015, ch. 3) argues that epistemic authority is crucial to understanding the character of assertion. However, Goldberg (2015, 73n4) notes that he calls the authority in question "epistemic" simply because the contents of the rights and responsibilities are epistemic; he acknowledges that these rights and responsibilities might be moral; see also the discussion in Goldberg (2015, ch. 7), especially, 176, 179, and 189.

(26.) Especially Williamson (1996) and (2000).

(27.) This is explicit in Goldberg (2015, 3, 123).

(28.) Goldberg (2015).

(29.) Goldberg (2015, 69) writes: “to assert is to do something regarding which it is mutually manifest that anyone who observes the assertion will regard it as warranted only if the robustly epistemic standard in question was satisfied … in asserting that p a speaker … conveys that she satisfies the standard set down by assertion's norm.”

(30.) See Goldberg (2015, 6, 74, 81, 95, 171, 176) inter alia.

(31.) Thanks to Nick Laskowski, Jonas Olson, Mark van Roojen, and Sarah Stroud, whose feedback on Cuneo (2014b) prompted me to respond to their criticisms. I also wish to thank Sandy Goldberg for comments on a draft of this chapter.

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