Illocutionary Harm

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Abstract A number of philosophers have become interested in the ways that individuals are subject to harm as the performers of illocutionary acts. This paper offers an account of the underlying structure of such harms: I argue that speakers are the subjects of illocutionary harm when there is *interference* in the entitlement structure of their linguistic activities. This interference comes in two forms: *denial* and *incapacitation*. In cases of denial, a speaker is prevented from achieving the outcomes to which they are entitled by their speech (where such entitlements are based on their meeting certain conditions). In cases of incapacitation, a speaker's standing to expect certain outcomes is itself undermined. I also discuss how individual speakers are subject to interference along two dimensions: as exercisers of certain non-linguistic capacities (such as knowledge and authority), and as producers of meaningful speech.

1   Introduction

Language is a tool with which we exercise a variety of agentive capacities. By speaking we can share and request information, give others actions to perform, express attitudes of contrition, resentment, and blame; even change social facts. In doing these things, we exercise linguistic as well as non-linguistic capacities – we

not only rely on our abilities as competent speakers, but also leverage epistemic and social statuses.

Because language is an important part of how we enact decisions in a number of normatively significant domains, there has been growing interest in the extent to which individuals can be *harmed* in their capacities as the performers of illocutionary acts, and thereby stymied in their attempts to do things with words.[1] Langton (1993) offers an influential account of how certain social facts can undermine an individual's ability to do what she wants with language (see also Langton & Hornsby 1998). Langton's specific proposal is that media depicting the sexual subjugation of women (pornography) disposes men to treat verbal acts of refusal – made by women in the face of unwanted sexual advances – as something like evasive consent moves. On Langton's account, the hearer is unable to recognize the speaker's communicative intentions, and as a result the speaker's illocutionary capacities are undermined: her act of refusal 'falls flat' (Hesni 2018: 966). Langton calls this phenomenon *illocutionary silencing*.

Alternatives to the silencing model have been offered by Kukla (2014) and Hesni (2018), both of whom hold that illocutionary harms arise from failures to recognize an individual's social position. On Kukla's account of what they call *discursive injustice*, a speaker's membership in a marginalized social group may prevent interlocutors from recognizing that they have the authority – or *standing* – to perform a particular act, which can undermine their attempts to avail themselves of valuable linguistic resources. Hesni, on the other hand, argues that in cases of what she calls *illocutionary frustration*, a failure on the part of a hearer to recognize what

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1 For example, see Dotson 2011, Fricker 2007, Hesni 2018, Kukla 2014, Kukla & Lance 2009, Langton 1993, 2018, Langton & Hornsby 1998, Maitra 2009, Unnsteinsson 2019, among others.

conditions a speaker must meet in order to properly perform some act can cause the speaker's utterances to misfire.

Each of these accounts explains how it is that individuals may come to be systematically subject to harm as illocutors. But what do such harms consist in? If we were to be given a list of all the illocutionary harms, what would the unifying feature of its members be?[2] In this paper I propose a general theoretical framework on which illocutionary harms are conceived of in terms of *interference* in the entitlement structure of an illocutionary act. When someone performs an illocutionary act, certain enabling conditions must be met in order for that illocutionary act to be performed *properly*. If these conditions are met, and the illocutionary act is properly performed, then the speaker is entitled to the expectation of certain outcomes. On the interference model that I propose, agents count as being harmed in their illocutionary capacities because the actions they perform are prevented from having the expected entitlement structures.

To interfere in someone's capacities for illocutionary action is thus to do one of two things. On the one hand, a speaker can be *incapacitated*: this is when the enabling conditions for an illocutionary act are prevented from being met, and so the act is prevented from being (properly) executed. On the other hand, a speaker can be *denied* the outcomes to which they are entitled (given that the enabling conditions were met, and they did manage to properly illocute). Interesting cases of illocutionary harm are thus morally significant cases of illocutionary interference. In cases of denial, a speaker was entitled to expect some outcome, but they are denied that to which they were entitled. In cases of incapacitation, this entitlement-expectation structure is itself undermined.

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2 Thanks to Josh Dever for putting this question to me.

In the next section, I give a general account of my proposed framework for understanding illocutionary interference. I start by going over a standard conception of illocutionary activity, on which illocutionary acts are aimed at updating a context, through which more general illocutionary effects are routed. On this model, some putatively competing accounts of linguistic harm actually comprise different elements of a general taxonomy of illocutionary harm. In section 3 I argue that Langton and Hesni each give interestingly different accounts of *denial*, the former focused on denials of discursive change, and the latter on denials of illocutionary change more broadly. Section 4 considers the various ways in which individuals are incapacitated as speakers. I discuss an under-theorized class of harms having to do with a speaker being prevented from producing a meaningful speech act.

2 Illocutionary Capacities

2.1 Aims and Achievements

Let us start with some common claims about what it is to perform an illocutionary act. Illocutionary acts are the things we typically do *with* words.[3] In only slightly more sophisticated terms, illocutionary acts are "cases of speaker meaning that can (but need not) be performed by speaker meaning that one is doing so" (Green 2017). We might thus think of the performance of an illocutionary act in terms of their association with a particular set of communicative intentions.[4]

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3 By contrast, *locutionary* acts are productions of meaningful speech; *perlocutionary* effects are the "consequential effects" of illocutionary acts (Austin 1962: 101). Austin claims that to perform a locutionary act "is in general ... also and *eo ipso* to perform an illocutionary act" (98).

4 I assume a standard conception of speaker meaning on which to speaker mean that *p* is to perform an action with a certain sort of communicative intention (Grice 1957). None of the substantial points

Performances of illocutionary acts are directed at the achievement of certain outcomes; conditions of satisfaction which are endemic to their very performance (Siebel 2002).[5] Consider an act of assertion: assertions are aimed (at the very least) at making changes to an addressee's doxastic state. Illocutionary success is a matter of bringing about this particular aim.

These attempts depend for their success on some level of recognition of the act being performed; an individual's ability to recognize an utterance for the attempt that it is depends on collective epistemic resources that the speaker exploits in performing her speech act. This includes not only knowledge of linguistic conventions, but also knowledge of how a speaker's actions are likely to be interpreted in light of the social, psychological, and material conditions of which speaker and hearer are mutually aware. These features place rational constraints on a speaker's intentions in attempting to bring about the aforementioned changes.

In general, however, for a particular speech act to succeed, it is not sufficient that a speaker's communicative intentions and aims are recognized. Their utterance needs to be recognized as having a status that entitles the speaker to the expectation of certain outcomes. Consider the following two cases of assertion:

i. Ian tells Steph that there are freshly baked New York bagels in the other room. This is a lie. Steph knows Ian well enough to know when he is lying, and so she simply ignores him.

ii. Ian tells Steph that there are freshly baked New York bagels in the other room. This is *not* a lie; unfortunately, Ian makes this assertion in Portuguese.

in this paper turns on an intentionalist conception of speech acts (or, for that matter, on any specific account of communicative intentions).

5 This is what Searle (1975) call the 'illocutionary point' of an utterance.

Steph does not speak Portuguese, nor does Ian have any reason to believe that Steph speaks Portuguese.

In each of these cases, Ian's speech act fails to produce the intended results. But Ian's failure, in each of these cases, is the direct result of his having done something wrong. Ian was denied the outcomes he desired, but he was not denied anything to which he was *entitled*.

A speech act's aims – the aims that are endemic to its performance – determine not only the conditions under which the speech act succeeds, but also the conditions under which the speaker is entitled to that success. We can treat the *proper* performance of an illocutionary act of type ϕ as including just whatever conditions entitle the speaker to the outcomes associated with ϕing.[6] We can distinguish at least two relevant general classes of outcomes: *illocutionary* outcomes, and what I will call *discursive* outcomes. As already mentioned, a speaker aims to bring about changes to her interlocutor's attitudes and behavior. She is aimed at *illocutionary uptake*.[7] A speech act is *also* aimed at what we might think of as merely conversational change, or *discourse-level updates*.[8]

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6 Reference to strictly delineated act types is not crucial here: it may simply be that token acts entitle a speaker to the expectation of token outcomes, and that speech acts are governed by variable norms.

7 'Uptake' is used in a variety of different ways in the literature, sometimes just to mean that a hearer recognizes a speaker's intention. But here I use it in the *procedural* sense of Kukla 2014, referring to "enacted recognition" of a speech act's communicative force (p. 5). I use the term 'recognition' to refer to the weaker, epistemic notion.

8 Yalcin (2018) puts this distinction as follows: "[The] mutually understood proximal rational aim of speech acts generally is to effect some change in the common ground of the conversation – to update the *conversational scoreboard*. Our more distal communicative objectives – of transferring knowledge, raising questions, convincing, misleading, and so forth—are generally achieved by way of changing the common ground" (Yalcin 2018: 130) (emphasis mine).

Linguistic interactions occur against a *common ground* of information – a set of propositions mutually-accepted for the purpose of a conversation (Stalnaker 2014) – and are often organized around inqusitive goals, representable by a *question under discussion* (Roberts 1996). If you ask a question, say, if I would like some popcorn, then this changes the goal of communal inquiry (the question under discussion). If I say, 'yes', or 'popcorn's delicious', or 'I'd rather have some *tonnato*', etc. then these are things that typically constitute proposals to update the common ground in the predictable ways associated with the meaning of the sentence uttered and the prevailing features of the context. But the fact that you *accept* what I have said when I tell you I'd rather have tonnato does not entail that you believe me. You might, privately, believe that I really do want popcorn, and I just *said* I want tonnato to impress you with my refined tastes.

So, in addition to their illocutionary contributions (to what is believed, endorsed, and acted on), speech acts make changes to the context in which a linguistic interaction occurs. This includes: making content available for *anaphora* by updating which entity representations are mutually manifest (Cumming 2014, Murray 2014), changing the direction (or subject matter) of the conversation by updating the *question under discussion* (Roberts 1996), and altering conversational permissibility facts (Lewis 1979, McGowan 2004). These discourse-level changes enrich an interpretive resource that enables illocutionary changes (Stalnaker 2014). With these preliminary remarks about the aims of speech out of the way, we can turn to the question of what entitles speakers to the achievement of these aims.

2.2 Standing and Entitlement

On the one hand, illocutionary acts enable non-linguistic achievements, via the exercise of various non-linguistic capacities. Acts of assertion are aimed at the reliable transfer of information; to *properly* assert a speaker must bear the right sort of epistemic connection to the information conveyed (cf Kukla & Lance 2009, Williamson 1996). Thus, someone who asserts acts on their *epistemic capacities*. Let's consider some other examples:[9]

- In order to properly issue a command, a speaker must bear the right sort of relation of authority to their addressee; this entitles them, all else being equal, to their command being obeyed (though of course this entitlement can be overwritten).[10]

- An act of refusal – such as refusing an offer or advance – is performed properly if the speaker has standing to refuse (Hesni 2018); in most situations, all that this will require is that the speaker have a particular set of motivations (i.e., a desire that contradicts with some offer or advance). This entitles the speaker to having the offer or advance retracted.

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9 At different levels of description, it is plausible that different normative conditions come into play regarding some speech act: if my assertion consists in me talking out of turn in a classroom, or shouting across a crowded bus station, then other norms (like a norm of *discretion*) might be in effect. In general, because illocutionary acts are situated in a norms-governed social space, these acts only entitle us to certain achievements given that certain socially salient conditions are met. Thanks to David Beaver for some helpful discussion on this point.

10 The relation of authority required to direct someone else's actions can be socially significant (such as the authority that a king has over his subjects) or it can be instrumental (such as the authority you might have if I am helping you prepare a meal).

To put this another way: all of these individuals act on a kind of authority over a relevant domain; someone who asserts acts on epistemic authority, just like someone who names a child, or a boat, acts in their authority to do so (in most societies, this means acting in their capacity as a parent or boatowner). These inputs – social standing, preferences, knowledge – are what give a speaker *illocutionary standing* to perform the speech acts in question, and entitle them to the expectation of certain outcomes associated with those acts.

On the other hand, discursive achievement – making changes to a conversational context – also makes normative demands of speakers. Speakers have to act on a rational communicative plan that is properly situated in the prevailing structure of the discourse. If you ask me what's for dinner and I say, "The crabapples in the garden are being highly dishonest", then I will (likely) not have appropriately utilized resources to get across what I intended. My utterance is not made with the *discursive standing* to entitle me to change the common ground. Perhaps it was appropriate for me to make the contribution that I *intended* to make; perhaps I intended my utterance to be an oblique reference to to the crabapples being unsuitable for dinner. I mean what I do by my utterance, but I do not properly engage the discourse. It is not enough to know that *p* and intend to convey it – this intention has to be part of a rational communicative plan.

But cases where there are difficulties in making sense of what a speaker means constitute only one kind of obstacle to a speaker's having their utterance considered. In other cases, though a speaker's communicative intentions may be recoverable, they may nevertheless have no right to expect that those intentions will be given any consideration. Imagine I interrupt a group of strangers having a conversation about some topic of great importance (climate change, an imminent pandemic) to tell them

that I've discovered a strange but simple trick for whiter teeth. It is likely that my intentions are recoverable, but it was inappropriate for me to (propose to) update the conversational score in the way that I did. I may not, in this instance, have any right to expect that my utterance will be considered. Someone's social standing could also prevent them from participating in discourse – if a speaker is a serial liar or a frequent abuser of authority, their utterances may not be given the consideration they are (otherwise) due. (Such is the irony of Aesop's tale of the boy who cried wolf.)

Thus, our model for illocutionary interference includes two general targets: the enabling conditions on illocutionary activity (inputs) and the conditions under which that illocutionary activity is successful (outputs). Among the inputs are the performance of the speech act itself, and the speaker's illocutionary and discursive position. Among the outputs are illocutionary aims, which are the cognitive changes at which a speech act is aimed, and discursive aims, which are changes to the conversational context.

Inputs	Outputs
– Illocutionary standing	– Illocutionary success
– Discursive standing	– Discursive success
– Communicative intentions	

To interfere with the performance of an illocutionary act is to interfere in this normative structure in one way or the other. It is either to prevent the act from having the outcomes to which the speaker is entitled, or it is to somehow prevent the act from having its (normal, expected) entitlement structure to being with. I call the former *denial*, and the latter *incapacitation*. This allows us to give a general taxonomy of harms, based on the kind of interference they bring about. Elaborating some of the specific aspects of this taxonomy is the goal of the remainder of the paper.

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3 Denial

What I have proposed is a general model for understanding illocutionary harms: the interference model. I now want to show how some extant accounts of illocutionary harm fit into the interference model. By looking at some cases that have already been discussed, we can get a clearer picture of how these theories fit in the denial-incapacitation taxonomy of illocutionary interference that I have begun to elaborate.

When a speaker speaks, she is entitled to certain outcomes on the basis of her (a) performing a speech act ϕ and (b) having the right (illocutionary, discursive) standing. So one way of denying a speaker is by failing (or refusing) to acknowledge that the speaker has made any kind of discursive attempt. When a speaker speaks, she aims to do things, and if these very aims are called into question or ignored, then her speech act will not be able to have the outcomes she intends them to have, given that these outcomes depend on uptake by a hearer.

Langton (1993) introduced the notion of *illocutionary silencing* to cover this kind of denial. Silencing occurs "when there is failed uptake by the hearer of the speaker's illocutionary intentions" (Hesni 2018: 948). Let's start with a case that is discussed by both Langton (1993) and Hesni (2018):

> Refusal 1
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> "A and B are in B's room. B wants to have sex. A doesn't. B initiates sex. A says 'no'. In doing so, A takes herself to be refusing. B thinks that A means that she does want to have sex with B. B does not recognize that A is trying to refuse. A intends that B believe that she is refusing. B does not believe that A intends that B believe that she

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is refusing. B does not recognize A's intention to refuse. There is no uptake of the refusal" (Hesni 2018: 951).

A is harmed because she is taken to have different communicative intentions than she actually has (which has significant moral implications). When A *refuses*, B takes her to be *consenting*.

According to Langton, in cases of silencing speakers utter words but "those utterances fail to count as the actions they were intended to be" (Langton 1993: 299). In Langton's terminology, the speaker suffers illocutionary *disablement*. As Hesni notes, this is an inappropriate gloss of the case (at least on the sort of intention-based view of communicative speech acts that Hesni accepts). The speaker is not prevented from performing the illocutionary act in question, nor is she prevented from performing it properly. She *does* refuse, but she is denied what she is owed by this refusal. I think the important point, however, is that the speaker is done a particular sort of injustice by having their intentions go unrecognized.

But in a recent paper, Hesni argues for an alternative sort of picture of the case Langton discusses, by pointing out that Refusal 1 appears to require the same sort of explanation as a case where a speaker's intentions *do not* go unrecognized. If this is so, then there is no distinctive harm done by silencing. Let's consider Hesni's case:

Refusal 2

"A and B are in B's room. B wants to have sex. A doesn't. B initiates sex. A says 'no'. In doing so, A takes herself to be refusing. B recognizes that A is trying and intending to refuse, but thinks that deep down she wants to have sex with him. A intends that B believe that she is refusing. B does not believe that A intends that B believe

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that she is refusing, although B recognizes A's intention to refuse. After all, she is in his room. B decides to ignore A's refusal. There is uptake of the refusal followed by a decision to act as though A hasn't refused" (Hesni 2018: 951).

How do we explain the case? The speaker's communicative intentions are recognized, but the hearer fails to adjust her mentation (and action) in ways that would be appropriate, given her illocutionary standing.[11] Namely, the hearer fails to acknowledge (in thought and action) that the speaker's preferences and attitudes are in accordance with her illocution.

Hesni gives an alternative model for explaining the harms being done in Refusal 1 and Refusal 2, which she calls *illocutionary frustration*. Illocutionary frustration 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" (p. 949). Illocutionary frustration can come in multiple forms. The hearer may be aware of what sort of standing is required to perform a speech act but may deny a speaker has it, such as when I refuse to acknowledge that you could possibly know p when you assert p.[12] Or, the hearer may be unaware of what it takes to have the standing to perform the speech act in question. Such is Hesni's gloss of 'Refusal 1': when A says "no", B interprets

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11 Some of the contours of this case are quite complicated. On the one hand, we get explicit recognition that B recognizes A's intention. But the following line complicates things: "A intends that B believe that she is refusing. B does not believe that A intends that B believe that she is refusing, although B recognizes A's intention to refuse." This almost looks contradictory, but it is not. Consider that I may recognize your intention to assert without thinking that you actually want me to believe the thing asserted.

12 Many cases of epistemic injustice are thus going to be kinds of illocutionary frustration (Fricker 2007).

A as failing to (properly) refuse in virtue of A's failing to have the standing to do so, because B believes (incorrectly) that by entering B's room, A loses standing to refuse.

Importantly, this can have exactly the sort of effect on a discourse that Langton describes. Namely, a hearer's inability to recognize a speaker's standing may make recovery of her communicative intentions difficult, and so via ordinary Gricean mechanisms he comes to believe that she had different intentions entirely (Grice 1975).[13] Does this render otiose a specific account of the phenomenon that Langton has identified? I agree that if the *only* difference between these cases has to do with whether B realizes, in some sense, what A means (versus not being so-aware) then it is difficult to motivate a reason to treat these cases differently.

But I don't think this is how we should conceive of the difference between these cases. On the framework that I propose, these cases can be separately conceived of as instances of *discursive* and *illocutionary* denial, respectively. I put forward that the first case is one in which the speaker's intentions are not procedurally recognized *in a discursive sense*, and the second case is one in which the speaker's situation fails to have a non-linguistic impact on the hearer's decision making.[14]

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13 This is not so dissimilar to how Langton describes the case: she holds that the inability to recognize a speaker's communicative intention is the product of widespread assumptions about what someone is likely to mean by 'no' in a situation like the one described. These widespread assumptions undermine our ability to recognize someone's standing in the discursive sense I have elaborated.

14 Of course, realizing (in the epistemic sense) what someone's intentions are is an important step towards the more procedural recognition associated with conversational contexts, but updating the conversational context is the immediate aim. I think we would be reluctant to distinguish Refusal 2 from a case in which A's desires / etc. are known, but not acknowledged in B's behavior.

In a case like Refusal 2 there could be enough procedural acknowledgment of the speaker's intentions to demonstrate that the speaker had an effect on the conversational context, even if ultimately

In a later paper, Langton discusses another kind of silencing – which she calls *blocking* – where she is slightly more specific about this being a way of preventing a speech act from having discourse effects.[16]

When you block someone, you prevent them from having their speech considered by refusing to accommodate presuppositions on which updates to the discourse with the content expressed depends (see Lewis 1979; see Roberts 2015 for a more recent account).[17] If saying something (with the right discursive standing) is sufficient to change the conversational context, then you can prevent someone from adding something to the common ground by denying that certain conditions required for the felicity of their utterance are in fact met. Since conversations are cooperative enterprises, such refusal is all it takes to deny someone in this way. To block is to deny someone a discursive outcome to which they are apparently entitled (though of course certain cases of blocking are justified, such as when a speech act's presuppositional content is in fact false). Consider 'Refusal' again. A's utterance of "no" presupposes that there is something to say 'no' to. Depending on the circumstances (and how

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her aims still fall flat. (We can imagine B verbally responding to A's utterance in the appropriate way, but nevertheless continuing to persist in his pursuit of sex.) A changes the conversational common ground, but B fails to recognize how the updated context fits into A and B's social interaction more broadly (qua A's desire not to have sex). In Refusal 1, there is no registered change to the score, even though A is entitled to such a change by her action. In Refusal 2 the speaker retains a communicative resource that is otherwise denied her. And in many cases, this can make a big impact, especially when it comes to the sorts of things we are able to retroactively pin on our interlocutors. Whether or not some discursive contribution is made can have significant practical implications.[15]

16 Langton is explicit that blocking is a kind of silencing in her 2018, throughout.

17 "When you block something, you don't 'accommodate' it—you don't adjust to it, or help it along" (Langton 2018: 3).

brazen B is) B might try to block A's utterance by saying something like: "I wasn't trying anything!".

4 Incapacitation

What does it take to interfere in the very performance of an illocutionary act? Consider a case discussed by Langton (1993), which comes from Davidson 1984:

> Warning
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> [The] actor is acting in a scene in which there is supposed to be a fire. It is his role to imitate as persuasively as he can a man who is trying to warn others of a fire. "Fire!" he screams. And perhaps he adds, at the behest of the author, "I mean it! Look at the smoke!" etc. And now a real fire breaks out, and the actor tries vainly to warn the real audience. "Fire!" he screams. "I mean it! Look at the smoke!" etc.

As Kukla (2014) notes (p. 8), this is not a case in which the speaker has the right to expect the outcome he seeks. The speaker is not denied some outcome to which he is entitled – the proper entitlement conditions fail to obtain entirely.

The performance of an illocutionary act creates (the expected)entitlements only if the performance is properly situated in a discourse and the speaker has the illocutionary standing to perform that act. So perhaps a rather pernicious way of interfering with someone's ability to achieve their desired illocutionary ends would be to take *away* some of their entitlements completely. To force them into a situation where they don't have the standing to expect the achievements they seek. These are cases of what I call *illocutionary incapacitation*.

So far I have discussed some of the various ways in which speakers may be denied the achievements to which they are entitled in a linguistic setting. Now I want to discuss some ways in which the conditions that create those entitlements may be targeted for incapacitation. My focus will be on cases where an individual speaker's illocutionary standing (their epistemic, social, political, practical, etc. authority/status) is incapacitated (4.1), and cases where an individual speaker's very ability to properly situate their intentional action in a discourse (their discursive standing) is undermined (4.2).

4.1 Illocutionary Incapacitation

In a case like 'Warning', a speaker attempts to do something that their social situation does not entitle them to. Their intention is not recognized – perhaps not recognizable – as a result. We might describe this as a case where the speaker has no resources available to furnish their intentions, i.e., they are not situated in such a way as to make their intentions known, by any conventional means. Though such a case may be quite tragic, it is not properly thought of as a case in which the speaker is harmed.

But we can easily conceive of cases where a speaker's illocutionary standing is undermined in a way that *does* constitute a harm.[18] They are still able to speak, and their speech may still update a discourse in the appropriate way, but can no longer expect the outcomes associated with their actions.

A very simple sort of case would be one in which an individual is prevented from forming beliefs that reliably track the truth. Someone whose assertions are

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18 Cases where someone is unable to properly illocute are often labeled cases of 'disabling' in the literature (cf Langton 1993, 2018, Langton & Hornsby 1998). To avoid introducing an unnecessary number of technical terms, I will simply refer to them as instances of incapacitation.

not considered or endorsed is not only harmed as a speaker, but is also harmed as a *knower* (cf Dotson 2011, Fricker 2007). Likewise, someone who is not given access to proper epistemic resources (someone who is the victim of deception) is not only harmed as a knower, but as a speaker. This can have profound results, for instance such a person is likely to be treated as less reliable because they will in fact *be* less reliable. Victims of this sort of harm, such as the relentless consumers of conspiracy theories, may come to be completely undermined as interlocutors (without even being aware that they are unable to situate their utterances in an epistemic framework that coheres with that of their interlocutor). Discourse between such a person and you or I may be coherent, but we may be unable to situate any claim they make with respect to our own perspective on the world. You may speak the same language as such a person, but their epistemic stance may be so foreign to yours that they are unable to assert properly (at least from your perspective).[19]

There are other ways in which a speaker's illocutionary standing might be undermined. Someone who votes in a meeting may be (retroactively) denied the right to have their vote counted by a vindictive boss. While they may have raised their hands or written a name on a slip of paper (and thus performed a locutionary act), they did not possess the standing to properly vote. Incapacitation of this sort may also occur in cases where speakers are *induced* into performing some speech act. Someone who is drugged may 'agree' to something that they no longer have the standing to agree to (they may literally, for a period of time, not know what they want). They may verbally assent to some offer, but they actually have no standing to do so.[20]

19 See Camp 2013 for additional discussion on the ways in which radically different perspectives than our own influence illocutionary standing (Camp frames her discussion around slurs).
20 It is in the absence of the possibility of refusal that consent is rendered impossible.

A speaker might even suffer illocutionary incapacitation as the result of a speech act. In certain cases, an individual's standing in some domain may be partly managed by another individual (cf Kukla & Lance 2009, chapter 1). Imagine that we are baking a cake together. Your knowledge about cake making gives you a certain inalienable *epistemic* authority. And being (initially) reasonable, I defer to your epistemic authority when it comes to the practical matter of actually putting together an edible cake. You have authority in this domain (i.e., the standing to tell me what to do) but only because I consent to that authority; we have agreed upon a certain structure to our engagement.

But I can do things to break that agreement. That is, I can make decisions which take that authority away from you. Part of this might involve making it mutually known that I am no longer endorsing your authority here: you tell me to whip the yolks a little faster, and I snap back: "You don't get to tell *me* what to do!" Your authority is not just undermined: the agreement which vested in you this authority is *broken*. You will have to reason and reckon with me in order to start ordering me to do things again. But we may think that it does not take away your entitlement (so to speak) to that authority. Rationally, what may be best is that you are in charge.

There is even the possibility of individuals making linguistic interferences in other individuals' *epistemic* authority, and thereby incapacitating their assertoric abilities. A widely-discussed possibility in epistemology is that our very ability to know (or to be appropriately conceived of as knowers) is tied to what epistemic possibilities are considered as live options (see Lewis 1996). There may, for instance, be cases where speakers lose the epistemic standing to assert because new questions

or possibilities are brought to bear in a context (Schaffer & Szabo 2014).[21] In such situations, an assertion might be undermined by way of an individual saying something that actively undermines the speaker's knowledge. If I tell you that there's a beer in the fridge, and you ask me how I could possibly know that Trina hasn't already had the last one, you manage – at least on accounts that take knowing to be sensitive to what is salient – to undermine my ability to properly assert what I did in this context.

4.2   Discursive Incapacitation

A speaker's status in a discourse – and, separately, the status of their discourse contributions – can also be subject to incapacitation. That is, something can make it so that a speaker's utterance becomes improperly situated in a discourse.[22] I think Kukla's (2014) notion of discursive injustice may offer a good example of this sort of incapacitation. Kukla argues that membership in a particular social group may make it impossible for an individual to "deploy discursive conventions in the normal way, with the result that the performative force of her utterances is distorted in ways that enhance disadvantage" (p. 2). Membership in a social group, in other words, may systematically prevent speakers from utilizing discourse contexts in ways that accord with their intentions and other social entitlements.

Factory

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21 On the framework that Schaffer & Szabo (2014) propose, one's knowledge amounts to being able to rule out contextually salient alternatives.

22 Categorically denying someone the right to discursive participation when they have the right to their rational communicative plans being acknowledged constitute a very obvious kind of discursive incapacitation. Here I will discuss some subtler mechanisms of incapacitation.

Celia is a floor manager at a heavy machinery factory where 95% of the workers are male. She uses straightforward, polite locutions to tell her workers what to do: "Please put that pile over here," "Your break will be at 1:00 today," and so on.... [Even] though Celia is entitled to issue orders in this context, and however much she follows the conventions that typically would mark her speech acts as orders, because of her gender her workers take her as issuing requests instead.

We might describe this case as one in which there is some measure of *illocutionary* success, but where Celia's social status actually deprives her of discursive standing. She has the authority to issue commands (and presumably the workers she manages are aware that she's their boss), but she does not – on one way of looking at the case – have access to the right illocutionary tools, in virtue of her gender.[23] The speaker is able to have some of the achievements she seeks (her workers do what she says), but these achievements are warped by an inability on the part of the speaker to properly contribute to a discourse.[24]

One way of understanding Kukla's account of discursive injustice is as a kind of illocutionary frustration, making 'Factory' an instance of what I call denial.[25] But another way – I think a very interesting way – of approaching this account is as saying something about how members of oppressed social groups are systematically

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23 If, pace Stalnaker (2014) and Yalcin (2018), we think of conversational contexts as a kind of game whose state of play gets updated by our linguistic moves, and is then utilized to bring about non-discursive changes, then we might think of this as a case where individuals are structurally disadvantaged so as to be prevented from engaging and deploying these contexts effectively.

24 See McGowan 2009 for a similar discussion of how an individual's social status can affect what is permissible for them in a discourse.

25 Hesni considers this (Hesni 2018: 963).

prevented from having the kind of relationship to a discourse that they ought to be able to have, given their other social entitlements. On some fundamental level, they are prevented – or at least systematically stymied in their attempts – from leveraging discourses with respect to their social position. What this describes is a kind of incapacitation.

At this level, a speaker can be prevented from making the sorts of proposals they want, not because of features of the discourse, but because of their relationship to a discourse. The difference between these cases and the cases discussed in the last section has to do with the speaker's actual standing to contribute. And what determines discursive standing is a complicated question.[26]

Another class of interferences changes what proposals a speaker is able to make in the first place. We might be wary of the claim that one individual could have some say in what is meant by another, but it is certainly possible to do things that alter what meanings a speaker manages to make available to a discourse context by their utterance (i.e., what updates they propose). One way of interfering with a speaker's ability to get across what they want is by creating a discourse that is difficult to keep track of; creating structural obstacles to (publicly) representing as one intends. Speakers use the prevailing structure of a discourse to chart a course of illocutionary action (Lewis 1979). That is – they rely on what information they have available about a hearer's attention and mental states in order to convey things. An utterance of 'he' can be expected to refer to Abel only if it is part of the conversational score that Abel is the most salient possible referent of 'he'.

26 One of the complications is that we often accommodate speech that is made inappropriately with respect to a discourse.

A hearer can thus, by actively changing the state of a discourse, make things more difficult for a speaker in this way. Someone who communicates in an opaque, or deceitful way can create obstacles to their interlocutor's forming and executing communicative intentions of their own. The following dialogue – taken from a movie that was popular when I was much younger – demonstrates this phenomenon:[27]

> **Regina:** But you're, like, really pretty.
>
> **Cady:** Thank you.
>
> **Regina:** So you agree?
>
> **Cady:** What?
>
> **Regina:** You think you're really pretty?

Cady is tricked into staking a discursive claim that she did not intend to (if we are to follow Regina in assuming that thanking someone for a complement a kind of acknowledgement of its truth).[28] Speakers can create confusing discursive situations that make it almost impossible for other speakers to know exactly what sorts of things they are committing to with their words.

Denying that a term can be used to mean what a speaker wants it to mean – perhaps what they are entitled to mean – is another way such harms can occur. Consider the following sort of tactic: accusing politicians of dogwhistling antisementic tropes by using terms like 'finance' and 'media'.[29] Such accusations are certainly often

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27 From the 2004 film *Mean Girls*.

28 Another reading of the case is that Regina proposes a discourse contribution where there is the following norm of either rejecting that contribution or agreeing to its truth. By letting the contribution slide, Cady tacitly endorses something that she had no intention of endorsing.

29 See, for instance, Elise Wien's 'When "Finance" Becomes a Code Word for Jewish' published in the online magazine *Tablet*.

warranted, but they can also supply uncomfortable roadblocks to legitimate attempts at communication.

This kind of interference can be more systematic as well. Speakers may be part of marginalized linguistic communities, and thereby denied access to in-group-specific or artful uses of terms and phrases. In such cases, speakers may be undermined before any interaction even takes place, and without even realizing that they're being denied a linguistic device.[30] A relatively innocent example, but one that should be familiar to anyone reading this paper, would be of a non-philosopher attempting to converse with a group of philosophers about philosophy. Though the non-philosopher may be welcomed into the conversation, they may not realize what they are unintentionally communicating by their (colloquial) uses of terms like 'analyse', 'valid', 'entails', or even things like 'knows', 'believes', and 'experiences'.

In the most extreme sorts of cases, an individual's very ability to form and execute a rational communicative plan may be interfered with. Properly articulating a thought requires tokening linguistic concepts that are communal.[31] Denying a speaker access to certain communal concepts thus takes away their ability to form a rational communicative plan.[32]

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30 Hintikka (ms) has convinced me that harms of this sort can occur, even absent someone realizing they're being harmed.

31 Though we need not hold that the ability to *have* such thoughts in the first place requires access to the linguistic concepts (see some discussion in Fodor 1994).

32 This is related to cases of what Fricker (2007) calls *hermeneutical injustice*, where impoverished conceptual resources prevent individuals from forming and communicating intentional attitudes that are relevant to their situation as agents.

5 Conclusion

The performance of a speech act requires – at the very least – that an agent be properly discursively situated and that she satisfy the requisite normative requirements for the performance of the illocutionary act in question. And as long as these conditions are met, the speaker is entitled to certain outcomes. What this paper offers is a roadmap for future theorizing about the ways in which agents have their illocutionary agendas interfered with.

A speaker may be denied the outcomes to which they are entitled by having a hearer question one (or many) of the enabling features for those entitlements in the first place. Or a speaker may be incapacitated: they may form a communicative plan on which they are prevented from acting, either because they lack the standing to perform that action or because they lack the linguistic resources to make their intentions manifest in a contextually-appropriate way.

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