I—Richard Moran: Testimony, Illocution and the Second Person

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I

Recent discussions of what is called "correlative", "bi-polar" normativity have emphasized the dimension of moral and legal obligations that relates specific individuals to each other in pairs such as promissor and promisee or debtor and creditor, as contrasted with generalized norms that relate a person either to the moral law as such, or to the promotion of some good. In such a relationship, one member of the pair is obliged to recognize the demand of a specific other person upon him (whether to pay back the debt, fulfill his promise, respond to his complaint, etc.).[1] There is more than one notion at play in these discussions, but several of them center around the correlativity of person-directed rights and duties (i.e., a duty to that person), and the idea of claiming a right or demanding recognition. Joel Feinberg's classic discussion of the notion of rights (Feinberg 1970) ties the very notion of such normative relations to

[1] Throughout the paper, the pronouns 'he' and 'him' should be read in a gender-neutral way.

the acts of claiming and demanding.

> "Even if there are conceivable circumstances in which one would admit rights diffidently, there is no doubt that their characteristic use and that for which they are distinctively well-suited, is to be claimed, demanded, affirmed, insisted upon."[2]

In his recent development of the idea of "second-personal normativity" Stephen Darwall refers to Feinberg's formulation, and lays equal stress on the notions of claiming and affirming in characterizing the normative realm in question (Darwall, 2006, p. 18, p. 121, and p. 138). The situation of one person addressing another is treated as paradigmatic of the type of relation he has in mind, whether it be making a promise, or a contract, or telling someone to get off your foot. The act of addressing another person in speech is presented as in some way emblematic of this type of normative relation between people. If this is so, it raises the question of how the fact that claiming, demanding, and promising, etc. are all specifically verbal acts reveals something of the structure of "relational normativity" in general, as well as how the most basic acts of speech, such as simply saying something or claiming something to be true rely on a dimension of bi-polar normativity. In this paper I will be interested in how speaking, in the sense of

[2] Feinberg (1970), p. 252. Later in the same paragraph, he is even more explicit about the relation between beings a bearer of rights and being a maker of claims: "To respect a person then, or to think of him as possessed of human dignity, simply <u>is</u> to think of him as a potential maker of claims."

claiming or telling someone something, and bi-polar or relational normativity may shed light on each other.[3]

In some earlier work on speech and testimony (Moran 2005 and 2006), I have argued that the way a person's act of telling another person that P comes to be a reason for belief in P is importantly different from how ordinary evidence functions as a reason for belief, and that this difference is obscured by a failure to give sufficient attention to the specifically verbal nature of the act of telling someone something. A central part of this difference is the speaker's role in freely and explicitly incurring the responsibilities that go with asserting P, as opposed to other speech-acts he might be performing with that same form of words. If the speaker were presenting the content P in the mode of a request or a command, the meaning of his act, and the associated responsibilities, would be different. On this picture of illocution, it is the speaker's making himself accountable to his audience in specific ways that gives his utterance the status of assertion, promise, complaint, or other speech-act. To say this is not to deny that someone overhearing the speaker, someone other than the addressee, may thereby obtain a reason for believing P. This reason for belief, however, will be dependent on the proper identification of the illocution being performed in the original exchange. Just hearing someone say "The rain in Spain falls mainly on the plain ..." will

[3] There are by now several different developments of related notions in Weinrib (1995), Thompson (2004), Stone (1996 and 2001), Darwall (2006) and others, and I will not be concerned here to keep their specific differences straight, hoping that the general notion I develop here will be clear enough.

not give an overhearer a reason to believe anything about the weather in Spain unless he knows what illocution, if any, is being performed with those words. Without the sort of making oneself accountable involved in a specific illocutionary act, a speaker's words do not present a possible object of belief or disbelief. This is not to say that it is only as a particular illocution (such as, e.g. claiming or stating) that someone's speaking may be the occasion for coming to believe something, since speaking like anything else a person does may be significant or revealing to a discerning observer in all sorts of ways. I would argue, however, that speech-acts such as claiming and telling, and the intersubjective relations that such acts involve, are the primary way that truths are communicated in ordinary human verbal discourse. It is in this way, then, the act of testimony provides a way of conveying a reason for belief that is essentially different from directing someone to some evidence for P, for nothing becomes evidence for P in virtue of someone's attitude toward it, or in virtue of his presenting to another person as evidence. The photograph or the smoking gun is a reason to believe something, whether or not anyone means it to be or presents it that way, and whether or not the person pointing it out understands anything about its epistemic significance. Yet for a person's utterance to be a testimonial reason for belief, it is necessary for him to bear a complex relationship to it and to his audience. He must, for instance, be acting intentionally and knowingly in speaking, he must understand what he is saying, and understand that he is presenting his words as a reason for belief. None of this applies

to a person's relation to a photograph or a smoking gun, which he may have revealed to the detective without having any idea what he is doing or of its significance. The specific ways of making oneself accountable in performing a particular illocution will not, of course, be sufficient for the speaker's statement to be a good reason for belief. He could be wrong about the facts, just as he could be lying or confused, but without the relational act that constitutes a particular speech-act with his words they are not so much as a candidate for belief.

The notion of belief through testimony is related to the notions of assertion, claim, or statement, since among the different possible speech-acts it is these that are what testifiers present and which their interlocutors believe or disbelieve. The same content can be expressed in the form of a different illocution such as a question or a command, but in that case it cannot be as such the object of either belief or disbelief. A question is not something that can itself be either true or false, and while conclusions may be drawn, beliefs gained or undermined, by hearing someone's question, this is not itself something that can be the direct object of belief in the sense appropriate to statements and claims. A person's other speech-acts, like his other actions generally, may be the occasion for someone else's true or false beliefs, but it is the particular illocutions of claiming, asserting, and telling that are what make of some content a possible direct object of belief, in the sense in which we speak of believing "what he said" or "what he

told me".

One broad tradition of thinking about assertion sees it as a kind of social act in which a speaker makes himself responsible for the truth of P (Peirce 1934), entitles his interlocutor to the belief that P (Brandom 1983), or overtly commits himself to the truth of P (Searle 1969), where the force of 'overtly' here is that of a public commitment to some possible audience (and not simply the sense of being 'committed to the truth of P' just in virtue of believing P).[4] Theories of assertion in this tradition place it as a speech-act squarely in the context of interpersonal communication, the transfer of truths from one person to another, and the acts of entitlement and commitment underlying such transfer would thus seem to belong somewhere in the normative realm of bi-polar or second-personal normativity. This appearance is strengthened by the fact that, as we have seen, the very acts of addressing, claiming and asserting themselves are so often presented as exemplars of the form of second-personal relations, by Darwall as well as others. In this light, however, Darwall's discussion is of special interest, not only because he has given one of the most well-worked out versions of this idea, but more specifically because it is important to his story that the realm of 'second-personal reasons' is restricted to practical reason, and has no analogue in theoretical reason. The notion of second-personal reasons themselves, he says, marks "a fundamental difference between theoretical and practical reason" (p. 22). Even while still just getting

[4] This is not an uncontested tradition of thinking about assertion. See MacFarlane (2011) for a very helpful discussion of this tradition in comparison with some of its contemporary rivals.

in view the idea of "second-person reasons", one can see the point of such insistence. In promising someone to do something, for example, a speaker may be said to create a reason for doing something in incurring a (second-personal) obligation to do it, an obligation that does not precede the promise itself. By contrast, in the act of telling someone that P, it is the understanding of both speaker and audience that the truth of P does precede any act of telling, and which truth does not itself depend on the inter-personal relation of speaker and audience itself. The truths in question in ordinary testimony are a matter of theoretical and not practical reason. At the same time, it is surely not accidental to the idea of communication through testimony that what the speaker presents and what the audience responds to is a speech-act of a particular kind. Speakers do communicate truths to each other, by means of the particular speech-acts of asserting, claiming and telling. That much should not be a matter of controversy. It is in responding to illocutions of this form, that a recipient of testimony believes, doubts, or disbelieves what was said. If, as suggested by the broad tradition of thinking about assertion in terms of broadly 'second-personal' relations of entitlement and overt commitment, this aspect as social act is what makes an utterance so much as a candidate for belief, we need to understand better how this social aspect of assertion can be the vehicle for the communication ordinary theoretical truths, which are not themselves 'bi-polar' or relational in nature. What I wish to explore here is how the normative capacities drawn upon in the constitution of second-personal reasons

(including but not restricted to the moral domain) can be seen to play an role in the ordinary communication of theoretical reason as in the speech act of telling someone what is so. In this way I hope to show what is indeed mutually illuminating about the notions of relational or bi-polar normativity and the paradigm expressions of claiming and asserting.

II

A central theme in the development of the idea of the "second-personal" is that of reasons which by their very nature depend on the authority of a person to address them to another.[5] Darwall illustrates this with the case of someone standing on another person's foot, and the demand that he remove it.

> Unlike reasons for belief and practical reasons one might give in advice, reasons of this kind are second-personal in their nature. Their very existence depends on being able to be addressed person-to-person. Unlike the reason having to do with the simple badness of your being in pain, the fact that you can and do reasonably demand that he move his foot simply would not obtain but for the common competence and

[5] In this paper, my interest will be exclusively on reasons or norms which are second-personal in a sense which depends on an explicit act of address, by one person to another. Darwall, for one, is equally interested in a broader notion of the "second-personal" which encompasses one's relation to the "moral community" as such, apart from any explicit acts of address or recognition. (E.g., "Moral obligations involve implicit demands that are 'in force' ... even when actual individuals have not explicitly made them" (290, n. 22), and his remarking that reactive attitudes themselves "implicitly address second-personal reasons to the violator" (60). For questions concerning this extended sense of the second-personal, see Lavin 2008 and Wallace 2007.

> authority to enter into second-personal relations of reciprocal address. (Darwall 2006, p. 59)

Thus, there are reasons which refer to the simple badness of someone's being in pain, which are independent of that person (or creature) having any standing to complain, let alone having made an actual complaint. For now, we may call these 'monadic' reasons (Thompson 2004), in that their status as reasons does not in its very nature relate two people to each other, aligning them in a two-place relation of complainant and complainee. Rather, both parties may be said to relate themselves individually, and in the same way, to an independently obtaining normative fact, the badness of this pain. To this is contrasted the reasons which obtain only in virtue of the fact that one person, with the authority to address complaints and demands to another, makes such a demand that the other person get off his foot. In doing so, the person making the demand does not "simply point to a reason holding in normative space" (259), as might any independent observer of the situation, but rather purports to direct a claim upon a particular person and hold him responsible. Reasons such as this by their very nature express a relationship between the two people, like that of debtor and creditor, which grounds the force of the reasons in question in the nature of their relationship to each other, rather than in how each of them is related to an independent order of value.

It is this contrast between reasons which depend on the authority of one person

to address another person, and reasons which obtain independently of any such relationship binding them, that suggests that the idea of the second-personal marks a divide between practical reason and theoretical reason. Immediately after the passage just quoted Darwall says,

> I argue therefore that the authority to address practical reasons can take forms that are quite different from the epistemic authority that is presupposed by theoretical reason-giving or by other forms of practical reason-giving, like advice, where the reasons are not second-personal. (Darwall, 2006, p. 59)

This contrast is thematic in Darwall's account, but it is ambiguous between a claim about the monadic nature of epistemic reasons themselves and a picture of how epistemic reasons are given by one person to another in ordinary testimony. And it is here that the role of speech and addressing in testimony and in the notion of the second-personal itself matter to each other. For while the confrontation with evidence is an unmediated relation, for example, between a person and a photograph, the speech-act of asserting or telling is second-personal in its very nature, something establishing different and complementary relations between speaker and hearer. In describing the relation to evidence as unmediated, I mean that a person's epistemic relation to the photograph does not depend on any other person's relation to the photograph. It's status as a reason to believe something is independent of what the photographer may believe about it or his intentions in producing it or showing it. When the person who

produced the photograph looks at it alongside his friend, there is no difference in their respective epistemic relations to it. There is no relevant difference in authority between the two of them, such that the friend's relationship to what the photograph shows is dependent on what the photographer takes it to show. The two of them are on a perfectly equal footing here, and the photograph's status as reason to believe something does not even depend on its having been produced intentionally or with the aim of being shown to anyone. By contrast, in the case of speech, speaker and audience stand in essentially different relations to the speaker's utterance, which only counts as a statement rather than some other speech-act, or no speech-act at all, depending on the speaker's relation to what he is doing in speaking. The ability of the audience to derive a reason for believing something from this depends essentially on the speaker's understanding of what he is doing, in how he means to be addressing his audience. Apart from that, the bare utterance has no particular epistemic import. The speaker and his audience do not confront his utterance on an equal footing as an object of common observation, since the status of the utterance as a reason to believe something depends on what illocution, if any, is being performed with it, and <u>that</u> question is a matter of how the speaker means to make himself accountable in his utterance. So while we may agree that epistemic authority itself is a monadic notion, it wouldn't follow from this that the verbal transmission of epistemic reasons was a monadic affair like the confrontation with evidence. [6]

[6] For a discussion of Darwall, testimony, and the second-personal that reaches different conclusions from mine, see

If these features of ordinary speech-acts of telling and informing point to a genuine contrast with the confrontation with evidence and suggest that the interpersonal act of assertion must be relevant to its character as a reason to believe something, any such account will still want to accommodate the genuine differences between the role of the second-personal in the communication of practical and theoretical reasons. A speaker's epistemic authority is a matter of his relation to the independent facts, not his relation to his interlocutor. The speaker reporting some fact does not constitute something as a reason for belief the way the complainant makes his very complaint a reason to get off his foot, for instance. If the speaker giving testimony has reasons to offer in favor of believing something, they have that status as reasons independently of him, or the fact that he is presenting them to another person. Further, theoretical reasons are not agent-relative in the sense described by Darwall (p. 9). The complaint directed to the person standing on one's foot directs a reason to <u>that person</u>, a reason of a different kind from an impersonal reason to anyone who might be in a position to improve the situation. By contrast, a theoretical reason, a reason to believe something, cannot be agent-relative in this way. Reasons for belief are impersonal. If something is a reason for one person to believe P, it is equally a reason for anyone to believe it.

III

The second-personal aspect of testimony, and the authority that is relevant to it, is tied to the verbal nature of testimony, specifically the illocutionary dimension of speech-acts like telling and asserting. Hence, in bringing it into view we need to distinguish epistemic authority from another kind of authority, the authority of the speaker to constitute his utterance as an illocution of some kind, and hence to make it count as, e.g., a statement rather than a question, and thus as a possible object of belief. This is a capacity of any mature speaker of a language that is as fundamental to communication as the command of the syntax and vocabulary of one's language. For a speaker to be in a position to say something, state some truth by some form of words, it is not enough for the utterance to be correctly formed. The speaker must be recognized to be in a position to determine that his utterance counts as either the statement that this is so, or the question whether it is so, or the representation of someone else's belief that it is so. It is here that the difference between the audience's relation to the speaker's words and their relation to the speaker's beliefs becomes important. For when Darwall speaks of "epistemic authority" as outside the realm of the second-personal (123), he is thinking of one's relation to another person's presumed knowledge or beliefs. But the second-personal aspect of testimony I am concerned with is in the first instance a matter of one's relation to the speaker's utterance, where what counts is the speaker's authority to determine its particular illocutionary status, a status it has as

part of a relational act in that the illocution is essentially something made toward, or with respect to, another person. When confronted with someone's utterance, the assumption that the speaker is both knowledgeable and sincere is of no use to an interlocutor wishing to be informed unless he knows how to understand what speech-act the speaker is performing with those words. Without that, he will have no idea what relation the speaker's words might bear to his belief, let alone what his belief itself may be. Hence, his illocutionary authority as a speaker must first be recognized before his epistemic credentials can be so much as an issue for his listeners. The illocution of asserting or telling is what makes his utterance a candidate for belief. It is what makes it possible for there to be a question for the addressee of believing what he said.

The words that someone speaks, like any other action (or indeed any accident or reflex) of his, can be revealing or epistemically significant in many different ways. The way someone's crying out in pain or surprise can tell us something may be little different from how we learn something from his blushing, something which is neither verbal nor an action at all. And actions, whether verbal or non-verbal, may reveal a person's beliefs and other attitudes in ways that have nothing to do with any intent to inform another person. Despite his best efforts to conceal it, someone's actions may be seen as nonetheless e.g., expressing his desire to ingratiate himself with his audience, or his belief that he is not succeeding. In the verbal behavior that is relevant to testimony, however, the speaker plays a different role in the relation between his verbal actions

and his beliefs, and the relevant notion of 'expression' is a different one. The notion of 'expression' relevant to assertion and other illocutions (referred to as 'personal' in contrast to 'impersonal' expression' in Moran 2005) is not in the first instance a psychological notion or a notion of behavioral manifestation. The relevant notion of expression is rather that of an intentional act of self-representation, an act of the person as such, directed to some other person. In claiming P as true, a speaker expresses to some possible audience the belief that P, by way of affirming the truth of P itself. One difference between expression as behavioral manifestation and expression as relational act shows up in the fact that, unlike the sense in which blushing expresses embarrassment, the person expressing the belief that P in his assertion need not in fact have the belief in question. The sense of referring to this as the 'personal' sense of expression is that it is he, the person, and not his behavior which is the (active) subject of expression in this sense. Insofar as testimony is exemplified in the ordinary verbal acts of saying, asserting and telling, then, the epistemic status of the act (as a reason to believe something) will be bound up with the specific kind of the act involved, specifically the illocutionary dimension of the speech-act as something addressed by one person to another. In the remainder of this paper I mean to explore how the illocutionary dimension expresses both the speaker's authority with respect to his speech-act, his exercise of a familiar normative power, and the fact that it is internal to this power that it is exercised with respect to another person. The relevance of this to

testimony is that the illocutionary, understood as the expression of a kind of second-personal authority, is the condition for the speaker's utterance having the epistemic import of a candidate for belief in the first place.

IV

For the verbal acts of telling, claiming or warning, the way that the utterance comes to be a reason for belief (or, indeed, a reason for disbelief) is dependent in a familiar way on how the speaker presents his utterance. In presenting his utterance as a promise, for instance, rather than as an exercise in diction, the speaker exercises the authority to constitute his utterance as having the illocutionary significance of a promise. The relevance of the notion of authority here lies in the fact that, not only is the speaker free to present his utterance one way or another, but also this ability to make his utterance count as one illocution rather than another (or none at all) rests with the speaker alone. This is not to say that the speaker's role in determining which illocution he is performing guarantees him against the various forms of misfiring, but rather that no other person makes it count as a particular illocution of claiming or promising. This distinguishes the place of authority in the illocutionary dimension of a speech-act from that of its perlocutionary dimension. For while the speaker plays an authoritative role in

determining the illocutionary status of his utterance (e.g., as promise or assertion), he does not play a similar role in determining what Austin calls the perlocutionary effects of his speech (e.g., as persuading, alarming, or annoying).[7] The question of the perlocutionary status of one's speech, e.g., whether one has succeeded in persuading or annoying one's audience, is something that the speaker does not pronounce upon with any authority. Another person (his audience, for example) may well know better than he does about the actual perlocutionary effects of his speech.

Since Austin (1962) first developed the notions of the illocutionary and the perlocutionary, it has been clear enough that the former notion is to be understood in terms of the enactment of the speaker's commitments, as shown in the central cases of promising and asserting. In his analysis of speech-acts, William Alston (2000) is explicit about the relation of the illocutionary quite generally both to the speaker's authority and to his adoption of a specific normative stance toward another person. As Alston puts it,

> Take some P that I am capable of asserting and a sentence, S, that is usable to assert it. Then in uttering S it is wholly up to me whether I am thereby asserting that P rather than, for example, practicing pronunciation or giving an example. Whatever it takes to make my utterance of S

[7] This distinction will come in for more discussion soon, but for now we may settle with Austin's characterization of the illocutionary as what is done <u>in</u> uttering some words, as in promising or requesting, and what is done <u>by</u> uttering them, as in surprising or annoying. Speaking of the perlocutionary, Austin says "Saying something will often, or even normally, produce certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons: and it may be done with the design, intention, or purpose of producing them". (1962, p. 101)

> the former rather than the latter is something I can institute at will. (Alston 2000, p. 36)

In speaking of something which is "up to me" or which "I can institute at will", it must be a specific notion of agency that Alston has in mind. For the bare invocation of freedom does not distinguish the freedom that is relevant to the basic act of saying the words involved, as with any action of the speaker, from a notion of agency which is relevant to gaining a specific illocutionary status for his utterance. Hence the need to distinguish the agency that is specifically relevant to the illocutionary as the normative power involved in delimiting one's claims and responsibilities: "An utterance is most basically made into an illocutionary act of a certain type by virtue of a normative stance on the part of the speaker." (71) For the central case of assertion, the nature of the illocutionary is understood in terms of the speaker making himself responsible to his audience for the truth of the proposition asserted.[8] In making an assertion rather than practicing pronunciation, the speaker makes it the case that he is now subject to range

[8] There is a progress of formulations of the illocutionary in Alston's book, all of which employ the notion he abbreviates as the act of "R'ing" on the part of the speaker, which is defined as follows: "In uttering S, U took responsibility for (its being the case that P" (Illocutionary Acts and Sentence-Meaning (Alston, 2000) p. 55).

Thus, in filling out the formula we have: "In uttering S, U R'd that P – In uttering S, U knowingly took on a liability to (laid herself open to) blame [...] in case of not-P. [...] [T]aking responsibility for P is something that U does. It involves U's instituting a state of affairs, rather than just being a matter of U's recognizing an already existing state of affairs [...]. (p. 55)

of criticism or reactive attitudes to which he would not otherwise be subject. This is an aspect of the difference made by the "normative stance" expressed in his presenting his utterance in the guise of one illocution rather than another (or as no illocution at all). Hence the specific freedom in question is not to be understood simply as the freedom involved in making something happen, not even in making some normative difference, but more specifically in the second-personal terms of making oneself responsible toward another person in specific ways. Thus the normative stance that defines the category of the illocutionary, as well as its more specific instantiations (e.g., as the particular act of warning rather than promising, etc.) is itself a matter of relational, or second-personal normativity. That is, it is not only that the speaker assumes a certain responsibility for his action, (e.g., takes responsibility for its consequences), but more specifically that in illocutions generally the speaker makes himself responsible in particular ways <u>to</u> another person. It is in the nature of an illocutionary act to be undertaken toward another person, to be an act performed with regard to, or to, another person, as in: "I told <u>him</u> the news", "I asked <u>him</u> to leave.", "I warned <u>her</u> about the car."

The notion of a normative power, as developed by Joseph Raz and others, is itself often illustrated by reference to the speaker's relations to the speech acts he performs, and specifically with respect to the contrast between the instituting of a different normative relation between people (illocutionary) and the effects, both

normative and non-normative, which the speaker's words may produce (perlocutionary). And this is only natural given the close relationship between the very idea of the illocutionary and that of the exercise of a normative power. We can see several of the elements of this idea in the following example from Raz:

> "Imagine that John wants to know whether he can rely on Harry giving him a lift to town tomorrow. Harry tells him: "I am almost certain to offer you a lift to town tomorrow. In the circumstances it would be far wiser for you to rely on me rather than make alternative arrangements, but remember, I do not promise anything, I am merely advising you." Harry is intentionally inducing John to rely on him but he does not promise anything. Promising is surely more than inducing reliance, by promising I bind myself and confer a right on the promisee (Raz, 1972, p. 99) .[9]

The speaker here says that he is not promising but merely advising. In this example, the speaker (Harry) means to fix or restrict the normative relation with respect to his audience (John). While displaying a kind of perverse fastidiousness about the precise commitments he is prepared to make, Harry is nonetheless exercising a familiar capacity in his speech. He <u>is</u> advising, but he is <u>not</u> promising, and he <u>may</u> offer a lift tomorrow, but has not done any offering yet. In saying, "remember, I do not promise anything, I am merely advising you", he announces that the normative power to promise is his to exercise here, but he is choosing not to exercise it in this speech-act. It is understood by both parties that in saying "I do not promise ..." he has in fact <u>not</u>

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[9] For more on normative powers, see Raz 1999. Early in his book, Darwall cites Raz's 1972 paper in the context of describing "a distinctively second-personal kind of *practical authority*: the authority to make a demand or claim." (p. 11).

promised. That is, he assumes, and is credited with, a particular authority over the question of how his words are to count with respect to John. And in this, he speaks with a different authority than he does with respect to the question of inducing reliance by his words or other actions. Harry fully expects and intends that his words will have the effect of influencing John to rely on the fact that he will give him a lift tomorrow. We may speak here of Harry's words having the perlocutionary effect, the intentional effect, of encouraging John to rely on him for a lift. In doing so, he undoubtedly incurs a certain responsibility for inducing this reliance, especially should he change his mind and leave John high and dry. But while incurring this responsibility, Harry presents himself to John as declining to assume another responsibility, one associated not only with creating reliance in John, but with binding himself and conferring a right on John, a specific right of complaint should he fail to come through with the ride. It is assuming or declining this responsibility that is specifically an exercise of his normative powers as a speaker and moral agent. The conferral of a specific right of complaint on John is an alteration of the normative relation between them, and it is an alteration which he is acknowledged to be free to make or to refrain from making. It is an alteration in a different sense from that produced by his statement that he will almost certainly offer John a lift tomorrow. That verbal action of his would change things certainly, and may make Harry liable to blame should he change his mind and fail to alert John. But the alteration in the case of actually promising is of a different sort, and the exercise of a

different capacity on Harry's part, specifically the capacity to make something he does count in a certain way, rather than the capacity knowingly to produce certain effects.[10] In this case, he exercises the speaker's authority over whether his words are to count as a promise or another kind of statement of intent. And the difference this makes is not in the first instance a difference in the effects produced. Promise or no promise, John could always complain should Harry not show up in the morning with his car, and the fact of a promise might make no difference to the likelihood of his complaining.

While the exercise of such a normative power is an expression of the person's autonomy, and belongs to the authority of the speaker to determine what illocution his words perform, it is at the same time a normative power that is undertaken with respect to another person, and hence involves two distinct freedoms. In conferring a certain illocutionary status on his words, the speaker deliberately and explicitly alters the status of his action so as to expand or restrict the scope of his accountability to the other person. Hence this is one way in which the normative power described above is at once an expression of the speaker's autonomy and of his ceding a certain authority to others. Within bounds, it may be up to him to determine whether in his speech he has promised or merely advised, but once having done so, it is not up to him to decide whether, for instance, he has faithfully kept his promise, or whether his advice was helpful or well-

[10] On this distinction, see Tamar Schapiro (2001): "Whereas empirical power is the power to make things happen, authorial power is the power to make things count." p. 111.

timed. The power exercised in this act is a power governing one's relations to others, and while the speaker's freedom is expressed in making his utterance count as a promise or a piece of advice, what the speaker thereby accomplishes is that he is now subject to a range of assessment (e.g., as to whether he has kept his promise, or given relevant advice) the authority over which is given over to the freedom of others, or at any rate shared with them. The freedom invoked in Alston's account of the illocutionary is thus not simply the power to produce effects, nor simply the self-assertion of autonomy, but must be seen as the freedom to make oneself subject to the freedom of another, in specific ways.

So a certain dependence on the freedom of another person is already contained in the normative power described in the account of illocutions thus far, given that the normative status that is conferred on the utterance is a relational normative status. The illocution is addressed to another person, and in making it count as a promise or a piece of advice the speaker at the same time grants a related authority to his audience, in that now his words are subject to a range of assessment from the other person to which they would not otherwise be subject. (E.g., the responsibilities that go with having told someone something about the rain in Spain, rather than having only uttered the words.) However, there is a prior involvement of others in the speaker's ability to confer a particular status on his words, one that adds a further dimension to the authority that is specifically illocutionary and its second-personal dimension. For naturally the speaker

can only appeal to the freedom of another person, and bind himself to it in specific ways, if this appeal is recognized by the other person. The names 'illocution' and 'perlocution' describe different aspects of the assessment of speech as an action. A given utterance may have the illocutionary status of an assertion and the perlocutionary status of being an insult or an incitement. Both dimensions involve recognition on the part of the speaker's audience, but do so in quite different ways, and the speaker's authority is correspondingly different with respect to these dimensions of the speech-act. A well-known marker for the illocutionary is the possibility of naming the action in the very performance of it, with the inclusion of the demonstrative 'hereby' before the performative verb; as in "I hereby warn you, promise you, congratulate you ...". Assuming the conditions of what Austin calls the 'uptake' of the performative (e.g., that the speaker is heard and is recognized to have the authority to perform the kind of act in question), the speaker explicitly assumes the power to declare that he has indeed, then and there, performed that action. Normally, for someone to declare to another person that he warns or congratulates her, is for him to have done that thing, and done so in the very saying itself. But a familiar difference of the perlocutionary is that the speaker is not in a position to make it the case in his declaration itself that he has indeed insulted, persuaded, or surprised his audience. Unlike the performance of an illocution such as "telling", the perlocutionary does not admit of announcements of the form "I

hereby persuade (or insult) you." [11] And yet both aspects of the speech-act obviously aim at and depend on the recognition of the audience, so both the authority and the recognition involved in the illocutionary must be of a particular kind.

It is in seeking to make out the specific difference between the illocutionary and the perlocutionary that Jennifer Hornsby (1994) identifies what she calls the 'Reciprocity Condition' for illocutions. What she notes under this heading is that, for there to be an illocutionary dimension of speech at all (and hence for speakers to be able do things like tell or invite), there needs to be a reliance on recognition between speakers that is sufficient for the speaker to have done what he presents himself as doing. She first motivates this idea by reference to John Searle's account in Speech Acts (1969).

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> Searle was quite explicit about the crucial element of what is going on here, which he illustrated for the speech act of telling A that P. 'If I am trying to tell someone something ..., as soon as he recognizes [that I am trying to tell him], I have succeeded .... Unless he recognizes that I am trying to tell him [it], I do not fully succeed in telling it to him' (Searle, 1969: 47). [...] What reciprocity provides for on this account is the success of attempts to do certain speech acts. It allows there to be things that speakers can do simply by being heard as (attempting to and thus) doing them. (Hornsby 1994, p. 193)

In the passage she quotes, Searle shifts between a claim of necessity ("unless he recognizes") and a claim of sufficiency ("as soon as he recognizes"), but since Hornsby's target is specifically the different roles of recognition in the perlocutionary and

[11] On this and much else relevant to the topic, see Cavell (2006).

the illocutionary, her concern is with the apparent sufficiency of recognition for the success of the illocutionary dimension of speech. This is the ordinary ability of a speaker to perform a verbal act of claiming (or warning, or refusing ...) sheerly by being recognized as meaning to do so.

> Illocutionary acts (such as stating or warning) are those things for which reciprocity suffices – things which, even if they can be done without anyone's taking them to be done, are such as to be done when an audience takes them to be. (Hornsby 1994, p. 198)

And Hornsby's general thesis is:

> The line between illocutionary and perlocutionary comes between those acts on the one hand which need invoke only reciprocity to have their proper consequences, and those acts on the other hand which invoke either more than reciprocity or something quite else. (Hornsby 1994, p. 195)

For a speaker to succeed in telling someone something, it is normally sufficient for him to be recognized by his interlocutor as meaning to tell him, where that means both seeing that this is his intent and recognizing that, as a speaker, it is indeed up to him whether his utterance is to count as telling, denying, or conceding.[12] The success of the illocutionary is in this way "especially immediate", in that there is no further thing the speaker needs to do or hope for once the recognition expressed in the Reciprocity

[12] Illocutions such as telling or claiming are basic to being as speaker at all, while others, such as commanding or sentencing are dependent on occupying some institutional office. For illocutions which are dependent on the holding of some office, the recognition of what the speaker means to be doing in his utterance will not be sufficient if it is assumed that he does not, in fact, have the authority to perform such a speech-act.

condition has been secured. Under these circumstances of mutual recognition the speaker can say, e.g., "I hereby tell you, warn you", and thus declare what he is in fact accomplishing in speech with an authority that he cannot claim when it is a question of perlocutionary acts like comforting or persuading. He can do this because he is announcing this to the very audience whose recognition of his intent is sufficient for the success of acts of this type.[13]

In this way, while authority and recognition are conditions of the success of both the perlocutionary and the illocutionary they play different roles. When we say that the act of illocution aims at being recognized by its audience, this is something that it has in common with perlocutions like comforting or insulting. But in the case of perlocutionary acts, the recognition by the audience of the intent to comfort or persuade is at best necessary and never sufficient for the accomplishment of the aim. Or perhaps it would be better to say that for perlocutionary acts the recognition of the intent can only contingently be sufficient for success. For in a given situation a person might well be comforted, or insulted, simply by the recognition that in this person's act they overtly mean to comfort or insult them. By contrast, the illocutionary force of an utterance, which is the prior condition for its having the status of testimony, has an internal relation

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[13] Is recognition always necessary for the performance of an illocution? Hornsby notes the ambivalence we sometimes have over describing someone as 'trying in vain to warn' and having warned all right, but without succeeding in alerting to the danger. (197) Whatever we decide about particular cases, however, it cannot be denied that the act of warning, like other illocutions, aims at being recognized and fails to complete itself without it.

to the recognition of its audience, for it is made possible by that very recognition. Insofar as the speaker's audience sees that in this verbal act he is intending to warn, promise, or tell them something, then he has in virtue of that fact succeeded in warning, promising, or telling them. And this sufficiency is not something which contingently obtains in this or that instance, but is a defining feature of the illocutionary as such, the kind of act one means to be performing.

The sufficiency of recognition for illocutions is also part of what is essentially overt or manifest in second-personal normativity, as expressed in the fact that, for instance, a 'false promise' is still a promise, as false testimony is still testimony (Austin 1962, p.11). The sense of 'false' in false promise is thus not like the sense of 'false' in 'false pearls', for the responsibilities that are incurred with a promise or an assertion are not dispelled by the fact of one's insincerity.[14] In the realm of the second-personal and the illocutionary, the manifest appearance counts as the deed itself, whatever mental reservations the speaker may harbor. If a speaker is recognized as having presented himself as incurring the responsibilities of a promise or an assertion toward another person, then he has done so, whether or not he has the intention of following through. It is the sufficiency of recognition that distinguishes the illocutionary from the perlocutionary dimensions of an ordinary speech-act, because it is the illocutionary

[14] As Bernard Williams (1973) puts it, "in the phrase 'insincere promise', the word 'insincere' is not what the scholastics called an alienans terms, that is to say a qualification which weakens or removes the force of the term that it qualifies (as 'bogus', 'imitation', 'pretend', etc.)". p. 215

dimension that expresses the ways in which speakers renders themselves accountable or not to others, as opposed to the other ways in which they may hope in their speaking to have some kind of influence on an audience.

In the preceding discussion I have tried to make the case for seeing the possibility of acts for which the recognition of meaning to perform them is sufficient for their success as lying at the heart of the understanding of both speech-acts like 'telling', and the general possibility of second-personal normativity. Acts with this structure will be acts which are themselves essentially relational between one person and another, acts which establish or alter the normative relations between them, beginning with the familiar examples of agreements, assertions, and entitlements. In this way we see how implicated with each other are the speaker's illocutionary authority, on the one hand, and his making himself subject to the freedom of another. The larger point of the paper as a whole has been to make the case not just for the second-personal aspect of testimony, but for the centrality of (a certain dimension of) speech for the understanding of the second-personal itself, something which the central illustrations of addressing and claiming force on our attention in any case. The illocutionary moment in speech, the determination of one's utterance as being an assertion or other speech-act, is an emblematic moment of 'relational' or second-personal normativity, as well as the condition of its being so much as a candidate for the sort of epistemic assessment

associated with testimony.[15]

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REFERENCES

Alston, William P. 2000: Illocutionary Acts and Sentence-Meaning (Cornell)

Austin, J. L. 1962: How To Do Things With Words (Harvard)

Brandom, Robert 1983: 'Asserting', Nous, vol. 17, no. 4, pp. 637-650.

Brown, Jessica, and Cappelen, Herman, eds.: 2011: Assertion New Philosophical Essays (Oxford)

Cavell, Stanley 2006: 'Passionate Utterances', in Philosophy the Day After Tomorrow (Harvard)

Darwall, Stephen 2006: The Second-Person Standpoint: Morality, Respect and Accountability (Harvard).

Feinberg, Joel 1970: 'The Nature and Value of Rights'. Journal of Value Inquiry, 4 (4), pp. 243-260.

[15] I have profited from the chance to present earlier versions of this material at the University of Siena, Tufts University, Brandeis University, The University of Illinois at Bloomington, the University of Toronto, and an SIAS Seminar on the Second-Person organized by Jim Conant and Sebastian Rödl. I am particularly grateful for comments from Adam Leite, Pamela Hieronymi, Carla Bagnoli, Doug Lavin, Matt Boyle, Arata Hamawaki, Stephen Darwall, Matthias Haase, and Berislav Marusic; and to Jane Heal for her commentary here.

Hornsby, Jennifer 1994: 'Illocution and its Significance', in Foundations of Speech-Act Theory: Philosophical and Linguistic Perspectives, Savas L. Tsohatzidis, ed. (Routledge)

Lavin, Douglas 2008: review of Stephen Darwall, *The Second Person Standpoint: Morality, Respect, and Accountability*, Notre Dame Philosophical Reviews (1).

MacFarlane, John 2011: 'What is Assertion?', in Brown and Cappelen (2011)

McDowell, John 1980: 'Meaning, Communication, and Knowledge', in his Meaning, Knowledge, and Reality, (Harvard, 1998)

McMyler, Benjamin, Testimony, Trust, and Authority (Oxford, 2011)

Moran, Richard 2005: 'Problems of Sincerity'. Proceedings of the Aristotelian Society, (105), pp. 341 - 361.

-----, 2006: 'Getting Told and Being Believed', The Philosopher's Imprint, 5 (5), pp. 1 - 29.

Peirce, Charles Sanders, Belief and Judgment (Harvard, 1934)

Raz, Joseph 1972: 'Voluntary Obligations and Normative Powers' The Aristotelian Society supplementary vol. 46: 59-78.

-------, 1999: Practical Reason and Norms (Oxford)

Schapiro, Tamar 2001: 'Three Conceptions of Action in Moral Theory', Nous 35:1.

Searle, John 1969: Speech Acts: An Essay in the Philosophy of Language (Cambridge).

Stone, Martin 1996: 'On the Idea of Private of Law', Canadian Journal of Law and Jurisprudence , IX (2)

-----, 2001: 'The Significance of Doing and Suffering', in G. Postema (ed.), Philosophy and Tort Law, (Cambridge)

Thompson, Michael, 2004: 'What is it to Wrong Someone? A Puzzle about Justice', in Reason and Value: Themes from The Moral Philosophy of Joseph Raz , edited by R. J.

Wallace, Philip Pettit, Samuel Scheffler, and Michael Smith (Oxford)

Wallace R. J. 2007: 'Reasons, Relations, and Commands: Reflections on Darwall'. Ethics 118 (1):24-36.

Watson, Gary" 2004: 'Asserting and Promising', Philosophical Studies: 117 (1-2), pp. 57 - 77.

-----, 2009, 'Promises, Reasons, and Normative Powers', in Sobel, David, and Wall, Stephen, eds., Reasons for Action, pp. 155 - 179 (Cambridge 2009)

Weinrib, Ernest, The Idea of Private Law (Harvard, 1995)

Williams, Bernard, 1973: 'Morality and the Emotions', in Problems of the Self (CUP, 1973)