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TEN CONDITIONS ON A THEORY OF SPEECH ACTS

One of the reasons why the subject of speech acts is so much fun, is that you don't have to worry what all the great figures from the past said, because most of the great philosophers had no theory of speech acts. You can't go and find Kant's view on apologising or congratulating, as far as I know ...
(Searle 1984, p. 25)

History without ideas is blind;
ideas without history is American.
(Old Nordic Saying)

1. Introduction

In the 3rd of his *Logical Investigations*, Husserl puts forward a theory of structure which has hitherto been all but ignored by his interpreters. The theory is based on the two notions of unilateral and multilateral dependence between things, states, processes and events of different sorts. Very roughly we can say that:

a is unilaterally dependent on *b* if and only if *a* cannot exist/occur/endure/obtain unless *b* exists/occurs/etc., and not *vice versa*,

a, b, ... are multilaterally dependent on each other if and only if none of *a, b, ...* can exist/occur/etc., unless all do.[2]

For details of the nature and applications of Husserl's theory see the papers by Mulligan, Simons and Smith (and aggregates thereof) in the list of references below. Recent work by Kit Fine suggests that this theory is of interest also from the mathematical point of view; it can be shown to be equivalent to a certain kind of generalised topology.

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Husserl conceived his theory of dependence as an extension of the theory of part-whole relations developed by Boole. Schröder and others in the 19th century. But where classical part-whole theory deals exclusively with the vertical (mother–daughter) relations between a whole and its parts, Husserl's theory is able to deal also with the horizontal (sister–sister) relations between the parts of a single whole. He is thereby able to provide an account of how these parts are linked together to constitute structures of different sorts.

The notions of part, whole and dependence are perfectly general, in the sense that they are capable of being applied to all domains of objects, whatever their material nature. They can be applied, in particular, to the objects of linguistics, as is demonstrated above all by Husserl's own 4th Logical Investigation on the distinction between dependent and independent meanings and the idea of a 'pure grammar'. This work contributed in turn to the development of the theory of syntactic connection or categorial grammar of Leśniewski and Ajdukiewicz, and it contributed also – as is revealed especially in the writings of Roman Jakobson – to work on implicational universals in the theory of language-acquisition and on dependence structures in phonology.[3] Explicit dependence grammars dealing in a formal way with the (sister–sister) relations between the parts of sentences have since been developed e. g. by Hays, Mel'čuk, Hudson, Gaifman, Heringer, Kunze[4] – as alternatives to transformational (mother–daughter) grammars. All of these grammars, however, exploit theoretical resources weaker than those available in Husserl's work, since they employ exclusively the notion of unilateral dependence or its equivalents. Dependence or categorial grammars utilising also relations of multilateral dependence have yet to be investigated.

Husserl's 4th Investigation contains further an account of modification in language, i. e. of the various ways in which the rules of semantic and syntactic connection governing normal uses of language can be broken, systematically, in ways which imply that significance is somehow preserved. One simple example of modification is the device of quotation ('Helmut' is a word); but modifications are involved also in those non-standard uses of language which we find in philosophy.

The strength of Husserl's framework is that it is able to deal not

For more historical and bibliographical information see Smith and Mulligan 1982 and Holenstein 1974.

For references see Mel'čuk 1979.

merely with structural relations obtaining within a single domain of objects. It can deal also with structures comprehending objects from different domains. The *Logical Investigations* is itself a detailed treatment of thought- and meaning-structures involving both linguistic elements and associated mental acts and states. In the present note, however, I wish to discuss an application of Husserl's theory to the still more complex structures of speech acts, structures which straddle the borderlines not only of linguistics and psychology but also of jurisprudence and the theory of action. I shall be concerned in particular with the work of the Munich phenomenologist Adolf Reinach, whose *A Priori Foundations of the Civil Law* of 1913 puts forward a systematic theory of the phenomena of promising, questioning, requesting, commanding, etc., which is unique in the history of pre-linguistic philosophy.

The underlying framework of Reinach's work is the ontology of dependence relations. The work consists, however, of a series of investigations of the structures of performatives whose methods and results are similar in many ways to those of Austin and his successors. A good case can indeed be made for the claim that Reinach, already in 1913, had set forth the essential elements of what later came to be called the theory of speech acts.

A claim such as this will naturally raise the question as to what these essential elements are. What are the conditions which have to be fulfilled before talk of a 'theory of speech acts' can be justified? On the one hand, of course, any theory must satisfy certain general conditions relating to applicability, non-triviality, coherence, etc. (where most candidate 'anticipations of speech act theory' have consisted merely in isolated remarks). Reinach's work provides a systematic account of the various different speech act varieties. It contains a detailed treatment of the quasi-legal status of speech acts, and is indeed crowned by a detailed discussion of the action of promising and of the claims and obligations associated therewith. It also contains a discussion of the various 'infelicities' to which speech acts can be subjected, not in terms of conditions of satisfaction, but in terms of a theory of the various possible sorts of modifications which structures involving speech acts may undergo.[5]

More importantly for us here, however, are those conditions which relate not to the form but to the content of a theory of speech acts: what

This theory is then applied also to throw light on the ways in which such structures may be affected by determinations of the positive law.

insights had to be gained before one could be said to have grasped the performative character of language use? This question is somewhat more involved than one might at first suppose, and the set of conditions set out below is intended to be neither necessary nor sufficient. The list has been assembled primarily on the basis of investigations of Austrian and German writings on the philosophy of language around the turn of the century.[6] For Reinach's work is not an isolated phenomenon. It belongs to a tradition of research on meaning and intentionality to which contributions were made not only by Husserl and by the Munich phenomenologists Pfänder and Daubert, but also by the Brentanian Marty, and by pupils of Meinong such as Martinak and Tumlirz. This same tradition was carried forth by Bühler and his associates in Vienna, and indeed it seems that Bühler was the first to use the expression 'theory of speech acts', though not precisely in the sense of later Anglo-Saxon authors.[7]

I have tried to indicate in parentheses the names of those authors in this tradition who first set forth the relevant insights.[8] There is of course no suggestion that what results amounts to anything like a complete list of even the most important figures. Indeed, in relation to some of the conditions mentioned, the requirements of completeness would make it necessary to mention also, for example, Protagoras[9] or Cicero, or the authors of the *grammaire générale* of Port Royal. It would be necessary to mention also more contemporary authors such as de Saussure, Philip Wegener, Alan Gardiner. Here, however, we are interested only in those thinkers who belonged to or exerted some influence on or were directly influenced by the school of Munich phenomenology to which Reinach belonged.

Accordingly not all of the conditions are satisfied in equal measure by more recent Anglo-Saxon writings on speech act theory. This partial disparity need be no bad thing: one of the potential fruits of a historical inquiry such as this is that, by casting new light on familiar problems, it may help to uncover hitherto unacknowledged presuppositions of research.

See the title to § 4.4 of the *Sprachtheorie*, p. XXXI.

These indications should be read in conjunction with the list of references below.

Thus Diogenes Laertius writes that Protagoras 'first divided speech into four modes: entreaty, question, answer, and command (according to others he recognized seven: narration, question, answer, command, report, entreaty, and invitation), and these he called the basic parts of speech.' (Sprague 1972, p. 5). Protagoras apparently effected this division in his discussion of poetry (cf. Sprague, p. 18).

2.   Ten Conditions

1.   Linguistics as a General or Universal Science. A theory of speech acts can be said to exist only against the background of a properly theoretical science of linguistics (as contrasted with a historical linguistics such as had predominated in the 19th century).[10] Such a science would be allied to logic, but it would be able to take account also of the interrelations between structures of language and structures belonging to psychology and to other human sciences (Marty, Husserl, Bühler).

2.   Language and Communication. The second condition concerns the recognition of the fact that language is typically or primarily an instrument of communication, a condition which might be expressed also in terms of the need to take account of the social character of language. Thus it was necessary for the inventors of speech act theory to go beyond the Leibnizian conception of language as a purely cognitive instrument, whose communicative capacities are incidental – a view challenged most effectively by the school of Port Royal.[11] Interestingly, this same conflict is repeated in the opposition between Husserl – who also adopted a purely cognitive view of linguistic meaning – and the Munich phenomenologists.[12]

Recognition of the role of communication implies also a recognition of the physical and physiological aspects of language, and of the existence of a physical channel of communication. This brings in turn the possibility of taking account of the different ways – some of them physically or biologically determined – in which there can occur a breakdown of communication, an aspect of language which clearly falls outside the purview of 'grammar' as traditionally conceived. (Paul, Marty, Daubert, Schwarz,[13] Bühler, Martinak[14])

3.   Language and Action: the recognition that uses of language are typi-

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The tradition of historical linguistics did however give rise to strictly theoretical insights in the work of Steinthal and Hermann Paul. Paul, in particular, is important for us here since he may have influenced the Munich phenomenologists. See Smith 1985 for further details.

We may say that language, for Leibniz, is at best autocommunicative: linguistic signs have the function of concentrating or focusing our attentions.

See Smith 1985, for more details of this opposition.

See his 1908, and the discussion in Smith 1985.

See esp. Martinak 1901, pp. 38f. for an overview of possible types of success or failure of communication.

cally *actions* carried out by language-using subjects for specific purposes. (Reinach, Bühler) Actions, as I shall here understand this term, involve bodily behaviour. This feature of language, too, is alien to the cognitivism of Leibniz and the early Husserl. Unfortunately however the action-theoretic perspective has all too often been associated with one or other variety of behaviouristic reductionism, where an adequate account of the communicative aspect of language actions requires that one recognise that such actions are performed by and are directed to subjects who are capable of performing sophisticated sorts of mental acts (conditions 4. and 5.). It requires also the recognition that when language is realised in action it is not thereby deprived of those dimensions of meaning and of logical structure which were emphasised by the cognitivists (conditions 8. and 10.).

4.   *Language and Mental Acts.* Language actions have not merely an external (physical) aspect but also an inner or psychological dimension (Reinach, Bühler[15]). Indeed all actions, to the extent that they are performed deliberately, would seem to manifest an internal aspect of the given sort. (This thesis is, be it noted, weaker than that according to which every action is preceded by a separate or separable *act of will*: for one crucial requirement of a theory of speech acts is that it should move beyond the idea that performative utterances are the mere expressions of acts or states which could in principle exist outside the context of the utterance performed.) In order to draw attention to this double aspect, I shall in what follows seek to employ the terms 'act' and 'action' in such a way that the former refers exclusively to mental events (seeings, judgings, noticings, etc.), the latter exclusively to events involving bodily behaviour (killings, speakings, wavings, etc.). If, as seems to be the case, acts and actions so conceived constitute two radically different categories,[16] then expressions like 'illocutionary act' or 'speech act theory' begin to seem somewhat confusing.[17]

See e. g. *Sprachtheorie*, § 4.

This has been argued for by Mulligan on the strength of considerations relating to the fact that actions, but not acts, can stand in relations of means to ends. More precisely, the realm of actions seems to be structured by an asymmetrical relation expressed in English by the term 'by' (as in 'He refuted Popper by writing a book,' 'He frightened the man by creating an explosion,' etc.). When once this relation is clearly set apart from other relations, also sometimes expressed by means of 'by' (for example the relation of whole to part, as in 'He solved the problem by thinking hard'), then it would seem that it is can obtain neither between acts and actions nor between acts and acts.

5.   *The Presuppositions of Speech Actions.* Speech actions manifest a mental dimension not merely in that they involve episodic acts. Enduring mental *conditions* or *states* may play a role also, serving as the presuppositions of such actions.[18] The presupposition of an action of asserting, for example, is a state of belief or conviction in the content that is asserted. (When this factor is cancelled, then we have that modified or non-standard variety of assertion which we call lying.) The presupposition of a request, or of the expression of a wish, is a state of desire. The presupposition of a question is a state of doubt or uncertainty, and so on.

It is not only mental states which play a role as presuppositions of speech actions however: an action of commanding, for example, presupposes a certain non-mental state of authority – a relational state holding between commander and commandee (Daubert,[19] Pfänder, Reinach).

6.   *Speech Actions as Intimation or Expression* [*Kundgabe*]. It is not merely that mental acts and states are involved on the side of the speaker in the performance of speech actions; this internal aspect may be as it were transmitted to the hearer. One communicative purpose of language is precisely the intimation of one's own cognitive or emotional processes and of the enduring states associated therewith (Paul,[20] Marty, Martinak, Schwarz, Bühler).

This intimation may be deliberate or non-deliberate, successful or

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(One cannot do something by having mental acts, and one cannot have mental acts by doing something.) Discussions of the by-relation can be found in H.-J. Heringer 1970, and in Goldman 1970.

That the confusion is not always merely terminological is shown by Searle's *Intentionality*, where speech actions and mental acts are run together, each governed by parallel varieties of 'conditions of satisfaction'.

For '*a* serves as the presupposition of *b*', one could also write '*b* is unilaterally dependent on *a*' in the sense of Husserl's theory.

[19] In his manuscript A I 2 on the subject of questions, Daubert presents a careful analysis of the different sorts of relation between linguistically expressed acts and associated mental processes and states; he points out, for example, that the entire content of a wish as enduring state will typically not be exhausted by the episodic act in which it is brought to linguistic expression, that there is a radical heterogeneity between the two kinds of phenomenon. See Schuhmann and Smith 1985, for further details.

Paul defines the sentence as 'the linguistic expression ... of the fact that the connection of several presentations or groups of presentations has occurred in the mind of the speaker *and the means of bringing about the same connection of these presentations in the mind of the hearer.*' (1909, p. 121, my emphasis.)

non-successful. Where intimation is both deliberate and successful there is a certain parallelism between intended and communicated meaning: the hearer comes to be aware of those of the speaker's beliefs desires, needs, intentions etc., which it had been his intention to communicate. Normally, however, that which is intimated by a speech action includes also secondary aspects, not belonging directly to the content of what is said (a speech action may, for example, intimate simply that one feels the need to speak). Indeed for a speech act theory to be possible it was necessary to recognise that there is a host of ways in which the parallelism of intended and communicated meaning may break down. Thus one may deliberately – or non-deliberately – use language in order to mask what one believes or thinks. Or one may employ conventional formulae in one's speech in such a way that what is said is invested with no intended meaning at all. In this way meaningfulness of language comes to be partially independent of the presence of mental acts in the mind of the speaker.

Again, there has been a tendency on the part of those who have recognised that linguistic meaning can in this way become relatively independent of associated meaning-giving acts, to adopt one or other reductionist position according to which mental acts (normally disparagingly referred to as 'mental images') play no essential role in our use of language.[21] It is possible, however, to take account of such relative independence without in this way throwing out the baby of intended meaning with the bath-water of a perfect parallelism of language and thought. Steps in this direction were indeed taken by Husserl in his theory of empty and fulfilled intentions, and also by the Würzburg school in their investigations of imageless thoughts, investigations to which Bühler contributed and which may have had an influence also on the Munich phenomenologists.

7.   *Speech Actions as Appeal* ['*Auslösung*' or '*Appell*']. The second and

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This anti-mentalism in the philosophy of language has most frequently manifested itself in appeals to the formal semantics of sentences in terms of 'senses', 'propositions' or 'functions across possible worlds' (abstract entities with which concrete sentence-uses, in some unexplained way, come to be associated). More sophisticated forms of anti-mentalism are (rightly or wrongly) associated with Ryle and with the later Wittgenstein, who call in aid the dimensions of socially inculcated habit, skill, etc., as part of their accounts of the meaningful workings of language. From this point of view it is of interest to note that Ryle knew of Reinach's work, as is shown by the large number of annotations in his copy of Reinach's *Gesammelte Schriften*, now deposited in the library of Linacre College, Oxford.

equally important communicative purpose of language is the making of some sort of appeal to the hearer.[22] Language is used not merely to communicate one's own mental acts and states; it is used also to influence the hearer, to bring about in him cognitive or emotional processes or states of his own, or to bring him to perform actions of different sorts (Marty, Bühler). Again, this triggering aspect of language, too, is subject to various different sorts of modification and breakdown and it may or may not operate in consort with the intimatory elements with which it is normally associated.

It is this aspect of language use – truly a matter of our *doing things* (to other people) *with words* – which explains the fact that our language actions may have ethical or quasi-legal consequences (see condition 9.).

8.   *Speech Actions and their Logical Contents*. We have so far considered 'meaning' only in the sense given priority by the phenomenologists, that is to say, we have considered only the intended or communicated meaning which a use of language may have in virtue of the mental acts with which it is (or could be) associated. One core element in a theory of speech actions, however, is the recognition of the fact that all speech actions have meanings also in the logical sense. More precisely, speech actions involve *propositional contents* which are subject to the same logical laws as are the propositional contents associated with (non-performative) acts of judgment. One remarkable feature of performatives is precisely that they constitute a variety of action with a logical structure. This fact was indeed recognised by the Munich phenomenologists Daubert and Pfänder, from whom it was taken over in turn by Reinach. Thus Daubert in his work on the logic and phenomenology of questions distinguishes between

1.   the question (*die Frage*) as a purely logical formation,

2.   questionings (*das Fragen*) as acts occurring within the inner life of the subject. These are, like judgments, directed primarily towards objects in the world, are a part of the process of gaining knowledge. They are thus distinct from wishes, desires and other acts whose primary orientation is toward oneself,

and

The expression is derived from Bühler: see the interesting discussion in *Sprachtheorie*, p. 28f. Compare also Nehring 1963, a work described by its author as having its origins in the 1930s (p. 7).

3.   questions (*Anfragen*) as uses of language directed to another subject.

And Pfänder, in a sketch of 1909, put forward the idea of a new "science of imperatives" which would relate to commands and associated phenomena precisely as logic relates to phenomena of judgment and predication.[23]

Speech actions may not only have logical contents, however. They may also correspond to special *objects*. Thus Meinong and Husserl defended the view that, just as an assertive use of language may be said to correspond to an '*Objektive*' or '*Sachverhalt*', so the expression of a wish may correspond to a special object, a '*Desiderative*' or '*Wunschverhalt*'. Meinong's student Tumlirz then put forward the idea that a question corresponds similarly to a special '*Interrogative*' or '*Frageverhalt*', an idea developed independently also by Daubert.

9.   The Consequences of Speech Actions. Our penultimate condition relates to the recognition of the quasi-legal and quasi-ethical aspects of language use, to the fact that one can do things, bring things about, by using words in certain ways and in certain sorts of contexts (Reinach). This implies a new sort of social dimension of language, a dimension made up not of ephemeral transmittings and receivings of messages, but of enduring rights and contractual relations, claims and obligations, ranks and titles. This new dimension is structured also by legislatory uses of language and by the manifold consequences of legal judgments.

10.   Dimensions of Structure. The final condition, which draws together a number of the conditions already listed, concerns the recognition of the independent though interrelated dimensions of structure which are now seen to be manifested in the sphere of language actions. The Saussurian opposition between *langue* and *parole*, we may say, comes to be replaced by a more complex combination of the more ephemeral structures of (i) acts and (ii) actions and (iii) of their *de facto* consequences on the one hand, set over against the more *langue*-like structures of (iv) language and (v) law on the other. Thus for example the fact that the structures of speech actions and language are relatively independent of each other is revealed in the ways in which linguistic forms normally employed, e.g., for the making of state-

ments, may under certain circumstances be used to issue a command or a threat, to express prohibition or encouragement.[24]

3.   Act-Based Theories of Meaning

Before considering the work of Reinach in greater detail it will be useful to look briefly at two earlier theories of linguistic meaning, both of which played a role in making possible the synthesis which is Reinach's work of 1913, though neither recognises the action-character of language in any serious sense.

3.1.   Edmund Husserl

The first such theory is that put forward by Husserl himself in the 1st and 6th of his *Logical Investigations*. This theory is an act-based theory. It sees language as having meaning only to the extent that there are subjects who bestow meanings upon specific expressions in specific sorts of mental acts. The acts which are capable of giving meaning to our uses of language must in every case be what Husserl called objectifying acts, that is to say, acts of 'representation', acts which pick out objects.[25]

We can express the point of Husserl's objectification theory by saying that for Husserl all uses of language are referential uses, or more precisely, all expressions are associated with one or other of the two categories of *nominal acts* – which are directed towards objects in the narrower sense – and *acts of judgment* – which are directed (in Husserl's theory) towards states of affairs. This implies that the uses of language that are involved in asking questions, issuing commands, expressing admonitions, etc. are in fact disguised judgments. In each case Husserl distinguishes

(1)   an underlying pre-linguistic act or state of doubt, desire, concern, etc.,

Here, too, there is a Munich connection in the work of E. Koschmieder, esp. his 1945 (discussion of '*Koinzidenzfälle*').

Such acts supply the objects for other, non-objectifying acts, such as episodic feelings and emotions, which are founded on objectifying acts as basis. This aspect of Husserl's theory called forth the most concentrated criticism of the Munich phenomenologists, criticism which led, in the end, to Reinach's more powerful alternative theory. (See Smith 1985, and especially the letter by Daubert translated in §3 of that paper.)

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[23]   Pfänder 1909, 295ff. See also his "Logic", pp.15 [149].

(2)   a corresponding linguistic act of expression, and

(3)   an objectifying act which picks out the act or state in (1) as its object and thereby supplies the meaning for the expression in (2).[26]

My linguistic question 'Is John sitting down?' is then an abbreviated statement about my non-linguistic act of questioning, a statement which might read in full: 'I ask whether John is sitting down' or: 'My current question is whether John is sitting down.' My linguistic request expressed by 'Sit down John', is an abbreviated statement about my non-linguistic act of desiring, a statement which might read in full 'My current desire is that John sit down'. One might object that an ordinary judgment must then equally serve as an abbreviation of 'I'm currently judging that ...'. But Husserl's point is precisely that, where 'S is p' and 'I judge that S is p' quite clearly have different truth conditions, there is no parallel logical difficulty standing in the way of our conceiving 'Is S p?' and 'I ask whether S is p' as equivalent in meaning, and similarly in relation to sentences used in issuing commands or in expressing wishes or requests.[27]

The complex of sentence use and underlying act or state is thus as it were complete in itself as far as meaning is concerned. Of course, Husserl recognises that when the sentence is directed to some alien subject, then it has the additional effect of intimating to the hearer the existence of the given non-linguistic phenomena. Indeed he tells us that commands,

> in the context of communication, have the function of saying to the hearer ... that the speaker is executing intimating acts (of request, ... etc.) in intentional relation to him. (LU, p. 689)

But such intimation is always non-deliberate or accidental. This is because Husserl sees the task of an account of linguistic meaning as that of providing a uniform explanation of the way in which acts function to give meanings both to those uses of language that are involved in communicative utterance *and* to uses of language in silent thinking. In regard to the latter, which are all too often forgotten by Anglo-Saxon philosophers of language, all truly communicative aspects are *ex hypothesi* excluded.[28]

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[26]   Compare Daubert's account of the expression of wishes referred to in n. 19 above.

[27]   For a more detailed exposition of Husserl's subtle and complex views on these matters see Smith 1985, §§ 2–3 and Schuhmann and Smith 1985.

[28]   See Dempe 1928. Of course as Wittgenstein, among others, has shown, it is possible to do justice to the primacy of the communicative or social dimension of language by

3.2.   Anton Marty

The Swiss philosopher Anton Marty was, like Husserl, a student of Brentano. And Marty, too, develops an act-based theory of linguistic meaning. In contrast to Husserl, however, Marty constructs his theory around the communicative aspects of intimation and appeal. Consider, for example, the following passage, which will give some idea of the sophistication of Marty's views as well as of the extent to which he was on the way to meeting the conditions set out above:

> The primary intention on the part of the speaker [in making a statement] lies in this: to generate a judgment in the hearer that is analogous (at least in respect of quality and matter) to that which as a rule the statement expresses. But of course it is not this success which belongs to the understanding of the statement. Much rather is it sufficient that the hearer gains a presentation of that judgment-content whose corresponding real judging the statement is (normally) used to awaken. Even the conviction that now actually someone has the intention of insinuating such a judgment in me, further the assumption that the maker of the statement – if he is known – in fact has that belief which is as a rule expressed by the given statement, need not belong to its understanding. I can understand the statement even if I see through it as a thoughtless and untruthful (lying) utterance, and I can speak of understanding a sentence even where I do not know that it is the actual utterance of anybody. All that is needed is the awareness that it is in general such as to awaken a judgment of a given sort. (1908, p. 362)

Marty thereby clearly grasps the *communicative* character of language. But for Marty it is as if communication is something that takes place between monadic psychological subjects: the dimensions of action, which go beyond the realm of the purely psychological, are left entirely out of account. A still more exaggeratedly monadic position is held by Brentano, whose views on language are paraphrased by Kastil as follows:

> Language is not directly a matter of signs for things outside the speaker, but of that which takes place in his mind. *Voces significant res*

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adopting a developmental view, that is, by taking seriously the idea that language must be learned: for a use of language can, but the learning of language cannot, be a private matter.

mediantibus conceptibus. If someone knows a language, then a thought will bring forth as further thoughts those of a linguistic sign; and conversely there will become joined up with the sound-phenomenon in the hearer the awareness that he who is speaking to him has those thoughts which that which is said serves to express.

Speaking is a form of acting, one wants to speak because it is a means to an end, namely that of calling forth in the hearer certain judgments and in fact primarily and always judgments about the speaker. Thus when, for example, I say 'A is', then I want he whom I address to judge that I believe in A.[29]

The physical and biological constraints on action, and also the legal or quasi-legal consequences which it may bring about, are not catered for by either Brentano or Marty. Their positions are inadequate also since they see actions as being as it were added to acts as supernumerary extras. Thus Marty writes:

> the asker of a question expresses the wish to learn something from the hearer. But what the question is determined to awaken in him is the *will* to communicate that which is wished for ... (1908, p. 368)

– and he thereby fails to recognise that for actions of certain sorts, and above all for performative uses of language, the acts in question are bound up inextricably with the respective actions.

4.   Reinach's Theory

Reinach can be said to have developed his own theory of speech actions by combining the Husserlian ontology with the extensions and criticisms of Husserl's theory of meaning put forward by Marty and by Daubert and his colleagues in Munich. An important role was played also however – especially in relation to Reinach's treatment of the action character of language and of the modifications or derivative or non-standard instances of

Kastil 1951, p. 100. Brentano goes on, in Kastil's summary, to defend a version of Husserl's theory of objectifying acts extended, now, to acts of judgment:

If I say 'I believe that A is', then I say essentially the same as with 'A is'. I do not need to say 'I believe that A is' and 'I believe that I believe that A is', because in my belief in A there is included my belief in my belief. (*loc.cit.*)

social acts – by Reinach's background as a student of law. Reinach's special place in the development of speech act theory rests above all on the fact that he was the first to take account of the way in which language actions such as promisings and commandings may have consequences in the quasi-legal sphere.[30]

On the traditional account, the action of promising is seen as the expression of an act of will or as the declaration of an intention to act in the interests of the party before whom the declaration is made. Now both *promising* and *communicating one's intention to do something*, according to Reinach, involve what he calls *spontaneous* acts, i.e. acts which consist in a subject's bringing something about within his own psychic sphere (as contrasted with passive experiences of, say, feeling a pain or hearing an explosion). Most types of spontaneous act are such that they may be associated with an overt linguistic utterance, but this association is non-essential. For certain types of spontaneous act, however, a linguistic utterance is indispensable. Reinach accordingly divides spontaneous acts into two classes, which he calls *internal* and *external*, according to whether the act's being brought to overt expression is a separable or inseparable part of the relevant complex whole.

Reinach also divides acts into *self-directable* and *non-self-directable*, the latter being such as to demand an alien subject toward whom they are directed (whether internally or externally). A peculiarity of certain acts manifesting the properties of being external and non-self-directable is that they are such that the relevant utterance must of necessity be *grasped* by the subject in question: a command must be received and understood by those to whom it is addressed (something which does not apply, for example, to an act of blessing or forgiving). A command, that is to say,

> is an action of the subject to which is essential not only its spontaneity and its intentionality, but also its being directed towards alien subjects and its standing in need of being perceived by those subjects. What has been said of commands holds also for requests, admonitions, questionings, informings, answerings, and many other types of act. They are all social acts which are, in their execution, cast toward an alien subject that they may take hold of or bring about

30   See the discussion of Reinach and Beling in Schuhmann and Smith 1986. Beling's work contains interesting investigations of the different kinds of interrelations between the structures of action and law in ways which parallel the structural investigations referred to above, under condition 10.

effects inside him [*einem anderen zugeworfen um sich in seine Seele einzuhaken*]. (Reinach 1913, p. 707)[31]

What is important about actions of this kind, now, – as contrasted with mere actions of communication – is first of all that they involve

> activities of mind which do not merely find in words their accidental, supplemental expression, but which come to expression in the act of speaking itself and of which it is characteristic that they announce themselves to another by means of this or some similar external appearance. (*Op. cit.*, p. 728)

A promise cannot be the *expression of* an act of will or of intention, because the acts which underlie a promise are such that they are not able to exist outside the compass of that sort of whole where they are used to make a promise. And similarly there is no independent and self-contained mental experience which is somehow brought to expression in the issuing of a command. It is nonetheless true that actions of promising and commanding possess not merely an external dimension of utterance and execution, but also an internal dimension of mental acts and states.

Commands, promises, apologies are contrasted with mere actions of communicating also, however, in that they each have certain quasi-legal consequences, are bound up in different ways with the sphere of law. And now, Reinach is able to give an account both of the mutual interpenetration of acts and actions in phenomena of the given sort, and of their association with phenomena of a quasi-legal sort, in terms of the single theory of dependence relations put forward by Husserl in the 3rd Logical Investigation. Reinach's theory is in fact a theory of ontological structures satisfying principles of conditional necessity ('implicational universals') of precisely the forms discussed by Husserl. For example:

> If as a matter of fact instances of the kind *k* exist/occur/endure/obtain, then as a matter of necessity instances of the kind *k'* exist/occur, etc., also.

Thus wherever an action of answering occurs, there has occurred also

The echoes of Marty's *Auslösungs*-theory here will be obvious. Consider, for example, Marty's assertion that our intention in using a sign is directed 'towards exerting a certain influence upon or mastering of the life of the alien mind of the hearer' (Marty, p. 284).

an action of questioning; wherever an action of promising occurs there occurs also an action of registering and mutually correlated states of claim and obligation, and so on.

An idea of the nature of these essential structures of acts and actions and of associated states can best be conveyed by means of a diagram. What follows is a somewhat simplified representation of how acts, utterance, and states of claim and obligation stand to each other when there occurs an action of promising:[32]
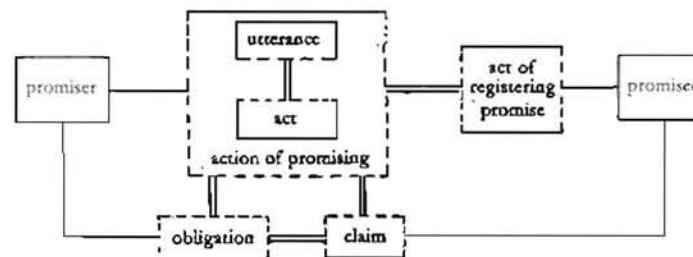
Here single lines connecting broken to solid walls of adjacent frames represent relations of unilateral dependence in Husserl's sense. Thus an obligation or claim cannot, as a matter of necessity, exist unless it is the obligation or claim of some person; actions of promising or acts of registering a promise similarly cannot exist unless they are the acts or actions of given persons.[33] Obligation and claim are states or conditions, their unilateral dependence consists in the fact that they cannot *endure* unless their bearers exist. Acts and actions, on the other hand, are events or processes, which cannot *occur* unless their bearers exist.

Double lines connecting adjacent frames represent relations of two-

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32   The diagram is simplified first of all because it does not take account of the internal structures of the acts involved, and secondly because it does not take account of the role of subsequent actions performed in fulfilment of the obligation created by the promise.
Fortunately we do not need to concern ourselves with the nature of the 'necessity' that is here involved, i.e. with the question whether we have to do with purely analytic relations (in some sense of 'analytic') or with one or other variety of synthetic necessity, or with a mixture of both.

sided dependence. Thus for example an obligation (of the given type) is necessarily such that it cannot exist except as bound up in a single whole with a precisely coordinated claim – and *vice versa*.

Note that dependence-diagrams of the given sort depict only the relations involved in standard cases – in cases where, for example, no further persons or institutions are involved, no prior agreements have been made, no errors of communication have taken place in the channel between speaker and hearer, and where there is thus an isomorphy of the relevant kind between the contents of the acts involved. Where irregularities occur, or where special conditions obtain, then we have to deal with modified structures, of which only some of the relevant conditional necessities will hold. It is in these terms that Reinach will account for the 'infelicities' in the performance of speech actions. It is indeed possible, by considering the consequences of the absence of given elements or of various different sorts of mismatch, to use diagrams of the given sort as a means of generating an over-view of the various sorts of abnormal and infelicitous cases which may come to be realised. For each variety of linguistic action we may thereby set forth an account of the dependence-structures involved and of the repertoire of standard and non-standard instances that may occur – and thereby provide the beginnings of what Reinach, in his discussion of language and law, called an '*Apriori des sozialen Verkehrs*'.[34]

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