

## Silencing and Assertion

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Alessandra Tanesini  
Philosophy,  
Cardiff University  
Cardiff (UK)

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**Abstract:** Theories of assertion must explain how silencing is possible. This chapter defends an account of assertion in terms of normative commitments on the grounds that it provides the most plausible analysis of how individuals might be silenced when attempting to make assertions. The chapter first offers an account of the nature of silencing and defends the view that it can occur even in contexts where speakers' communicative intentions are understood by their audience. Second, it outlines some of the normative commitments characteristic of assertion when used in the speech act of telling;. This commitment view of assertion is then used to explain silencing as a matter of being deprived of the ability to make some of the commitments one is trying to acquire. Finally, the main rivals of the commitment view of assertion endorsed here are shown to be unable to account for silencing, at least when they are considered in their purest form.

**Keywords:** Silencing; assertion; discursive injustice; normative commitment; communicative intention

Individuals who belong to disadvantaged groups regularly find the process of trying to get their voices heard an uphill struggle. Their contributions to debates or conversations are frequently ignored, dismissed, or simply not taken seriously. Sometimes their attempts at assertions are treated as suggestions, their orders as requests, and their refusals as consent. Often, they find it impossible to get a word in edgeways; their sincerity or expertise is questioned or openly mocked. They may also be patronized and told to calm down by those whose views they are trying to challenge. These situations are quite diverse; but they exemplify some of the varied ways in which people who occupy positions of social disadvantage can be wronged as linguistic agents. These are all examples of a phenomenon known as discursive injustice (cf., Kukla, 2014). Some are also instances of silencing that

occurs when some individuals are in some contexts wrongfully and systematically deprived of the ability to perform some kinds of speech act.

There is a small but growing literature on the topic of silencing that attempts to understand its nature and the harms it causes.<sup>1</sup> My first aim in this chapter is to offer an introduction to this work and to explain the nature of silencing. I argue that silencing can occur even in contexts where speakers' communicative intentions are understood by their audience, if speakers are nevertheless systematically deprived of the ability to perform some kinds of illocution such as orders or assertions. Although silencing has attracted widespread attention, its implications for our theories of telling and assertion are not sufficiently appreciated.<sup>2</sup> Hence, my second goal here is to use silencing as a litmus test for current theories of assertion.

The chapter consists of three sections. In the first section I present an overview of some competing theories of what it takes for a person to be silenced when attempting to perform a speech act. That discussion highlights three related features of linguistic exchanges that are thrown in stark relief by the phenomenon of silencing. First, speakers' intentions are not sufficient to determine which speech acts, if any, those speakers successfully perform. Instead, hearers' responses are also contributory factors.<sup>3</sup> Second, hearers' failure to recognize speakers' communicative intentions is not a necessary precondition of illocutionary disablement. An audience may understand what speakers are trying to do, and yet successfully sabotage them, so that they are systematically rendered unable to perform their intended illocutions in some contexts. Third, speakers who are systematically unable to perform some illocutions, despite their intention to do so, may find out that they have unintentionally carried out successfully a quite different illocution. I conclude this section by offering an account of the nature of silencing compatible with these three features of linguistic exchanges.

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<sup>1</sup> Initial influential work in this area has been carried out individually and jointly by Rae Langton and Jennifer Hornsby (Hornsby 1994, 1995; Hornsby and Langton 1998; Langton 1993). Subsequent important research includes contributions by Ishani Maitra (2009, 2012), Mary Kate McGowan (2004, 2009, 2014), and Rebecca Kukla (2014).

<sup>2</sup> To my knowledge David Spewak (2017) is the only existing attempt to use the literature on silencing to evaluate competing accounts of the nature of assertion.

<sup>3</sup> Other features, such as social conventions and contextual factors, may be equally important. I set this issue aside here.

The second section focuses specifically on assertion as it features in the speech act of telling. I offer an account of it in terms of two commitments made by a speaker to an audience: accountability and answerability. The first is a commitment to have the right epistemic standing regarding the asserted content. The second is a commitment to answer proper challenges. I show that this account can explain the phenomenon of silencing as described in the first section. Speakers, I argue, are silenced in their attempts to assert whenever, because of the attitudes of their interlocutors, they are unable to make themselves accountable and answerable to their audiences for the contents they put forward, despite attempting to make these commitments and, perhaps, succeeding in communicating their intentions.

In the third section, I contrast this account with other theories of assertion to demonstrate that they do not possess the resources required to make silencing intelligible. In particular, they cannot explain how a speaker's contribution to a conversation acquires the normative significance of a mere suggestion, even though the speaker intended to make an assertion in circumstances in which she could have expected to succeed.

## 1. Silencing

Silencing is a kind of discursive or conversational injustice (Green 2017; Kukla 2014). Linguistic agents suffer a discursive injustice when they are wrongfully harmed qua linguistic agents.<sup>4</sup> Silencing, more specifically, occurs when individuals are deprived of, or otherwise significantly impaired in, their ability to perform speech acts that they should normally be

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<sup>4</sup> This definition is intended to mirror Miranda Fricker's characterization of epistemic injustice as an injustice that wrongs an agent in her capacity as a knower (2007). I shall not discuss here the differences between systematic disablements that are not wrong and those that are, and thus constitute examples of silencing. Instead I borrow Kukla's account that these are those disablements that track and enhance social disadvantage (2014, 455). The systemic inability of a boss to make a sexual advance to a subordinate without that advance taking on the normative significance at least of a request rather than of an invitation is, for Kukla, an example of a systematic disablement that is not a wrong. In what follows, for reasons of brevity, I often drop the qualifiers 'wrongfully' and 'systematically' when discussing silencing. The reader should bear in mind, however, that speakers are silenced only when their inability to perform a speech act is systemic and wrongful.

able to perform. For example, a person is silenced whenever, in some contexts, she cannot refuse offers she should be able to turn down. Similarly, an individual who possesses the required authority, and attempts to issue an order, but whose words only have the pragmatic import of a request is also silenced. Therefore, to be silenced is not exclusively a matter of being literally prevented from speaking, or even of having one's words reduced to being mere vocalizations, or acts of speech without the force of a speech act. Rather, a person may perform a speech act and yet be silenced if she is denied the authority she should be able to claim. In this section I offer an overview of the literature on silencing to provide a characterization of this phenomenon that is not too narrowly restrictive or so broad to include other kinds of discursive injustice.

Broadly speaking, three different approaches are represented in the current literature on silencing.<sup>5</sup> The first explains silencing as illocutionary disablement, the second as communicative disablement, and the third describes it as a matter of undermining someone's ability to perform speech acts with a given normative significance. In this way the literature on silencing mirrors current frameworks providing competing explanations of what is required in a given context, in addition to the utterance of a sentence, or to a speaker meaning something, for the successful performance of a speech act such as telling, refusing, warning or suggesting.<sup>6</sup> Silencing, therefore, can be thought as the disablement of whatever it takes for a speaker who utters words with their linguistic meaning to perform successfully speech acts of a given kind.

The first approach, following J. L. Austin (1976), identifies speech acts as the utterance of sentences with their ordinary meanings together with a given force such as that of an order, a question, a promise, or an assertion. Such force, known as illocutionary force, determines the communicative significance of an act of speech that is under-determined by the literal meaning of what is said.<sup>7</sup> The second approach, following H. P. Grice (1957), identifies speech acts with the expression of speakers' intentions to cause a response in their addressees and to have their intentions recognized. The communicative

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<sup>5</sup> There are also different forms of silencing, including being literally prevented from speaking. I return to this variety later. Here, I focus on three accounts of how the utterance of words with their linguistic meanings may nonetheless fail to constitute a speech act.

<sup>6</sup> Some speech acts can be performed without uttering sentences, for example, by using gestures while intending to communicate something to an audience.

<sup>7</sup> For instance, 'There is a bull in the next field' can be either an assertion or a warning.

significance of the speech act is thus jointly determined by speakers' intentions and hearers' recognition of those intentions.<sup>8</sup> The third approach explains the significance of a speech act in terms of normative commitments. The idea that performing a speech act crucially involves assuming responsibilities has received very different elaborations in the work of William Alston (2000) and Robert Brandom (1994).<sup>9</sup> In what follows, I show how these three approaches have been used to make sense of silencing before arguing in favor of a view that endorses the normative commitments framework.

The first Austinian account of silencing has been defended by Rae Langton in her ground-breaking "Speech Acts and Unspeakable Acts" (1993), where Langton introduces three ways in which a person can be silenced when attempting to perform a speech act. She illustrates these by means of a telling example. She asks us to imagine a woman who intends to refuse an offer to have sex. Langton notes that this person may be literally prevented from expressing her intention through words because, say, she is gagged. When this happens, she is locutionarily silenced because she has been rendered unable to perform a locutionary act (Langton 1993, 299, 315).<sup>10</sup> Alternatively, she may be able to utter the word 'no' with its ordinary meaning but, for whatever reason, her interlocutor misunderstands her intention to refuse. When this happens, this woman has been illocutionary disabled because her words fail to have the illocutionary force of a refusal (Langton 1993, 315, 21).<sup>11</sup> Finally, the woman may utter "no," intending to refuse and be understood to be refusing by her interlocutor. However, he ignores her refusal and forces her to have sex with him. On this occasion, the woman refuses but her refusal does not have the desired effect. Langton describes this example as a case of perlocutionary frustration because the speech does not achieve its intended goal (Langton 1993, 315, 20-21).<sup>12</sup>

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<sup>8</sup> I set aside here non-Gricean accounts in terms of making one's intentions publicly manifest. See Green (2007) for an account of assertion along these lines.

<sup>9</sup> Peter Pagin (2016, 19-20) traces the approach back to C. S. Peirce.

<sup>10</sup> A locutionary act is the act of uttering a sentence that has a given meaning (Austin 1976, 109).

<sup>11</sup> An illocutionary act is an act with a specific force such as warning, refusing, inviting, or promising (Austin 1976, 109). Austin characterizes it as an act that can be performed by saying what one is doing (1976, 137). Thus, for instance, one can warn someone by saying "I warn you that ..." but one cannot persuade a person by saying "I persuade you ...".

<sup>12</sup> A perlocutionary act is characterized by the effect that one intends to have by saying something. Persuading and surprising are examples of such acts (Austin 1976, 109).

Langton's account is vulnerable to some objections. Prominent among these is Alexander Bird's (2002) argument that, pace Langton (1993, 321) and Austin, refusals do not require the uptake or recognition of speakers' intentions to succeed. In particular, Bird claims that refusal does not require that the addressee recognizes the speakers' intentions in uttering her words. In his view, a woman who says 'no', intending to refuse an offer, but whose intentions are misunderstood, has successfully refused the invitation even though she has failed to communicate her refusal. Thus, Bird drives a wedge between the successful performance of a speech act and its successful communication.

In response, Mari Mikkola (2011) has argued that a person who intends to refuse is trying to bring it about that her interlocutor understands that she is refusing. Bird, in Mikkola's view, treats refusing as if it were merely a matter of self-expression. However, this cannot be right because refusals are always addressed to someone who has made the initial offer. For this reason, a person who refuses an offer always also intends to communicate her refusal to her addressee. Hence, if there is no uptake, the speaker has attempted to refuse without success. There is no success because what she is trying to achieve is that her audience understands her refusal.

Despite Mikkola's arguments, Bird's view retains intuitive appeal. In my view, the attractiveness of Bird's interpretation is a consequence of the fact that the example under consideration is naturally construed as one in which the woman's refusal is not believed because the addressee misconstrues her as play-acting a refusal. Langton's presentation also encourages this reading. While the man clearly hears the woman's words, he takes her to be acting coyly. In other words, he does not take her refusal to be sincere. If this interpretation is correct, in the example under consideration, the woman has successfully refused as Bird alleges. He is, however, wrong to think that this example shows that uptake is not necessary for refusal. On the contrary, in this instance the woman refuses because her intention to communicate a refusal has received uptake. Her addressee understands her intention to communicate to him that she refuses his offer. This is why she succeeds in refusing. Unfortunately, he also thinks wrongly that her refusal is part of a game. For this

reason, he does not believe her to be sincere even though he understands her communicative intention.<sup>13</sup>

Be that as it may, some important contributions to the silencing literature have side-stepped this issue by turning to a Gricean account of speech acts. Prominent among these is Ishani Maitra's account of communicative speech acts (2009). Maitra defines silencing as systemic communicative disablement that occurs when a speaker's communicative intentions remain systematically unfulfilled. Maitra borrows from Jennifer Hornsby the notion of a communicative act as a speech act that is successful whenever the speaker's intention in performing it is recognized (that is, understood) by her audience (Hornsby 1994). Hence, communicative acts require the audience's uptake for their successful performance. In addition, in the case of communicative acts, uptake secures success since in performing them a speaker is trying to be understood, and therefore if he is understood, he has achieved what he was trying to do.<sup>14</sup>

Maitra defines communicative acts in terms of Grice's notion of speaker meaning. According to the latter, a speaker means something by her actions only if she intends (a) to produce an effect in her audience, and (b) that her intention (a) is recognized by her audience, but also (c) that the effect in the audience is produced (at least in part) as a result of the audience's recognition of intention (b) (Grice 1957). The intention to produce an effect on the hearer is the speaker's informative intention. The second intention to have one's informative intention recognized is the speaker's communicative intention. Finally, the third intention is that the hearer's fulfilment of the speaker's communicative intention gives the hearer a reason also to fulfill the speaker's informative intention.

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<sup>13</sup> Langton encourages this reading by drawing a similarity with the example of an actor on stage attempting to warn the audience of a fire. Because the audience takes him to be acting, they do not take him to be serious. Langton says that because of a failure of uptake his speech act does not count as a warning (1993, 317). But one may equally say that he warned the audience, since they understood what he was trying to get them to recognise, although he was not believed because he was not taken to be sincere. McGowan (2014) has drawn attention to the fact that socially disadvantaged speakers suffer from sincerity silencing, which occurs when hearers systematically fail to recognize that speakers are sincere.

<sup>14</sup> One may think of the distinction between communicative speech acts and speech acts that are not communicative as demarcating a subset of illocutionary acts. Some illocutionary acts, such as marrying someone, are not communicative because the audience's recognition of speakers' intentions is not typically sufficient for the act to succeed.

Once this Gricean framework is in place Maitra defines a communicative speech act as one in which the speaker A utters some X with the intention (a) to have an effect on a hearer B, (b) to have A's informative intention recognized by B, and (c) that A's informative intention is fulfilled at least in part as a result of B's fulfilment of A's communicative intention.<sup>15</sup> That is, a speech act is communicative whenever in performing it the speaker intends the audience to form a response at least in part through its recognition of the speaker's intentions to have her intentions recognized. Maitra notes that if we presume that the response that the speaker intends to have on her audience is that her hearers form a belief, then the fulfilment of a speaker's informative intention is not necessary for a communicative act to be fully successful. A speaker who is not believed may still succeed in communicating information to her audience, even though they do not take her at her word. Instead, Maitra holds that the fulfilment of the other two intentions is both necessary and sufficient for the success of the speech act (2009, 327).

Refusing is, for Maitra, an example of a communicative speech act. Suppose B offers a glass of wine to A, and A utters "no thanks," intending to refuse B's offer. A's speech act is communicative since what is necessary and sufficient for its success is that (1) B recognizes A's informative intention to get B to believe that A does not want the glass of wine that is being offered, and (2) that recognition gives B a reason to believe that A does not want the glass of wine that is being offered. Whenever these two intentions are fulfilled, A has successfully communicated that she refuses the offer. Successful communication of one's refusal does not guarantee that one is believed. Thus, although B may understand that A is refusing the offer, B may think that A wants to accept but feels obliged to refuse for reasons of politeness or etiquette. In cases such as this one, the speech act succeeds, even though it does not generate in the hearer the response intended by the speaker in her informative intention.<sup>16</sup>

A communicative speech act misfires when no communication has taken place. This occurs when either the speaker's communicative intention or her intention that the

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<sup>15</sup> I take this formulation to be essentially equivalent to that provided by Maitra (2009, 326).

<sup>16</sup> Arguably, however, if people are systematically rather than occasionally not believed and if the frequent failure of their informative intentions is due to prejudice on the part of the audience, the speaker may be said to suffer a wrong (McGowan 2014). The speaker is not communicatively disabled, but her speech acts are always only partly successful. If this is correct, sincerity silencing is a discursive injustice but may not be, properly speaking, a kind of silencing.

recognition of her communicative intention gives her audience a reason to fulfill her informative intention is not fulfilled (or neither is).<sup>17</sup> This failure sometimes occurs accidentally. For instance, a sudden noise may prevent an audience from hearing the words uttered by the speaker. But on other occasions the failure is systemic, and the speaker is rendered unable to communicate effectively. When this occurs, the speaker is communicatively disabled; she is, in other words, silenced (Maitra 2009, 327-328).

While Maitra's account avoids some of the objections faced by Langton's because it avoids the vocabulary of illocution and restricts its remit to speech acts whose success depends on the audience's ability to recognize speakers' intentions, it is not designed to account for some phenomena that should arguably be considered as instances of silencing. In Maitra's Gricean framework, either a speaker communicates more or less successfully or her attempt to communicate fails and she achieves nothing by her words. However, as Kukla (2014) has persuasively argued, a different kind of communicative failure is depressingly common. This occurs when a speaker's words acquire a different illocutionary force from that intended by the person who uttered them. For instance, an individual is communicatively disabled when she is in a position where, despite possessing the requisite authority, she is unable to give orders, even though she intends to and does everything which in ordinary circumstances should be sufficient for one's words to count as an order. For example, her words may only have the pragmatic force of a request (2014, 445-448).

Kukla has identified a common phenomenon, but one that is not easily cast in terms of speakers' communicative intentions and their reception by the target audience. The problem with Langton's and Maitra's accounts is that they can only explain cases in which a person's attempts to perform speech acts of a given kind wrongfully and systematically

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<sup>17</sup> I follow Maitra (2009, 326) in talking of an intention that the recognition of one's intention to produce a response in one's audience gives that audience a reason to respond in that manner. For instance, suppose that in saying 'no' a speaker intends to refuse an offer made by her listener. In this case the speaker intends her hearer to believe that she refuses. She also intends that he recognizes her intention to get him to believe that she refuses. Finally, she intends that at least one of his reasons for believing that she refuses is that he recognizes her intention to make him have that belief. One may worry that her intention to get him to believe something cannot be a reason for believing it, since it does not provide any evidence in support of the belief. But this worry ignores that refusals are not acts of self-expression; they are communicative acts. To refuse is partly to communicate a refusal. Thus, a hearer's recognition of the communicative intention of the speaker is partly constitutive of the fulfilment of that intention. Hence, the hearer by recognizing this communicative intention contributes to making it true that the speaker has refused. This is why the recognition of the communicative intention is a reason to fulfill the informative intention.

misfire so that the person only executes an act of speech with no illocutionary force whatsoever. While disablements of this kind occur, more commonly speakers, whose contributions are silenced, find themselves performing speech acts that are different from what they intended. These unintended speech acts often require less authority on the part of speakers to be successfully carried out. For example, individuals might attempt to give orders, but, because they are taken to lack the necessary authority, their performances acquire the normative statuses of requests, putative assertions have only the force of suggestions or are taken as mere expressions of emotions, and speech acts that are intended as contributions to conversations result in attempts to join it ('entreaties') (Kukla 2014, 448-450). What these examples have in common is that speakers' linguistic performances do not have the pragmatic significance of orders, or assertions, or of the speech of an insider, even in cases where speakers should be in a position legitimately to claim the authority required to carry out these acts. Further, in performing unintended speech acts, speakers' authoritativeness is often undermined so that their status as subordinates is re-enforced.<sup>18</sup>

Kukla invokes a normative framework to understand these features of speech acts. In her view, speech acts are sorted into kinds in terms of their characteristic pragmatic outputs. These outputs are the normative statuses that the speech acts institute (2014, 442). For example, orders create new obligations for their addressees, while invitations generate new entitlement for those to whom they are directed. In addition to outputs, speech acts have pragmatic inputs. These are the entitlements that must be in place before the speakers' speech can possess a given performative force. For instance, possession of the requisite authority is a characteristic input of speech acts such as orders or baptisms.<sup>19</sup>

Because the pragmatic outputs -the normative statuses- it institutes are constitutive of a speech act as an instance of its kind, and given that whether a speech act generates a

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<sup>18</sup> As a result, they may end in positions where in the future they no longer have the authority required to give orders or speak as an insider.

<sup>19</sup> One may wonder about whether there are any entitlements that must be in place for a speaker to be able to make assertions. Contra Kukla and Lance (2009, 15), these do not concern what warrants the speaker's commitment to the asserted content, since if the speaker does not have the required epistemic standing in relation to that content, she can still succeed in asserting, even though her assertions are unwarranted. Instead, they are entitlements to making commitments to be accountable for the asserted content (so that blame is properly apportioned if the assertion is unwarranted) and answerable to challenges.

pragmatic output depends, - in Kukla's view, - on its social reception, the successful performance of a speech act requires securing uptake (2014, 443). This notion of uptake is completely different from the notions of uptake deployed by Langton and Maitra and challenged by Bird. Social uptake does not concern the recognition of speakers' intentions by their audiences. Instead, social uptake concerns social acceptance of the normative import of an attempted speech act.

For example, imagine a person who utters a sentence in the imperative mood. She is a supervisor and she is addressing people over whom she has managerial responsibilities. Her addressees may respond to her utterance by taking themselves to have acquired some new obligation to fulfill her order. When this happens, the initial speech succeeds in instituting new commitments in the audience. Further, because of the normative difference that it makes, the speech itself has the normative significance of an order. In sum, social uptake, in the sense of the normative difference that speech makes to the range of entitlement and commitments in force in a given context, contributes to constituting a speech act as the kind of act that it is (2014, 443).

One may object to Kukla that the woman manager, whose speech acts are treated as requests, has successfully issued orders to her subordinates. Intuitively, they are the appropriate targets of criticism because they systematically flaunt some obligations. Their fault does not seem to lie in preventing orders from being issued but in not following them, which they have an obligation to do. If this is right, the manager's speech acts do not misfire. There are, however, other cases in which Kukla's contention seems right; in some circumstances some individuals cannot issue orders because any attempt to do so results in the constitution of mere requests.

For example, imagine a group of individuals who are brought together to carry out a task. Given the complexity of the task, the group would do well if someone took it upon herself to lead and direct the activities of its members. In this informal context, a person, Jane, may try to take up this role by attempting to direct others' behavior. Whether Jane's speech acts are orders, or at least requests, depends partly on the behavior of other group members. When Jane says to Jack: "Get the blue square," she may be trying to order him to get the blue square. Speakers, however, cannot impose willy-nilly whatever obligation they please on others. Hence, whether Jane issues an order and thus obligates Jack depends at

least in part on Jack's attributing to Jane the authority to issue in that context that kind of order. It seems perfectly within Jack's right to take Jane's speech act as being at best a request. Were he to do so, Jane's speech act would be a request despite Jane's attempt to issue an order.<sup>20</sup>

While this may be an innocuous example of loss of control over the pragmatic force of one's words, it can easily be morphed into less innocent examples. Imagine a workplace where people often form *ad hoc* groupings to solve problems and carry out activities. Suppose that whenever group members who belong to a social category that in society at large occupies a disadvantaged role attempt to issue orders directed at other group members their speech acts are treated as requests. When this happens, individuals are silenced because they cannot issue orders due to others' unwillingness to attribute to them the requisite authority.

Speakers can also be silenced in their attempts to make assertions. Spewak (2017) has suggested that this occurs in extreme cases of epistemic injustice. On these occasions because a speaker is presumed to be totally untrustworthy, her contributions to conversations are not treated seriously to such an extent that they are not even considered as supplying hearers with reasons to believe what is being said. I take it that for Spewak being considered as providing such a reason is essential if one's contribution is to have the import of an assertion. I presume that what Spewak has in mind are cases in which someone's utterances of declarative contents are regularly ignored or dismissed by her interlocutors, who continue their conversation as if that person had said nothing. Spewak points out that in these examples hearers may understand speakers' intentions. Therefore, even if recognition of such intentions is necessary for the successful performance of a speech act, it is not sufficient because attempts to assert, which receive this uptake, may nevertheless misfire.

One must distinguish these examples from instances where hearers unwarrantedly reject speakers' assertions. In this second family of cases, hearers take speakers to have

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<sup>20</sup> So what accounts for the difference between Kukla's example and this one? I suspect that in informal contexts the authority required to issue orders is largely conferred by one's audience's willingness to attribute it to speakers. In some institutional settings, these structures of authority are largely independent of individuals' claims to it and of others' recognition of these claims.

offered a reason for belief, but they presume that this reason is defeated by other considerations. The cases that Spewak has in mind involve treating the speaker as someone who is incapable of evaluating evidence or telling apart the true from the false. That is, in these cases the audience recognizes that speakers are trying to assert but, judging them to be unable to do so, does not treat their contributions as having any evidential weight.<sup>21</sup>

We can interpret these cases as instances of silencing, using Kukla's normative framework. According to her account, an utterance is an assertion only if it has the normative effects that are characteristic of this kind of speech act. However, a speech act can only have effects of any kind if it is actually taken up in some way by an audience (Kukla 2014; Kukla and Lance 2009). In the examples under consideration, a person purports to tell something to an audience who proceed to ignore her. Acts of telling generate specific entitlements for their target audiences. In telling something to someone, a speaker does not merely publicly put forward a declarative content; instead, she at least undertakes a special commitment to her audience. She authorizes the audience to hold her responsible for her claim and to censure her if she does not fulfill this obligation.<sup>22</sup> That is to say, the speaker offers to her audience a special authority over her. This is the authority to criticize her for certain kinds of failure.

In the cases under consideration, the speaker makes a declarative content publicly available since we can presume that her audience understands what she is saying. It is also possible that some members of the audience register what she says and make a mental note to check its accuracy in future. However, in these examples the audience rejects the offer of a special entitlement to holding the speaker responsible.<sup>23</sup> As a result, the speaker fails to tell them anything because her attempts to assert fall on deaf ears.

It may be objected that these are cases where a speaker tells something to an audience that simply do not listen. But this is not quite right. In telling something to

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<sup>21</sup> In my view these are cases of silencing in which the speaker's utterances do not count as supplying a non-evidential reason in favor of their declarative contents. That is, in these cases the speaker is treated as unable to give assurances. Spewak (2017), I think, believes that the reason in question is evidential. See Moran (2006) and Hinchman (2005) for the assurance view of testimony.

<sup>22</sup> For the view that tellings create obligations for speakers specifically toward their audiences, see Moran (2006).

<sup>23</sup> I do not intend to suggest that this is what happens in every case when a speaker seems to be ignored or dismissed. In some cases the audience may simply take the claim to be false (perhaps unwarrantedly) and thus does not engage with it.

somebody, a speaker does not merely put a declarative content out there, she is doing something that changes the normative status of her audience. When someone has been told something by someone, he has been authorized to hold the speaker accountable for having the requisite epistemic standing with regard to the asserted content. Thus, when told, an audience is within its right to criticize the teller if it turns out that the claim is false. Yet in the cases under consideration the audience does not have this entitlement to censure the speaker. We would think it rich on their part, having first ignored her, to blame her for their false belief.

Two examples can be used to support this claim. Imagine a low-status team member attempts to make a claim. The team leader thinks it is a great point, but she wants to take the credit for it. She studiously ignores this contribution to the conversation, and under her influence, other team members behave in the same way. Much later in the discussion the team leader makes what is essentially the same point, while many other team members nod in approbation. Suppose, however, that the claim turns out to be false and its falsity has serious repercussions. The low-status team member would have to bear some responsibility for this turn of events, if the team leader's claim could in any way be understood as resulting from being told by him. Instead, it seems plausible to think that in these circumstances even though he put the idea in the head of the team leader, he has not told her. He is not responsible for the false claim because of her refusal of his offer to be held responsible for the correctness of the claim. This is a refusal which in this example is motivated by her desire to deprive him of the possible benefits that accrue to being the conveyor of important information.

Similarly, imagine a person who attempts to tell something to her team members. The team-leader responds to her utterance with an expression of interest. He also asks another team member to investigate whether the information offered by her can be verified. The team leader may, or may not, appreciate that she intends to make an assertion rather than a suggestion. Further, the team leader may well be within his right to ask whomever he pleases to investigate the accuracy of a given piece of information. However, if a person is put in a position in which her contributions to conversations are regularly

investigated for accuracy by other people, it is plausible to think that they have at most the pragmatic force of suggestions rather than of assertions.<sup>24</sup>

A broad definition of silencing as a sub-species of discursive injustice emerges from this discussion. Silencing occurs whenever some speakers are in some contexts systematically and wrongfully deprived of, or otherwise significantly impaired in, their ability to perform speech acts that they should normally expect to be able to perform. Silencing, thus defined, does not presuppose that hearers fail to recognize speakers' communicative intentions. Rather silencing may take place, even though speakers have received this kind of uptake. If this is right, silencing cannot be fully explained in terms of illocutionary or communicative intentions and the absence of their recognition by audiences. Something else must be invoked to explain how hearers can sabotage the speech acts of speakers whose intentions they recognize.

One way of explaining this phenomenon is to think of kinds of speech acts as individuated by the set of responsibilities (commitments) and consequent entitlements that they institute (cf. Kukla and Lance 2009). Given this framework, speakers are silenced whenever, despite their intentions to undertake some commitments for themselves or attribute them to others, they are not able to acquire such responsibilities or allocate them in circumstances in which we should legitimately expect them to succeed in doing so. In short, of the three kinds of theories about speech acts that we have considered, only the account in terms of normative commitments can do full justice to the phenomenon of silencing in all its incarnations.

## 2. Silencing and the commitment-based theory of assertion

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<sup>24</sup> Or at least it is plausible in ordinary circumstances. The situation would be different if it was the policy of an organization that any claim made by an individual is to be investigated by another. That said, a speaker would still be treated as being unable to function as a team member if she was never assigned the role of investigator.

In this section, I argue that theories that individuate assertions in terms of the normative commitments that they institute can explain silencing. Although this conclusion is to be expected if the earlier discussion is correct, it is nevertheless useful to present this explanation in some detail so that it can be contrasted in the final section with the shortcomings of other kinds of account of assertion. I begin by outlining a view on assertion that I have defended elsewhere (Tanesini 2016), which takes successful asserting to require the undertaking of an accountability and of an answerability commitment. I show how this view can make sense of the three features of linguistic exchanges that have been highlighted when discussing silencing. First, the successful performance of speech acts is partly dependent on the audience's reception. Second, audiences can sabotage speakers and thus cause their speech acts to misfire while understanding their communicative intentions. Third, speakers may successfully execute speech acts that are different from those they intended to perform.

I presuppose here that acts of telling something by someone to a target audience are the natural home of assertions. In ordinary circumstances, most assertions are directed to specific hearers, but even when assertions are made publicly in newspapers, they are directed at a readership, although anyone and everyone may be part of this audience. Hence, I assume, but do not defend here, the view that telling is the paradigmatic case of asserting.<sup>25</sup> In my view, when speakers employ declarative contents to tell something to a target audience, they undertake at least two commitments. The first is to be accountable to an audience for the correctness of their assertion. The second is to answer appropriate challenges to their assertion raised by their interlocutors.

In making the accountability commitment, speakers assume responsibility for having the required epistemic standing regarding the asserted content.<sup>26</sup> We can think of such a commitment as akin to promising or giving an assurance. When speakers succeed in making this commitment so that they are responsible for having the requisite epistemic authority regarding the given content, they also license two novel entitlements in their audiences.

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<sup>25</sup> This view is controversial. A similar position is defended by Kukla and Lance (2009, esp. ch. 8) and rejected by Green (2007).

<sup>26</sup> Here and elsewhere I leave it open whether the appropriate standing is that of knowing the content or of being justified in believing it. This standing is plausibly specified by the norm or norms governing assertion. I discuss accounts of assertion in terms of norms governing its propriety later.

First, hearers become entitled to censure speakers if it turns out that they have broken their word because they do not, after all, have the required standing regarding the asserted content. Second, hearers also become entitled to re-assert the same content and defer responsibility for its justification to the original assertor.<sup>27</sup>

When telling something to someone, speakers also commit to answering any proper challenges to their claim. That is to say, they undertake to offer justifications in support of their assertions whenever some interlocutor raises a legitimate challenge to their adequacy.<sup>28</sup> In assuming this responsibility, speakers also give license to their target audiences to raise questions and issue challenges to which they can legitimately demand an answer.

These two commitments are distinct. It is possible to make the first without the second. To illustrate the point, I mentioned elsewhere the example of authoritative assertion (2016, 78). For instance, when speaking *ex cathedra*, the Pope is accountable for having the correct standing regarding his claims. He also entitles his audiences to re-assert them and to defer to his authority in their defense. The Pope, however, is not answerable for his claims to the faithful. He does not have to defend his pronouncements, and the faithful are not entitled to raise questions. Independently of whether papal *ex cathedra* claims are epistemically privileged in this way, it is conceivable that authoritative asserting of this kind exists. Its mere possibility is sufficient to establish that there is a difference between the two commitments undertaken by speakers when telling something to a target audience.

These two commitments are not intended to distinguish proper from improper assertion. They are instead undertaken every time a speaker tells something to an audience using a declarative content. This includes cases where the speaker commits to having the required epistemic standing in relation to the asserted content, even though in reality she does not.<sup>29</sup> It is perfectly possible for a speaker to make this commitment but also to fail to

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<sup>27</sup> Such an entitlement is defeasible. It would, for instance, be defeated if the hearer had reasons to doubt the truth of the content.

<sup>28</sup> It is not easy to characterize the difference between challenges that are proper and require answering and those that are not and therefore can be legitimately dismissed. I set this issue aside here.

<sup>29</sup> They also do not distinguish sincere from insincere assertion. We may, therefore, add a third sincerity commitment to those to accountability and answerability. In making this commitment, speakers assume the responsibility to being truthful.

fulfill it. When this happens, a speaker may have successfully performed an assertion, yet her assertion is not warranted or proper.

There is a deep connection between the account I am defending here and those views that characterize assertion in terms of a norm for its proper performance. In my view, speakers in making an accountability commitment are committing to being bound by the norm of assertion. Therefore, one may wish to describe my account as a hybrid of the commitment and norm of assertion approaches. The norm or norms of assertion is the criterion that distinguishes proper from improper assertions, while the accountability and answerability commitments are what is characteristic of all assertions (proper and improper) as opposed to other speech acts and to performances that are not speech acts.

It is not my aim in this chapter to offer a defense of this specific version of an account of assertion in terms of a distinctive set of commitments undertaken by assertors.<sup>30</sup> Instead, I show that the ability to explain the phenomenon of silencing is a distinctive advantage over their rivals of theories of assertion in terms of commitments.<sup>31</sup> I use the account sketched earlier as an exemplar of this family of views. In addition, I show that its hybrid features make it particularly well placed to explain why in some cases speakers' attempts to perform assertions acquire the pragmatic force of mere suggestions.

A feature that is common to all commitment accounts of assertion is that they distinguish assertions from other speech acts by their normative effects. What constitutes a contribution to a conversation as an assertion is the difference it makes to the normative statuses of participants in the linguistic exchange. When speakers and hearers acquire new responsibilities and entitlements of the kinds described earlier, the speech act that instituted them is an assertion. To see why these accounts are especially suited to explaining silencing, it is helpful to consider three aspects of commitment making that are not often discussed in the literature on assertion. These correspond to the three features of linguistic exchanges highlighted by instances of silencing.

First, successful commitment is not solely dependent on the intentions of the person who purports to commit but also on its social reception. Hence, accounts of speech acts that

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<sup>30</sup> I have begun the work of defending this view in Tanesini (2016).

<sup>31</sup> For defenses of different versions of the view, see Brandom (1994), Rescorla (2009), and McFarlane (2011).

sort them into kinds on the basis of the commitments they institute can easily explain why the successful performance of speech acts is partly dependent on audience's reception. To see why commitments are not determined solely by speakers' intention, it is helpful to reflect on the similarities between undertaking the commitments characteristic of asserting and making a promise.<sup>32</sup> When attempting to promise, individuals purport to bring about some new obligations for themselves, which in turn generate new entitlements for the recipient of the promise. However, not all attempts at promising are successful. Instead, promises require some kind of uptake by the promisee. For example, if a person intends to marry another, and states to her that she promises to marry her, no promise has been made unless the addressee accepts the promise. If the recipient refuses, the person who has attempted to make a promise has not acquired new promissory obligations. Hence, she has made no commitment.<sup>33</sup>

Similar considerations apply to asserting. The person who attempts to undertake a commitment to having the right epistemic standing regarding a content and also to answering any legitimate challenges effectively tries to impose upon herself new obligations with respect to her audience.<sup>34</sup> She tries to be responsible for having the requisite epistemic authority over the asserted content and for answering proper challenges; she also attempts to transfer authority to her audience to censure her if she does not fulfill her commitments. In this regard asserting is similar to promising. In both cases, a speaker attempts to give to an addressee a novel kind of authority over her. If the addressee rejects or simply does not accept the entitlements that the speaker attempts to allocate, then the speaker has failed to acquire the obligations that she attempted to impose on herself.

Suppose a person attempts to make an assertion, but her hearers do not respond to it by taking themselves to be entitled to criticize her if what she put forward is incorrect or to challenge her points. Perhaps they think she is guessing. This linguistic performance

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<sup>32</sup> On the similarities and differences between asserting and promising, see also Watson (2004).

<sup>33</sup> The required uptake need not be as strong as acceptance; it could merely involve not rejecting what is being offered when one had a meaningful opportunity to do so, or even simply acquiring an expectation that the promissor will fulfill the promise. For a clear overview of the different forms that uptake may take in the cases of promises and for an argument in favor of its backward reach, see Liberto (2018).

<sup>34</sup> Least this view is thought to be too speaker directed, it is worth noting that to attempt to undertake these commitments is not to make manifest one's epistemic position but rather to try to pledge to others that one can be relied upon to gain or confirm a good epistemic standing in relation to the asserted content.

because of its social reception fails to have the normative effects characteristic of assertion. Further, since the audience does not accept the speaker's offer to be responsible for answering challenges, perhaps because they do not understand that she is making it, the speaker acquires no new responsibilities as a result of that offer. Hence, the speaker has not undertaken the answerability commitment that she tries to make. Similarly, the speaker cannot commit to having the requisite epistemic authority regarding a declarative content, unless she is subject to censure for failing to fulfill that commitment. However, if her audience does not accept her offer to be held responsible for her claim, then by making that offer the speaker has acquired no new obligation.<sup>35</sup>

One may wonder about cases where speakers receive mixed receptions from their audiences. For example, a person may try to tell something to two different people. One listener acknowledges the speaker's commitment, but the other does not. In such a case it is plausible to conclude that the speaker has told something to one person, but not to the other. The same could be said of promises made at the same time to different people. However, there might be examples where a speech act succeeds only when every target recipient responds to it in the requisite manner and others when it is sufficient that only one hearer gives it uptake. Much depends on the social context and the conventions governing the speech act.

Second, an audience may understand that a speaker is trying to undertake a commitment and yet withhold the attribution of responsibility. Hence, audiences can sabotage speakers and thus cause their speech acts to misfire while understanding their communicative intentions. For example, a child may honestly intend to commit to looking after her younger sibling, yet their mother may fully understand the child's intentions but think of her as too young to assume such a responsibility. As a result, the child is under no obligation to look after her sister, even though she intended to assume that responsibility and she succeeded in communicating that intention.<sup>36</sup>

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<sup>35</sup> I have argued here that the successful undertaking of a commitment depends on something like its actual acceptance or at least an absence of a refusal by an audience. For a defense of the view that this success depends on its correct attribution by others, see Brandom (1994, 161-165).

<sup>36</sup> I presume that the child is old enough to be able to intend to commit but not old enough to be given the responsibility. I take this example to show that rejected promises are not promises.

I have argued earlier that something similar can occur when speakers attempt to make assertions. Their audiences may appreciate that speakers are trying to tell them something and yet fail to respond to them in ways that hold them responsible for their claims. Audiences can behave in this manner for several reasons, including skepticism about speakers' epistemic competence and cognitive ability resulting from prejudicial beliefs, or envy and a desire to deny speakers credit for their insights. Be that as it may, by refusing to hold speakers responsible, audiences deny speakers the ability to be accountable and answerable to their listeners. In this way speakers' attempts to say something to their listeners misfire.<sup>37</sup>

Third, individuals may successfully commit without intending to do it. Brandom offers the eighteenth-century British practice known as 'taking the Queen's shelling' as an example of this phenomenon (1994, 162). Those who accepted money from recruiting officers of the British Navy were taken to have committed to enlisting for service. In this way, officers in disguise offered money to drunks in taverns, who then found that, unbeknown to them, they had agreed to join the Navy. This feature of commitment suggests that accounts of assertion in terms of this notion may be able to explain how speakers may successfully execute speech acts that are different from those they intended to perform.

Of particular interest here are examples where speakers intend to perform speech acts that require high levels of expertise or authority but only succeed in carrying out speech acts whose pre-requisites are less demanding. In what follows I focus only on the example of speakers' attempts to assert that result in the offering of suggestions. I have described earlier the kind of circumstances in which this may occur. Here, I show that my account can explain how this is possible.

Both asserting and suggesting are ways of putting forward a declarative content as true or as likely to be true. However, in asserting, a speaker commits to answering challenges and to meeting a demanding epistemic standing regarding the content. In making

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<sup>37</sup> One may object that I am drawing too close a connection between promising and asserting. I lack the space to answer this charge here. Suffice it to say that if it is granted that asserting is best understood as a telling directed either at someone or at anyone, then asserting always involves commitments to an audience which therefore has a special authority over the speaker. If this is right, telling is like promising in that it succeeds only if the recipients do not reject the authority that the issuer attempts to transfer to them.

a suggestion, a speaker commits to believing a content or at least thinking that it is likely to be true, and perhaps to possessing some reasons in its favor. Hence, in order to be performed successfully, suggestions require on the part of the speaker less epistemic authority regarding a given content than assertions. For this reason, a speaker who fails to fulfill her answerability commitment can salvage her claim by weakening her commitment rather than by retracting the point. She can do so by claiming that her contribution should have been interpreted as a suggestion.

We can thus think of the difference between asserting and suggesting as being generated by different norms governing the correctness of their performance. While assertions are correct only if the assertors' epistemic standing regarding its content requires a high level of epistemic authority akin to knowledge (Williamson 1996), or certainty (Stanley 2008), suggestions can be properly made even when the speaker is less authoritative because they are subject to less demanding norms such as believing the content. This difference in the norms governing the propriety of a speech act is reflected in the commitments undertaken by those seeking to perform speech acts governed by these norms. Further, understanding a difference between assertions and suggestions (but also between orders and requests) as the making and allocating obligations that, being less demanding, require less authority on the part of the speakers in order to be instituted, helps to make sense of several examples of silencing that I have discussed earlier. In those cases speakers intend to commit to a norm imposing significant responsibilities on self or others, but the audience responds to speakers' contributions by holding them responsible only for meeting lower standards and for imposing less demanding obligations.<sup>38</sup>

These three features of commitment show that an intention to commit is neither necessary nor sufficient for the successful institution of a commitment. Instead, audiences' responses, in addition to conventions and situational features, also contribute to determine what speakers are responsible for and which obligations they can impose upon others. What these features also illustrate is that theories of assertion in terms of commitment can

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<sup>38</sup> The account of assertion endorsed in this chapter combines features from accounts of assertions in terms of commitments and theories based on a constitutive norm of correct performance. I think that its hybridity makes it particularly suited to explain examples of silencing predicated on attributing to speakers less authority than they possess. See Sanford Goldberg (2015) for a good overview of norm-based accounts of assertion and for a defense of a position that takes the demandingness of that norm to be context sensitive.

successfully explain the phenomenon of silencing. Silencing, according to this view, occurs when individuals in situations in which they should expect to be able to make and allocate commitments of a given kind are systematically rendered unable to do so because of their audiences' unwillingness to attribute or acknowledge the requisite commitments.<sup>39</sup>

### 3. Silencing and other theories of assertion

In this final section, I argue that theories of assertion in terms of a norm governing its proper utterance, or as a proposal for addition to the common ground, or finally as the manifestation of speakers' propositional attitudes, cannot do full justice to the phenomenon of silencing. Because these are, in addition to the commitment account, the main contenders for explaining assertion, the phenomenon of silencing provides evidence in support of the kind of view I have defended in the previous section.

The first approach offers an account of assertion as the speech act constituted by the norm governing its proper or warranted performance. There is no agreement on the nature of this norm, but it is typically thought to be epistemic and quite demanding. For example, Timothy Williamson (1996) has argued that the norm requires that one assert only what one knows. Despite its merits, this approach cannot on its own explain the phenomenon of silencing. Silencing highlights the existence of a tripartite distinction between warranted assertions, assertions that are not proper, and speech acts that purport to be assertions but misfire. Warranted assertions are subject to the norm of assertion and are uttered in accordance with it. Assertions that are not proper are subject to the norm but violate it. Those acts, which are attempts at asserting that misfire, are not subject to the norm of assertion. Nevertheless, unlike speech acts of other kinds, they are intimately related to assertion. It is at best unclear how an account of assertion in terms of its characteristic norm

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<sup>39</sup> Spewak (2017) also argues that only the commitment approach to assertion can explain silencing. However, he borrows from Brandom a notion of commitment that is not relative to some agents to whom it is addressed. In my view it is this second personal feature of commitment that is essential to explaining how silencing occurs.

could explain these cases. One may propose that these are examples where a person performs an act with the intention that it is subject to the norm of assertion, but her audience systematically fails to recognize that this is what she is doing.<sup>40</sup> This description does not capture all the cases at hand since on some occasions the audience may recognize what the speaker is trying to achieve and yet sabotage her efforts. Be that as it may, the suggestion is to make use of the notion of intending one's speech act to be assessable by the norm of assertion. That is the proposal is to develop a hybrid account of assertion in terms of intention and the norm of assertion. In my view, and for the reasons discussed here, a hybrid account in terms of commitment is superior to one that invokes intentions. Be that as it may, in its pure form an account of assertion in terms of its norm is at best incomplete.

The failure of this approach to explaining silencing should be no surprise since silencing throws in stark relief the social and second personal nature of all linguistic communication, including assertions as they figure in acts of telling. Although a theory of assertion in terms of its constitutive norm is compatible with a social account of what it takes for an utterance to be subject to a norm, pure versions of the theory are usually silent on this issue. Hence, they are inadequate, if it is granted that a satisfactory account must have the means to explain silencing.

The second popular approach to assertion takes it to be a proposal for the addition of some proposition to the common ground. This view has been championed by Robert Stalnaker (1999, 2002). The common ground is the set of propositional contents that are taken as true by participants in a conversation. Assertion purports to modify it; if accepted, it revises what is agreed by being added to the common ground and excluding from it anything with which it is incompatible.

Mitchell Green has recently claimed that this account of assertion can explain the phenomenon of silencing (2017, 1600-1601). But it is hard to see how this could be the case. Silenced attempts at assertion presumably do not even count as candidates for addition to the common ground, since if they did, they would count as assertions. Hence, the account must simply treat them as vocalizations with no illocutionary force or at least with a force

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<sup>40</sup> I owe the suggestion to Sandy Goldberg.

which differs from what the speaker is trying to secure. This is exactly how Green proposes to explain the phenomena. The account is therefore unable to distinguish between failed attempts at asserting and noise making.<sup>41</sup> It also has no explanation for the mechanisms responsible for turning an attempt at asserting into a success at offering a mere suggestion. Hence, this approach is also inadequate for explaining the full range of phenomena that count as silencing.

The third family of accounts defines assertion in terms of expressing or making manifest attitudes such as belief in a propositional content. The most sophisticated versions of this approach cash out talk of expressive attitudes in terms of communicative intentions. These are intentions whose intended effect is to get hearers to recognize the effect one intends to have on them. That is, they are intentions whose recognition by the audience is sufficient for their fulfilment because in Searle's words in these cases "we achieve what we try to do by getting our audience to recognize what we try to do" (Searle 1969, 47). With regard to assertion in particular, a prominent approach in this family takes assertion to be an expression of belief together with an intention to get one's audience to believe the same content through the recognition of one's intention to have that effect on them (Bach and Harnish 1979).

This approach to assertion cannot fully explain the three features of silencing detailed in section 2 earlier. Since it invokes the recognition of a speaker's intention as a necessary success condition for assertion, it can elucidate why the successful performance of a speech act is not wholly up to the speaker. However, it cannot explain how the speech act of a speaker whose intention is recognized may nevertheless misfire, because the approach presumes that an audience's recognition of a speaker's communicative intentions is sufficient for the speech act to be successfully performed.<sup>42</sup> In addition, this approach cannot explain how a speaker can successfully perform a different speech act from the one that she intended. In this view the presence of the audience's recognition secures success, and its absence determines that no communication has taken place. Thus, the approach lacks the tools for explaining how a speaker, whose intended speech acts misfire,

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<sup>41</sup> Spewak (2017) also criticizes this approach on similar grounds.

<sup>42</sup> Spewak (2017) also makes this point.

nevertheless performs acts with their characteristic illocutionary force (which is different from what is intended) rather than mere acts of speech.

These considerations do not rule out that hybrid versions of these approaches may offer adequate accounts of silencing. Rather, what I have tried to show is that any successful explanation of this phenomenon must include a reference to the idea of *commitments to other linguistic agents*: what it takes to make them and to fulfill those that one has successfully made.<sup>43</sup>

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<sup>43</sup> My thanks to Sandy Goldberg for some helpful comments on an earlier draft.

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