DRAFT: not for quotation, etc.

Testimony and the Second-Person

> "My own relation [Einstellung] to my words is wholly different from other people's."
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> Wittgenstein, Philosophical Investigations, p. 192

The realm of what is sometimes called "correlative" or "bi-polar" normativity is, among other things, the realm of claims, demands, promises made by one person to another. Much of its structure is expressed in the situation of one person addressing another, as recently emphasized by Stephen Darwall in his development of the notion of 'second-personal' reasons.[1] Since addressing another person is something paradigmatically done in speech, and the acts of claiming, demanding and promising are pre-eminently verbal acts, it may shed light on the nature of the relational or 'bi-polar' in general to ask what speech may have to do with the nature of the second-personal standpoint. One guiding question throughout this paper will be: what does the very idea of the 'second-personal' have to do with words, with specifically linguistic

[1] Darwall, Stephen, The Second-Person Standpoint: Morality, Respect and Accountability (Harvard, 2007). As will soon be obvious, in this paper I won't be seeking to do justice to Darwall's general account of the second-personal and the nature of moral claims, but am concerned instead with the relation of the idea of the second-personal to both language and testimony (which are not Darwall's chief concerns).

forms of communication, and why does this matter?

In some recent work on speech and testimony, I have argued that the way a person's speech comes to be a reason for belief is importantly different from how ordinary evidence functions as a reason for belief.[2] And a central part of this difference is the speaker's role in freely and explicitly incurring the responsibilities that go with asserting P, as opposed to other speech-acts he might be performing with that utterance. And since assuming this responsibility in speech is done in performing a particular illocution (viz., asserting), I see this as involving a kind of second-personal reason, since an illocution of that sort is essentially something performed with respect to another person. (In this way it is like a promise, although it is unlike promising in other ways.) This is not to deny that someone overhearing the speaker, someone other than the addressee, may thereby obtain a reason for believing P. But I would claim that this reason is parasitic on the original illocution having been addressed to another person, which is what constitutes it as a reason for belief. (Just hearing someone say "The rain in Spain falls mainly on the plain ..." will not give an overhearer reason to believe anything about the weather in Spain unless he knows what illocution, if any, is being performed with those words.) I don't claim that illocutions are the only way that someone's words may be a reason for believing something, since words like any other

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[2] Moran, Richard, 'Getting Told and Being Believed', The Philosopher's Imprint, vol. 5, no. 5, 2006, reprinted in The Epistemology of Testimony, edited by Jennifer Lackey and Ernest Sosa (Oxford, 2006), and 'Problems of Sincerity', Proceedings of the Aristotelian Society, Volume 105, pp. 341 - 361 December 2005

sounds people make can be significant or revealing in all sorts of ways. But I do want to say something like: illocutions involving the giving and accepting of a person's word are the primary way that speech comes to be a reason for belief in the familiar ways that it does. And in this way, then, testimony provides a reason for belief essentially different from directing someone to some evidence for P, for nothing becomes evidence for P through someone's conferral of that status upon it, or in virtue of the person's attitude toward it. The smoking gun is a reason to believe something, whether or not anyone means it to be or presents it that way, and whether or not the person pointing it out understands anything about its epistemic significance. Yet the speaker's relation to his words, and his presenting them in a particular spirit, is what makes the difference between an utterance that is a testimonial reason for belief and one that isn't. This isn't sufficient for the speaker's utterance to be a good reason to believe P, of course. He could be wrong about the facts, just as he could be lying or confused. But, I would claim that, when, as in the normal case, his statement is a good reason for belief, this is so because of the speaker's attitude toward his words and the spirit in which he presents them to another person. It is in this sense that I understand the act of "telling" to be a second-personal phenomenon.

The notion of a "second-personal standpoint" expresses more than one idea, as does the correlative distinction between 'bi-polar" or "relational" normativity, on the one

hand, and "monadic" norms or reasons on the other.[3] In thinking about the idea of a second-personal standpoint, it is important at the outset to distinguish between 1) reasons whose existence follows immediately from the standing of one person with respect to another, as someone entitled to address others and make claims or demands upon them, whether or not any such claim is actually made; and 2) reasons whose existence is dependent on some explicit address having actually been made by one person to another (e.g., assertions, commands, promises). These are different ideas, but naturally they are related to each other, for only someone who was granted the status described in (1) (i.e., the standing or the authority to make claims upon another person) could be in a position to perform the sort of action described in (2) (i.e., actually addressing some complaint or demand to another person). In the authority or standing of one person to demand something of another, there is certainly a kind of second-personal relation expressed, and the fact of such standing can explain why, for example, some ways of treating the person are either called-for, prohibited or permitted. But if the fact of such authority or standing can ground the reasons I have in my intercourse with another person, this is still something different from the reasons that follow from that person's actually having addressed me and demanded or promised something. With that action, our relational normative situation has altered, and new permissions or prohibitions may now be in place. We can agree that someone's being

[3] For the recent development of some of this thought and terminology, see Ernest Weinrib (1995) Martin Stone (1996 and 2001), and Michael Thompson (2004).

in a position to make a complaint is itself a kind of second-personal standing that makes a difference to how they are to be treated (before he opens his mouth, as it were). And presumably only someone with that standing is able actually to address others in the modes of complaint, demand, or promise. But the reasons that follow from a demand or promise having actually been made are of course different from, and additional to, the reasons that follow from someone's simply having the standing to do so.

In this paper, my interest will be exclusively on reasons or norms which are second-personal in a sense which does depend on an explicit act of address, by one person to another. Clearly, not all moral obligations derive from such an explicit claim having been made by one person to another, and conversely, not all reasons which do derive from an explicit second-personal claim are moral reasons. Hence, although my concerns here overlap considerably with those of moral philosophers like Darwall and others who have invoked a notion of 'bi-polarity' or the 'second-personal' nature of moral reasons, the notion of the second-person I am seeking to delineate is both broader and narrower than theirs.[4]

Another aspect of what is expressed in the thought of reasons which are "second-personal" or "bi-polar" is that of reasons which by there very nature as reasons

[4] Throughout his book, Darwall is interested in both forms of the second-personal and the relations between them. (E.g., "Moral obligations involve implicit demands that are 'in force' ... even when actual individuals have not explicitly made them" (290, n. 22), and his remarking that reactive attitudes themselves "implicitly address second-personal reasons to the violator" (60).

depend on the authority of a person to address them to another. Darwall illustrates this with the case of someone standing on another person's foot, and the demand that he remove it.

> Unlike reasons for belief and practical reasons one might give in advice, reasons of this kind are second-personal in their nature. Their very existence depends on being able to be addressed person-to-person. Unlike the reason having to do with the simple badness of your being in pain, the fact that you can and do reasonably demand that he move his foot simply would not obtain but for the common competence and authority to enter into second-personal relations of reciprocal address. (59)

Thus, there are reasons which refer to the simple badness of someone's being in pain, which are independent of that person (or creature) having any standing to complain, let alone having made an actual complaint. For now, we may call these 'monadic' reasons, in that their status as reasons does not in its very nature relate two people to each other, aligning them in a two-place relation of complainant and complainee. Rather, both parties may be said to relate themselves individually, and in the same way, to an independently obtaining normative fact, the badness of this pain. To this is contrasted the reasons which obtain only in virtue of the fact that one person, with the authority to address complaints and demands to another, makes such a demand that the other person get off his foot.[5] In doing so, the person making the demand does not "simply

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[5] As expressed in the passage just quoted, and noted earlier, Darwall wants the notion of second-personal reasons to include not only the reasons stemming from a complaint or demand

point to a reason holding in normative space" (259), as might any independent observer of the situation, but rather purports to direct a claim upon a particular person and hold him responsible. Reasons such as this by their very nature express a relationship between the two people, like that of debtor and creditor, which grounds the force of the reasons in question in the nature of their relationship to each other, rather than in how each of them is related to an independent order of value.

While we are still just getting the notion of the second-personal into view, I want to note that in the idea of reasons which are "second-personal in their very nature" (59) there is also the thought that the two people related as addressor and addressee stand in essentially different relations to the reasons that are at issue. The debtor and the creditor have different rights and responsibilities in the normative realm that relates them to each other (and indeed the people in question could not be correctly named by these terms without the other person falling under the correlative notion; no debtor without a creditor). And the special reasons involved in the acts of promising or commanding not only require the relation of two people, but require that they play essentially different roles in the bond that relates them. In commanding, for instance, reasons for compliance are given to the addressee, not to the speaker himself. The addressee is not simply the recipient of a set of reasons that he might just as well have

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having been made, but also the reasons which stem from the person being such as to having the standing to make such demands. [om]

received from another, non-personal source. And the person making the promise or command is not simply presenting his word as something like a found object, something whose status as a reason is wholly independent of his own stance toward it, and presentation of it to another. Hence he can't rely on his own word in the same way that he is asking his audience to do, for they bear essentially different relations to his speech as an act of his. In giving his word, he gives something to the other person that he is not in a position to give himself, for a promise or an assertion is something whose status as a reason for one person depends on its having a source in someone else, in another freedom

If such asymmetries of dependence constitute one central strand in the notion of second-personal relations, they put in a different light a central claim of Darwall's, namely that second-personal reasons are restricted to the practical domain, and that the notion of second-personal reasons marks an important divide between practical reason and theoretical reason.[6] Immediately after the passage just quoted he says,

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

This contrast is thematic in Darwall's account, but it is ambiguous between a claim

[6] Early in The Second-Person Standpoint, he connects the notion of second-person address to "a fundamental difference between theoretical and practical reason." (22)

about the monadic nature of epistemic reasons themselves and a picture of how epistemic reasons are given by one person to another in ordinary testimony. And it is here that the role of speech and addressing in testimony and in the notion of the second-personal itself matter to each other. For while the confrontation with evidence is a monadic relation, of which two people may individually and indifferently partake, the speech-act of asserting or telling is second-personal in its very nature, something establishing different and complementary relations between speaker and hearer. The speaker's utterance acquires its status as a reason for belief in being addressed to another person, and in doing so the speaker makes himself accountable to the other person. Such asymmetries of dependence do not mark every way that beliefs are communicated from person to person, but they are, I will argue, internal to the epistemic status of verbal testimony. So while we may agree that epistemic authority itself is a monadic notion, it wouldn't follow from this that the verbal transmission of epistemic reasons was a monadic affair like the confrontation with evidence. Nor, I take it, would anyone want to conclude from the monadic or impersonal nature of evidence itself that genuinely epistemic reasons could not be addressed to another person and could only be 'pointed to', or that directing such reasons to another person could only be a matter of what Darwall calls 'goading' rather than 'guiding' (49). Rather, I hope to show that the transmission of epistemic authority in ordinary testimony is grounded in modes of address that characterize the second-personal in its various moral and non-moral

contexts. Seeing this will help to clarify the role of speech and language more generally in the grounding of the idea of the second-personal itself.

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At this stage, the notion of the second-personal in Darwall's discussion is perhaps best approached through the sets of parallel contrasts that he draws between second-personal reasons and others. To begin with, there is the contrast between the (second–personal) reasons I may have to refrain from stepping on your foot that stem from your authority to complain or demand that I do so, and the (monadic) reasons that stem from the badness of feet being stepped on or pain being caused. ("Second-person reasons are authority-regarding rather than outcome-regarding or state-of-the-world-regarding." (247)) And from this derives the contrast between my pointing out or indicating to you reasons in favor of getting off my foot, and my addressing you in the mode of complaint or demand that you get off my foot.[7] In my demand, I am not simply making you aware of a state of affairs, not even a normatively described state of affairs of wrongness, but rather directing a complaint to you. Any other person might well bring the bad state of affairs to your attention, or you might well discover it yourself as an

[7] "Eliciting someone's sympathy by manifesting your evident pain is not exactly advising, but it is like it, and like theoretical reason-giving, in that the reason he comes to see is independent of any standing you might have to give it to him." (58)

independent fact, but the complaint I make to you is not independent in this sense, for the meaning and validity of this demand derives essentially from my authority to make it, as directed to you in particular, and not as an impersonal observation of some normative truth. ("Claiming or demanding is not just calling some claim or demand to someone's attention." (76))

And the formal aim of such a demand is not in the first instance the apprehension of some truth or the promotion of some state of affairs, or even the recognition of some norm, but rather that the demand itself (and the authority of the speaker) be recognized. As such, the conditions of satisfaction of the demand concern the relations of authority and respect between two people, rather than the alignment of one person to some fact or quality. The complainant does not simply seek the removal of the other person's foot, or even that he come to see that there are compelling reasons for him to remove it, but that he respond to the appeal or demand of the speaker and acknowledge its validity.[8] This contrast is sometimes explicated by reference to Hobbes' distinction between 'counsel' and 'command': "Now COUNSEL is a precept, in which the reason of my obeying it is taken from the thing itself which is advised; but COMMAND is a

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[8] "Someone might accept first-order norms that structure the dignity of persons and regulate himself scrupulously by them without yet accepting anyone's authority to demand that he do so. He might even accept these as mandatory norms without accepting any claim to his compliance." (140) see also 131.

"To respect someone as a person is not just to regulate one's conduct by the fact that one is accountable to him, or even just to acknowledge the truth of this fact to him; it is also to make oneself be accountable to him, and this is impossible outside of a second-personal relation." (142)

precept in which the cause of my obedience depends on the will of the commander. [...] LAW is the command of that person [...] whose precept contains within it the reason of obedience." (quoted in Darwall, p. 12, n. 25) In my relation to the reasons that I am given in counsel, I respond to something whose force I might just as well have encountered on my own, and the other person is at best a mediator between me and the reasons that obtain independently. With respect to a command, however, the source of the reasons in the will of another person and an act of utterance addressed to me means that here the other person does not simply bring me to see the force of reasons that existed prior to his addressing me. Rather in this case the command presents itself as constituting a reason for compliance (rather than what Hobbes calls "the thing itself", the good reasons for doing such and such), and hence recognition of the authority of the other person is part of compliance itself, something contained within the command.

Further, this contrast in forms of normativity is sometimes drawn as one between agent-neutral reasons and agent-relative reasons, reasons which depend on a speaker's authority and reasons which are "there anyway", or whose validity is independent of any authority relations (p. 59). And finally, as mentioned, Darwall argues that the sense of second-personal reasons expressed in this set of contrasts marks the basic difference between theoretical and practical reason.[9] In contrast to

[9] "epistemic authority is not itself second-personal: it is third-personal", (12).

practical reasons, theoretical reasons, reasons in favor of believing something, are not dependent on anyone's authority, are not agent-relative, are in the fullest possible sense "there anyway", and always bottom out in a normative relation to something that is not essentially interpersonal, but rather an objectively obtaining matter of fact.

It is thus not hard to see how the very contrasts that mark out the notion of the second-personal can lead to the denial that there could be anything essentially second-personal in the structure of testimony, understood as presenting reasons to believe something. The following claims seem unobjectionable, if not beyond question:

- **1** A person can't believe P simply on someone's authority, unless it is his epistemic authority, the authority of an expert, which is not second-personal at all.

- **2** Unlike the person whose foot I am standing on and the demand he makes, in ordinary testimony the speaker has no authority to issue a demand that I believe P.

- **3** The speaker telling you that P cannot constitute something as a genuine reason for belief, the way the complainant makes his very complaint a reason for doing something. If the speaker giving testimony has reasons to offer in favor of believing something, they have that status as reasons independently

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And later he expresses agreement with Fichte that the second-person marks a "fundamental difference between theoretical and practical reason" (22)

of him, or of the fact that he is presenting them to another person.

- **4** On Darwall's view, second-personal reasons are importantly agent-relative (p. 9), in that, for instance, the complaint directed to the person standing on one's foot directs a reason to that person, a reason of a different kind from an impersonal reason to anyone who might be in a position to improve the situation. Whereas by contrast, a theoretical reason, a reason to believe something, cannot be agent-relative in this way. Reasons for belief are impersonal. If something is a reason for one person to believe P, it is equally a reason for anyone to believe it.

- **5** Lastly, unlike the practical reasons that are grounded in the authority of second-personal relations, the theoretical reasons that are acknowledged in testimony are always defeasible by something that is not itself second-personal at all, viz, the speaker's monadic relation to the facts themselves.[10]

I'll return to some of these points in the course of making out a positive case for the second-personal aspect of ordinary testimony, but first a few brief remarks which I hope will help point to a different location for this aspect than is suggested by them.

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[10] "I can, of course, believe something because you say so, but if I do, the second-personal standing I give you in my reasoning is defeasible by your epistemic authority, that is, by your relation to the facts of the world as [it is]." (287) And yet, by contrast: "... we recognize a practical standing that is fundamentally second-personal, which neither depends on nor can be defeated by the other's relation to any independent order of value, that is, by whatever facts there may be about how the world should be." (288) see also p. 123.

Taking this last point first, while it is true that the epistemic reasons given in testimony can always be defeated by considerations which are not themselves grounded in second-personal authority, it is not clear that this marks a difference between the presentation of reasons in theoretical and practical contexts. Even when a moral reason is constituted by something as explicitly second-personal as the making of a promise or a complaint, for instance, and when the status of this consideration is grounded in the recognition of the person's authority to make it, it is nonetheless a familiar possibility for such reasons to be defeated or overridden by other considerations that are not second-personal in nature, such as the (monadic) fact of the terrible consequences of keeping the promise on this occasion. To allow this does not, I think, threaten to reduce the second-personal nature of the reasons of promising to the promoting of "states of affairs", and I think a similar allowance is consistent with the second-personal element of "giving ones' word" in testimony. There are differences between the two cases, to be sure, but not, I think on grounds of defeasibility by considerations that are not themselves second-personal.[11]

And if there is a second-personal dimension to ordinary testimony, it had better not suggest that a speaker can simply command or require belief from another person,

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[11] Nor, it should be noted, is this all that Darwall has in mind by the claim that testimonial reasons, unlike practical ones, are ultimately grounded in, and hence potentially defeated by, the speaker's monadic relation to the independent facts. This takes us to the distinction between epistemic authority and the speaker's illocutionary authority, which is taken up in the next section.

or that a hearer comes to believe (e.g., that the economy will improve (288)) by simply complying with some such demand. But commands are only one possible form of the second-personal in the context of practical reason, and don't provide a model for the others. Different speech-acts such as warning, inviting, challenging or apologizing also establish second-personal relations in that they are acts whose nature is to be undertaken toward another person, establishing a particular normative relation between them, one grounded in the recognition of the authority of the speaker to perform the act and that of the audience to acknowledge and respond to it. None of them, however, involve anything like a demand for compliance. We could compare promising and telling in this regard. Part of the second-personal nature of promising is expressed in the fact that the promissor deliberately and explicitly incurs a certain responsibility with respect to a specific person, and thereby confers on that person a certain right of complaint (and in this way promising differs from a simple indication of reliance). Telling someone something also does all these things, and is thus distinguished from other ways of bringing theoretical reasons or evidence to someone's attention (i.e., ways that would not involve the explicit assumption of such responsibilities or rights of complaint). In testimony the speaker does not demand that he be believed, but nor does he simply gesture at theoretical reasons that are there anyway (or rather: of course speakers can and do make such gestures, but this is different from telling someone that P).[12]

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[12] See Grice (1957) on the difference between "telling" someone something, and

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The second-personal aspect of testimony, and the authority that is relevant to it, is tied to the linguistic nature of testimony, specifically the illocutionary dimension of acts like telling and asserting. Hence, in bringing it into view we need to distinguish epistemic authority from the authority of the speaker to constitute his utterance as an illocution of some kind, and hence to make it count as, e.g., a statement rather than a question, and thus as a possible object of belief. It is here that the difference between the audience's relation to the speaker's words and their relation to the speaker's beliefs becomes important. For when Darwall speaks of "epistemic authority" as outside the realm of the second-personal (123), he is thinking of one's relation to another person's presumed knowledge or beliefs. But the second-personal aspect of testimony I am concerned with is in the first instance a matter of one's relation to the speaker's words, where what counts is the speaker's authority to confer a particular illocutionary status on them, an authority that is second-personal in that the illocution is essentially something made toward another. When confronted with someone's utterance, assuming the truth of his beliefs or the extent of his knowledge is of no use to me until I know how to understand what speech-act he is undertaking to perform with his words. Without that, I will have no idea what relation his words might bear to his belief, let alone what his

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"deliberately and openly letting them know" (as in showing a photograph). Much is made of this distinction in my paper 'Getting Told and Being Believed'.

belief itself may be. Hence, his illocutionary authority as a speaker must first be recognized before his epistemic credentials can be so much as an issue for me. The illocution of asserting or telling is what makes his utterance a candidate for belief. It is what makes it possible for there to be a question for the addressee of believing him.

The words that someone speaks, like any other action (or indeed any accident or reflex) of his, can be revealing or epistemically significant in many different ways. The way someone's crying out in pain or surprise can tell us something may be little different from how we learn something from his blushing, something which is neither verbal nor an action at all. And actions, whether verbal or non-verbal, may reveal a person's beliefs and other attitudes in ways that have nothing to do with any intent to inform another person. Despite his best efforts to conceal it, someone's actions may be seen as nonetheless e.g., expressing his desire to ingratiate himself with his audience, or his belief that he is not succeeding. In the verbal behavior that is relevant to testimony, however, the speaker plays a different role in the relation between his verbal actions and his beliefs, and the relevant notion of 'expression' is a different one. The notion of 'expression' relevant to assertion and other illocutions (what I have elsewhere called 'personal' as opposed to 'impersonal' expression'[13]) is not in the first instance a psychological notion or a notion of behavioral manifestation. That is, unlike the sense in which blushing expresses embarrassment, the sense in which a person who asserts P

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[13] In 'Problems of Sincerity' (2005).

'expresses' the belief that P does not entail that he in fact has the belief that he expresses. The sense of referring to this as the 'personal' sense of expression is that it is he, the person, and not his behavior which is the subject of expression in this sense. (It is the difference between saying "He expressed the desire to mend his ways" and "The impatient desire to leave the room expressed itself in every terse remark.") Asserting (or better, telling someone) that P, carries the normative implication that the speaker himself believes P. To express a certain belief while not having it is some kind of fault, something for which the person may be to blame, whereas for someone's blushing to express his embarrassment when he is not in fact embarrassed is just not possible, for to admit that he was not actually embarrassed only means that we have misidentified what his blushing in fact signifies. Of course, the fact that someone openly and willingly does something that carries the normative implication that he believes that P will indeed normally be good evidence that he does in fact believe P. But here it is the normative implication that is primary, and its evidential significance is dependent on that.

The 'impersonal' notion of expression, on the other hand, is merely that of behavioral manifestation, the sense in which someone's reaching for something expresses the fact that he's trying to get it. This is what we might call a purely psychological-epistemic notion of 'expression', the sense of 'expression' as sign or indication. The sense of 'indication' that applies here is no different from that which

applies to the relation between seismic activity and a volcanic eruption. By contrast, the 'personal' sense of 'expression' involves another person essentially and not incidentally. When a person expresses some belief by his assertion, or regret by his apology, it belongs to this sense of expression that he makes this expression to another person. In this context, it is only 'expression' of any kind, something revealing of his attitudes, insofar as it is expression undertaken toward another person. This is part of what is meant in saying that in speech contexts the epistemic or indicative notion of expression is dependent on the personal, normative sense of expression. The normativity is itself a matter of the second-personal relation between speaker and audience. (In this the normative requirement of telling the truth is different from the normative demand to believe the truth, which is monadic.) Insofar as testimony is exemplified in the ordinary verbal acts of saying, asserting and telling, then, the epistemic status of the act (as a reason to believe something) will be bound up with the particular nature of the act involved, specifically the illocutionary dimension of the speech-act as something undertaken by one person toward another. In the remainder of this paper I mean to explore how the illocutionary dimension expresses both the speaker's authority with respect to his speech-act, his exercise of a familiar normative power, and the fact that it is internal to this power that it is exercised with respect to another person. The relevance of this to testimony is that the illocutionary, understood as the expression of a kind of second-personal authority, is the condition for the speaker's utterance having the

epistemic import of a piece of testimony in the first place.

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For the verbal acts of telling, claiming or warning, the way that the utterance comes to be a reason for belief (or, indeed, a reason for disbelief) is dependent in a familiar way on how the speaker presents his utterance. The very same words can be uttered either as a warning, a question, or a grammatical example, and the epistemic interest of the utterance, or even whether it has any particular epistemic interest, will be dependent on just which verbal act with those words the speaker is taken to be performing. In presenting his utterance as a promise, for instance, rather than as an exercise in diction, the speaker exercises the authority to constitute his utterance as having the illocutionary significance of a promise. The relevance of the notion of authority here lies in the fact that, not only is the speaker free to present his utterance one way or another, but also this ability to make his utterance count as one illocution rather than another (or none at all) rests with the speaker alone. No other person can make this determination. This distinguishes the place of authority in the illocutionary dimension of a speech-act from that of its perlocutionary dimension. For while the speaker plays an authoritative role in determining the illocutionary status of his utterance (e.g., as promise or assertion), he does not play a similar role in determining what Austin calls the perlocutionary effects of his speech (e.g., as persuading or

annoying).[14] The question of the perlocutionary status of one's speech, e.g., whether one has succeeded in persuading or annoying one's audience, is something that the speaker does not pronounce upon with any authority. Another person (his audience, for example) may well know better than he does about the actual perlocutionary effects of his speech.

Since Austin first developed the notions of the illocutionary and the perlocutionary, it has been clear enough that the former notion is to be understood in terms of the enactment of the speaker's commitments, as shown in the central cases of promising and asserting. In his recent analysis of speech-acts, William Alston is explicit about the relation of the illocutionary quite generally both to the speaker's authority and to his adoption of a specific normative stance toward another person. Given that the same form of words can be employed either to make an assertion or merely in giving an example, it is "up to me" whether my utterance is to count as one illocution or the other. In this, the determination of the illocution performed is an expression of the speaker's freedom. As Alston puts it,

> Take some P that I am capable of asserting and a

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

> sentence, S, that is usable to assert it. Then in uttering S it is wholly up to me whether I am thereby asserting that P rather than, for example, practicing pronunciation or giving an example. Whatever it takes to make my utterance of S the former rather than the latter is something I can institute at will.[15]

In speaking of something "I can institute at will", what notion of agency must Alston have in mind? As it is, this invocation of freedom does not distinguish the freedom that is relevant to the basic act of saying the words involved, as with any action of the speaker, from a notion of agency which is relevant to gaining a specific illocutionary status for his utterance. We need to distinguish the agency that is specifically relevant to the illocutionary as the normative power involved in delimiting one's claims and responsibilities: "An utterance is most basically made into an illocutionary act of a certain type by virtue of a normative stance on the part of the speaker." (71) For the central case of assertion, the nature of the illocutionary is understood in terms of the speaker making himself responsible to his audience for the truth of the proposition asserted.[16] In making an assertion rather than practicing pronunciation, the speaker

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[15] William P Alston. , Illocutionary Acts and Sentence-Meaning (Cornell, 2000, p. 36)

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

Thus, in filling out the formula we have: "In uttering S, U R'd that P – In uttering S, U knowingly took on a liability to (laid herself open to) blame [...] in case of not-P. [...] [T]aking

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

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

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responsibility for P is something that U does. It involves U's instituting a state of affairs, rather than just being a matter of U's recognizing an already existing state of affairs [...]. (p. 55)

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

> "Imagine that John wants to know whether he can rely on Harry giving him a lift to town tomorrow. Harry tells him: "I am almost certain to offer you a lift to town tomorrow. In the circumstances it would be far wiser for you to rely on me rather than make alternative arrangements, but remember, I do not promise anything, I am merely advising you." Harry is intentionally inducing John to rely on him but he does not promise anything. Promising is surely more than inducing reliance, by promising I bind myself and confer a right on the promisee.[17] " p. 99

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Invoking a distinction closely related to Hobbes' distinction between command and mere counsel, the speaker here says that he is not promising but merely advising. In this example, the speaker (Harry) means to fix or restrict the normative relation with respect to his audience (John). While displaying a kind of perverse fastidiousness about the precise commitments he is prepared to make, Harry is nonetheless exercising a familiar capacity in his speech. He <u>is</u> advising, but he is <u>not</u> promising, and he <u>may</u> offer a lift tomorrow, but has not done any offering yet. In saying, "remember, I do not promise

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[17] Joseph Raz, 'Voluntary Obligations and Normative Powers' <u>The Aristotelian Society</u> supplementary vol. 46: 59-78. 1972. For more on normative powers, see his book <u>Practical Reason and Norms</u> (Oxford, 1999). Early in his book, Darwall cites Raz's 1972 paper in the context of describing "a distinctively second-personal kind of *practical authority*: the authority to make a demand or claim." (p. 11).

anything, I am merely advising you", he announces that the normative power to promise is his to exercise here, but he is not exercising it in this speech-act. It is understood by both parties that in saying "I do not promise ..." he has in fact not promised. That is, he assumes, and is credited with, a particular authority over the question of how his words are to count with respect to John. And in this, he speaks with a different authority than he does with respect to the question of inducing reliance by his words or other actions. Harry fully expects and intends that his words will have the effect of influencing John to rely on the fact that he will give him a lift tomorrow. We may speak here of Harry's words having the perlocutionary effect, the intentional effect, of encouraging John to rely on him for a lift. In doing so, he undoubtedly incurs a certain responsibility for inducing this reliance, especially should he change his mind and leave John high and dry. (And in that event John may well have a certain right to complain; not all such rights being a matter of the complainee's deliberate conferral of them on another.) But while incurring this responsibility, Harry presents himself to John as declining to assume another responsibility, one associated not only with creating reliance in John, but with binding himself and conferring a right on John, a specific right of complaint should he fail to come through with the ride. It is assuming or declining this responsibility that is specifically an exercise of his normative powers as a speaker and moral agent. The conferral of a right of complaint on John is an alteration of the normative relation between them, and it is an alteration which he is acknowledged to be free to make or to

refrain from making. It is an alteration in a different sense from that produced by his statement that he will almost certainly offer John a lift tomorrow. That verbal action of his changes things certainly, and may make Harry liable to blame should he change his mind. But the alteration in the case of actually promising is of a different sort, and the exercise of a different capacity on Harry's part, specifically the capacity to make something he does count in a certain way, rather than the capacity knowingly to produce certain effects.[18] In this case, he exercises the speaker's authority over whether his words are to count as a promise or another kind of statement of intent. And the difference this makes is not in the first instance a difference in the effects produced. Promise or no promise, John could always complain should Harry not show up in the morning with his car, and the fact of a promise might make no difference to the likelihood of his complaining.[19]

..... While the exercise of such a normative power is an expression of the person's autonomy, and belongs to the authority of the speaker to determine what illocution his words perform, it is at the same time a normative power that is undertaken

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[18] On this distinction, see Tamar Schapiro: "Whereas empirical power is the power to make things happen, authorial power is the power to make things count." p. 111, 'Three Conceptions of Action in Moral Theory', Nous 35:1 (2001) 93-117

[19] Cf. Alston: "'Renders oneself liable to blame ...' is not to be understood as 'creating the logical, causal, or psychological possibility of someone's blaming one ...'. It is not that as a result of something U does, H acquires the ability to lodge a complaint against U's utterance. H would have that ability, whatever U does. It is rather that by doing what she does U introduces the possibility of someone's appropriately, rightfully, relevantly objecting to her utterance on the grounds of not-P. It is a normative possibility that U has created." p. 55

with respect to another person, and hence involves two distinct freedoms. In conferring a certain illocutionary status on his words, the speaker deliberately and explicitly alters the status of his action so as to make himself vulnerable to certain forms of assessment, a certain range of reactive attitudes from another person. (Or additionally, as in the passage from Raz, the speaker expressly restricts his vulnerability to certain forms of assessment.)[20] Hence this is one way in which the normative power described above is at once an expression of the speaker's autonomy and of his ceding a certain authority to others. Within bounds, it may be up to him to determine whether in his speech he has promised or merely advised, but once having done so, it is not up to him to decide whether, for instance, he has faithfully kept his promise, or whether his advice was helpful or well-timed. The power exercised in this act is a power governing one's relations to others, and while the speaker's freedom is expressed in making his utterance count as a promise or a piece of advice, what the speaker thereby accomplishes is that he is now subject to a range of assessment (e.g., as to whether he has kept his promise, or given relevant advice) the authority over which is given over to the freedom of others, or at any rate shared with them. The freedom invoked in Alston's account of the illocutionary is thus not simply the power to produce effects, nor simply the self-assertion of autonomy, but must be seen as the freedom to make

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[20] See Cavell, 1979: "Rather than being looked upon as an extension of my commitments, the act of promising is better looked at as a restriction of them: take my word only for this." The Claim of Reason, p. 391

oneself subject to the freedom of another, in specific ways.

..... So a certain dependence on the freedom of another person is already contained in the normative power described in the account of illocutions thus far, given that the normative status that is conferred on the utterance is a relational normative status. The illocution is addressed to another person, and in making it count as a promise or a piece of advice the speaker at the same time grants a related authority to his audience, in that now his words are subject to a range of assessment from the other person to which they would not otherwise be subject. (E.g., the responsibilities that go with having told someone some about the rain in Spain, rather than having only uttered the words.) However, there is a prior involvement of others in the speaker's ability to confer a particular status on his words, one that adds a further dimension to the authority that is specifically illocutionary and its second-personal dimension. For naturally the speaker can only appeal to the freedom of another person, and bind himself to it in specific ways, if this appeal is recognized by the other person. The names 'illocution' and 'perlocution' describe different aspects of the assessment of speech as an action. A given utterance may have the illocutionary status of an assertion and the perlocutionary status of being an insult or an incitement. Both dimensions involve recognition on the part of the speaker's audience, but do so in quite different ways, and the speaker's authority is correspondingly different with respect to these dimensions of the speech-act. A well-known marker for the illocutionary is the

possibility of naming the action in the very performance of it, with the inclusion of the demonstrative 'hereby' before the performative verb; as in "I hereby warn you, promise you, congratulate you ...". Assuming the conditions of what Austin calls the 'uptake' of the performative (e.g., that the speaker is heard and is recognized to have the authority to perform the act in question), the speaker explicitly assumes the power to declare that he has indeed, then and there, performed that action. Normally, if I declare to you that I warn or congratulate you, I have done that thing, and done so in the very saying itself. But a familiar difference of the perlocutionary is that the speaker is not in a position to make it the case in his declaration itself that he has indeed insulted, persuaded, or surprised his audience. Unlike the performance of an illocution such as "telling", the perlocutionary does not admit of announcements of the form "I hereby persuade (or insult) you." [21] And yet both aspects of the speech-act obviously aim at and depend on the recognition of the audience, so both the authority and the recognition of the illocutionary must be of a particular kind.

..... It is in seeking to make out the specific difference between the illocutionary and the perlocutionary that Jennifer Hornsby identifies what she calls the 'Reciprocity Condition' for illocutions. What she notes under this heading is that, for there to be an illocutionary dimension of speech at all (and hence for speakers to be

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[21] On this and much else relevant to the topic, see Cavell, 'Passionate Utterances', in Philosophy the Day After Tomorrow (Harvard, 2006)

able do things like assert or invite), there needs to be a reliance on recognition between speakers that is sufficient for the speaker to have done what he presents himself as doing. She first motivates this idea by reference to John Searle's account in Speech Acts.[22]

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> Searle was quite explicit about the crucial element of what is going on here, which he illustrated for the speech act of telling A that P. 'If I am trying to tell someone something ..., as soon as he recognizes [that I am trying to tell him], I have succeeded .... Unless he recognizes that I am trying to tell him [it], I do not fully succeed in telling it to him' (Searle, 1969: 47). [...] What reciprocity provides for on this account is the success of attempts to do certain speech acts. It allows there to be things that speakers can do simply by being heard as (attempting to and thus) doing them.[23]

In the passage she quotes, Searle shifts between a claim of necessity ("unless he recognizes") and a claim of sufficiency ("as soon as he recognizes"), but since Hornsby's target is specifically the different roles of recognition in the perlocutionary and the illocutionary, her concern is with the apparent sufficiency of recognition for the success of the illocutionary dimension of speech. This is the ordinary ability of a speaker to perform a verbal act of asserting (or warning, or refusing ...) sheerly by being recognized as meaning to do so.

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[22] CUP, 1969.

[23] 'Illocution and its Significance', in Foundations of Speech-Act Theory: Philosophical and Linguistic Perspectives, Savas L. Tsohatzidis, ed. (Routledge, 1994), p. 193.

> Illocutionary acts (such as stating or warning) are those things for which reciprocity suffices – things which, even if they can be done without anyone's taking them to be done, are such as to be done when an audience takes them to be. (198)
>
> The line between illocutionary and perlocutionary comes between those acts on the one hand which need invoke only reciprocity to have their proper consequences, and those acts on the other hand which invoke either more than reciprocity or something quite else. (195)

To succeed in telling you something, it is normally sufficient for me to be recognized as meaning to tell you, where that means both seeing that this is my intent and recognizing that, as a speaker, I do indeed have the authority to confer such a status on my utterance.[24] The success of the illocutionary is in this way "especially immediate", in that there is no further thing I need to do or hope for once the recognition expressed in the Reciprocity condition has been secured. Under these circumstances of mutual recognition the speaker can say, e.g., "I hereby tell you, warn you", and thus declare what he is in fact accomplishing in speech with an authority that he cannot claim when it is a question of perlocutionary acts like comforting or persuading. He can do this because he is announcing this to the very audience whose recognition of his intent is sufficient for the success of acts of this type.[25]

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[24] Some illocutions are basic to being as speaker at all, while others, such as commanding or sentencing are dependent on occupying some institutional office.

[25] Is recognition always necessary for the performance of an illocution? Hornsby notes the ambivalence we sometimes have over describing someone as 'trying in vain to warn' and having warned all right, but without succeeding in alerting to the danger. (197) Whatever we

In this way, while authority and recognition are conditions of the success of both the perlocutionary and the illocutionary, they play different roles. When we say that the act of illocution aims at being recognized by its audience, this is something that it has in common with perlocutions like comforting or persuading. But in the case of perlocutions, the recognition by the audience of the intent to comfort or persuade is at best necessary and never sufficient for the accomplishment of the aim. Or perhaps it would be better to say that for perlocutions the recognition of the intent can only contingently be sufficient for success. For in a given situation a person might well be comforted, or insulted, simply by the recognition that in this person's act they overtly mean to comfort or insult them. By contrast, the illocutionary force of an utterance, which is the prior condition for its having the status of testimony, has an internal relation to the recognition of its audience, for it is made possible by that very recognition. Insofar as my audience sees that in this verbal act I am intending to warn, promise, thank, or tell them something, then I have in virtue of that fact succeeded in warning, promising, etc. And this sufficiency is not something which contingently obtains in this or that instance, but is a defining feature of the illocutionary as such.

The sufficiency of recognition for illocutions is also part of what is essentially overt or manifest in second-personal normativity, as expressed in the fact that, for instance, a 'false promise' is still a promise, as false testimony is still testimony. The

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decide about particular cases, however, it cannot be denied that the act of warning, like other illocutions, aims at being recognized and fails to complete itself without it.

sense of 'false' in false promise is thus not like the sense of 'false' in 'false pearls', for the responsibilities that are incurred with a promise or an assertion are not dispelled by one's insincerity.[26] In the realm of the second-personal and the illocutionary, the manifest appearance counts as the deed, whatever mental reservations one may harbor. If you are recognized as having presented yourself as incurring the responsibilities of a promise or an assertion toward another person, then you have done so, whether or not you have the intention of following through. All of this, of course, raises the question: how could there be acts of any sort such that the recognition of the intent to perform them is sufficient for their success? This is a large question, but I hope the preceding discussion has prepared the way for seeing it as one question lying at the heart of the understanding of the general possibility of second-personal normativity. It will be part of an answer to say: actions with these conditions of success are possible insofar as what they aim at just is that the intent of the act be recognized by another. As to what sorts of actions these could be, I think we can say now: acts which are themselves essentially relational between one person and another, acts which establish or alter the normative relations between them, beginning with the familiar examples of agreements, assertions, and entitlements.

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

In this last section I've been trying to show how implicated with each other are the speaker's illocutionary authority, on the one hand, and his making himself subject to the freedom of another. In a sense, it is the very meaning of the specific authority he exercises (say, in making a promise) to make himself accountable, in specific ways, to the assessment of another person. The larger point of the paper as a whole has been to make the case not just for the second-personal aspect of testimony, but for the centrality of (a certain dimension of) speech for the understanding of the second-personal itself, something which the central illustrations of addressing and claiming force on our attention in any case. The illocutionary moment in speech, the determination of one's utterance as being an assertion or other speech-act, is a paradigmatic moment of 'relational' or second-personal normativity, as well as the condition of its being so much as a candidate for the sort of epistemic assessment associated with testimony.

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